

ARDS AND NORTH DOWN BOROUGH COUNCIL

27 November 2023

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) 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, 05 December**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

AGENDA

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee meeting of 07 November 2023
4. Planning Applications (reports enclosed)

4.1	LA06/2023/1959/F	<p>Ulster Folk Museum 153 Bangor Road, Holywood</p> <p>Erection of new arrival and welcome building (Culture Hub), collection & exhibition building (Industry Zone), staff and volunteer hub; extension to existing Ballycultra building for collections storage space and sustainable energy centre; erection of new pavilion building and landscaping within the ‘town’ area; alterations to existing buildings to form learning facilities and craftwork spaces within the ‘town’ area of the museum; landscaping improvements across the museum estate including new pedestrian walkways and interpretation signage; the development of new car and bicycle parking areas; and the demolition of the Dungannon Store facility, entrance ticket kiosk, staff portacabins and Carrigan’s Sawmill</p>
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4.2	LA06/2021/0080/F	31 Old Cultra Road, Holywood Two storey replacement dwelling with integral garage and erection of a two-storey dwelling with detached garage on lands to the rear to be accessed off existing Cultra Avenue access, landscaping and associated siteworks
4.3	LA06/2015/0677/F	251a Bangor Road, Whitespots, Newtownards Replacement of existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet
4.4	LA06/2023/2000/LBC	Ards Art Centre, Town Hall, Conway Square, Newtownards Replacement of ground floor windows to front elevation
4.5	LA06/2023/1751/F	Holywood Rugby Football Club, Belfast Road, Holywood 1st floor roof terrace with railings

5. Update on Planning Appeals (report enclosed)
6. Quarter 2 2023/2024 Performance Report for Planning (report enclosed)
7. Quarterly Update on Trees (report enclosed)
8. NIW response to meeting request re fence at Seacourt Lane (report enclosed)

In Confidence

9. Local Development Plan (LDP) – Strategic Policy (report enclosed)
10. Quarterly Enforcement Report (report enclosed)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

Councillor Martin	Alderman Smith
Councillor McCollum	Councillor Wray

Item 7.1

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ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held at the Council Chamber, Church Street, Newtownards on Tuesday 7 November 2023 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Alderman: Graham
McDowell
Smith

Councillors: Cathcart
Creighton
Harbinson
Kerr
Martin
McKee (zoom)

McRandal
McLaren (zoom)
Morgan
Wray

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

1. APOLOGIES

An apology for inability to attend was received from Councillor McCollum.

Apologies for lateness were received from Alderman Graham and Councillor Kerr.

2. DECLARATIONS OF INTEREST

Councillor Harbinson declared an interest in Item 4.2 - LA06/2021/0282/F - 46 Newtownards Road, Bangor.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE 03 OCTOBER 2023

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

AGREED TO RECOMMEND, on the proposal of Alderman Smith, seconded by Councillor Wray, that the minutes be noted.

RE-ORDERING OF AGENDA ITEMS

To accommodate the speakers in attendance, the Chair advised that the planning applications would be taken in a different order than detailed on the agenda.

4. PLANNING APPLICATIONS

4.1 LA06/2022/0794/F - Lands 30m East of 7 Cardy Road, Greyabbey - Dwelling and shed (addition of retrospective shed and minor alteration to site boundary to Approval LA06/2021/0917/F).

(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Ards Peninsula

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list by Councillor Martin

Proposal: Dwelling and shed (addition of retrospective shed and minor alteration to site boundary to Approval LA06/2021/0917/F).

Site Location: Lands 30m East of 7 Cardy Road, Greyabbey

Recommendation: Grant Planning Permission

The Principal Professional & Technical Officer (C Blair) outlined the detail of the application.

Members should note that four letters of objection had been received from one address, No.9b Cardy Road, the occupants of which were in attendance and due to speak on the application. The objection letters principally related to the siting and potential impacts of the new shed, as well as the shed's use. Referring to the visuals, No.9b was situated on lower land to the north of the site.

(Alderman Graham entered the meeting – 7.05 pm)

The site comprised a parcel of land within a larger agricultural field. The site was set back from the road frontage by approximately 220m and was towards the south-eastern corner of the field. Access was taken from an existing farm lane and the application site was adjacent and immediately north of small farm holding with several existing agricultural sheds. The farm buildings and existing dwelling at No.7 Cardy Road were located at the top of a small hill with the application site occupying lands adjacent and on the northern side of the hill.

There was relevant planning history with regard to this site.

Firstly, a farm dwelling and garage was originally approved on the site in January 2011 (X/20090622/F). In 2018 an application for a Certificate of Lawfulness for Proposed Development was submitted to confirm that works of the original permission had lawfully commenced. The Planning Department agreed, and a certificate was issued.

Referring to the visuals the officer highlighted that which was approved under a further change of house type application in January 2022 under LA06/2021/0917/F, which did not expire until January 2027 and what was that proposed under this current planning application.

The main difference was the location of the domestic shed tight against the southern boundary shared with the adjacent farm holding. That had resulted in three trees being proposed to be removed from this boundary with No.7 Cardy Road to accommodate the shed, and one tree being removed further left to the end gable of an adjacent agricultural building.

The application site did not fall within any zoning/designation or policy provision outlined in the Ards and Down Area Plan 2015.

PPS 21 "Sustainable Development in the Countryside" contained the relevant policy tests in relation to this application. In terms of the proposed dwelling, it was previously considered that the policy tests in relation to policy CTY10 of PPS 21 were satisfied and a farm dwelling was subsequently approved. As previously advised, the 2021 approval remained extant on the site, and in light of this history and legitimate fall back, the Planning Department considered that the principle of a dwelling on this site had already been established.

In relation to the proposed dwelling, the Planning Department considered that it complied with the requirements set out under PPS 21.

The main difference between the current application and the extant permission was the addition of the domestic shed in exchange for the garage. There was no material change in the size of the curtilage with the shed located on land within the approved curtilage.

The shed was 14m x 9m and had a 5m ridge height. The objector considered the shed too big to be considered domestic. However, there were no restrictions in planning legislation in terms of the scale, size and height of domestic buildings that could be applied for through planning permission, and which was reflected across many different sites in Northern Ireland.

Referring to the visuals, the Officer stated that it was evident that there was a significant separation distance between the partially constructed shed and the neighbouring property at No.9B. When measured building to building, the shed was 95 metres from the neighbouring dwelling at No.9B. Slides showed:

- An aerial image and a photo taken from the access laneway to the neighbouring property at No.9B.
- a photo from the shed in the direction of the neighbouring property
- a single photo of the shed taken from inside the objector's house.

The shed was sited against the application site's southern boundary and had a backdrop of the existing agricultural outbuildings when viewed from the north and appeared grouped with the existing agricultural buildings when viewed from the road. There was intervening vegetation along the boundary with No.9B and, although the shed was on higher ground, the separation distance between the two buildings

would not result in a significant adverse impact in terms of overlooking or loss of privacy to neighbouring amenity or to habitable rooms. The Planning Department considered the shed to meet the policy requirements of PPS 21 including those under Policies CTY 13 and CTY 14 in terms of integration and rural character.

In terms of the shed's use, the objector considered that the shed would be used for commercial purposes. The applicant had submitted additional information earlier in the process to outline that it would solely be used for domestic purposes. Should the application be approved the Planning Department would condition the shed's use solely for ancillary domestic purposes.

Policy FLD 3 of PPS 15 'Planning & Flood Risk' dealt with Development and Surface Water (Pluvial) Flood Risk outside Flood Plains. In terms of this application, the proposal did not meet any of the thresholds requiring a Drainage Assessment to be submitted, as it was a small scale development.

(Councillor Kerr entered the meeting – 7.12 pm)

Additionally, it stated in PPS 15 that the onus was on the applicant in relation to this matter when there was likely to be lower levels of surface water run-off and would be dealt with under separate regulations outside the Planning Act. It stated-

Even in circumstances where a drainage assessment is not required by the policy it remains the responsibility of the applicant (or suitably qualified person with demonstrable experience in flood risk assessments) to assess the flood risk and drainage impact of the proposed development and to mitigate the risk to their development and that beyond the site.

In terms of sewerage disposal the applicant had provided details in the application form indicating the use of a septic tank, as per the previous approval. Also, the applicant had obtained a Consent to Discharge from NIEA and it was therefore considered there was negligible risk from disposal of effluent. This Consent was granted in February 2023.

The Planning Department's recommendation was approval for this change of house type application including retrospective shed.

(Councillor McLaren entered the meeting during the course of the presentation – via zoom)

The Chair reminded those Members that arrived during the presentation of the application, that as per the planning protocol they were unable to vote or partake in the discussion of the application. The Chair then invited questions from Members.

Councillor Martin read off aspects of the Case Officer's report and was of the view that a reliance was being put on the extant permission as an argument that it did not affect the rural character of the area yet the extant permission was not being considered. The Officer explained that there was an existing permission for a dwelling and garage. The proposed shed was tucked up against the adjacent

agricultural buildings and it was considered that the proposal was not contrary to Policy CTY 14 of PPS 21 in terms of impact on rural character.

Councillor Martin further explained his point regarding the reliance on the extant permission. The Officer outlined that the consideration detailed was for the proposed dwelling and there was no determining impact on rural character.

The Chairman invited David Gallagher and Keith Gallagher to come forward who were speaking against the application.

Mr David Gallagher explained that he would speaking on behalf of his son Keith Gallagher and his wife who lived at 9b Cardy Road, adjacent to the site of this retrospective application. If the developer had communicated with the planners and neighbours in a timely manner the objection may not have been necessary. The developer had already committed several planning breaches which might have been avoided through better communication on his part. He explained that his son would not have lodged an objection if a visually appropriate shed had been built to the east of the house which was the location proposed for a garage in all previous planning applications. PPS7 specifically highlighted that garage and outbuildings to the front of a property would generally be resisted. It also stated they should be subordinate in scale and similar in style. The proposal met neither of the policy requirements and he questioned how the Council could approve the large unattractive and imposing development which was the first building to be seen when approaching the property. He felt that an approval of that nature would create an undesirable precedent. The developer commenced the unapproved building of a shed measuring 7x14m x 5m on an elevated site which overlooked bedroom windows. His son was aware that planning approval had not been granted and when he brought the matter to the attention of the Planning Department the unapproved development was halted. Some of the area where the shed was being built was zoned for the planting of trees and shrubbery in the plans which the developer had submitted himself. Those plans made no provision for a garage or other outbuildings. Mr Gallagher questioned when did the developer decide a shed on this scale was required and why had it not been included in the original planning application.

The developer's P1 form stated that the shed was being built on agricultural land and was going to be used for running a business of which he was listed as an administrator. Mr Gallagher thought that surely contradicted the developer's view that it was a domestic garage. The Planning Officer's report also highlighted that the shed was being built on land which the developer did not own.

The retrospective planning application now sought approval for the completion of the partly built shed and the relocation of the septic tank to the west side of the house. Mr Gallagher questioned where the developer proposed disposing of effluent and surface water from the house and shed. The ditch on the boundary to 9b Cardy Road was not a watercourse and discharging into that ditch could have an adverse environmental impact. A senior Planning Officer had previously stated in writing that the ditch was not a watercourse and such a view had been confirmed in writing more recently by DfI Rivers. Furthermore, DfI Rivers had stated in writing that commencement of work in advance of approval was likely to lead to legal proceedings.

As there were no questions for the speakers, they returned to the public gallery.

The Chair invited questions from Members for the Planning Officer.

Referring to points raised by Mr Gallagher in his address, Alderman Smith asked for the Planning Officer's perspective regarding:

- PPS7, the style and size of the garage and outbuildings;
- Water discharge; and
- Domestic use.

The Planning Officer explained that PPS7 related to new housing developments in the urban area. The key policy for the proposal was PPS21 – Sustainable Development in the Countryside. The Planning Department was content in terms of design in the countryside location and that it was in line with that policy provision under PPS21.

The Planning Officer stated that, as highlighted, the Planning Department did confirm under the previous planning application that there was no designated watercourse. In relation to the points raised by Mr Gallagher, he considered those issues fell within a Schedule 6 consent under the Water Order which was a matter for DfI Rivers. The onus was on the applicant to ensure his proposal was in line with the requirements of DfI Rivers. The application would be conditioned to ensure that the shed was for domestic use only.

In response to a question from the Chair, the Planning Officer stated that the shed was tucked in beside existing agricultural buildings. When viewed from the roadside it was in line with the group of buildings. Therefore, the proposal was able to integrate into the countryside landscape.

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

Councillor Morgan recognised the concerns expressed by the objectors although she was assured by the conditions set and that the application met the policy requirements.

Councillor McRandal had nothing to add.

The proposal was put to the meeting and declared carried with 6 voting FOR, 0 AGAINST, 5 ABSTENTIONS and 2 ABSENT.

FOR (6)
Alderman
McDowell

AGAINST (0)

ABSTAINED (5)
Aldermen
Smith
McIlveen

ABSENT (2)

Councillors
Creighton
Harbinson

Councillors
Cathcart
Martin

Councillors
Kendall
McCollum

McKee
McRandal
Morgan

Wray

**Alderman Graham, Councillor Kerr and Councillor McLaren were unable to vote on the application.*

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

4.2 LA06/2021/0282/F - 46 Newtownards Road, Bangor - Dwelling, landscaping, widened road access and associated parking (amended plans)
(Appendix II)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Ards Peninsula

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

Proposal: Dwelling, landscaping, widened road access and associated parking (amended plans).

Site Location: 46 Newtownards Road, Bangor

Recommendation: Grant Planning Permission

Having previously declared an interest in the item, Councillor Harbinson withdrew from the meeting.

The Planning Officer (A Todd) outlined the detail of the application. The site was located within the development limit of Bangor on the Newtownards Road just south of the city centre. The immediate context was residential consisting mainly of semi-detached dwellings; however, there was also a nursing home, chemist, petrol filling station and Spar shop in close proximity to the site. There were no Development Plan zonings or designations applicable to the site.

The site itself was occupied by a two storey semi-detached dwelling which had an existing access onto the Newtownards Road. It was proposed to widen the existing access and extend the driveway down the side of the existing dwelling to provide access to the rear of the site. The rear garden area of the property, where it was proposed to site the dwelling, was relatively level with no significant changes in topography in the immediate area. Photos showed views from the rear garden towards the adjacent nursing home to the side and towards the existing semi-detached dwellings along Church Crescent to the rear, the boundaries of the site being well defined by mature hedgerows.

The application as originally submitted was for three residential units comprising a pair of semi-detached dwellings and one detached dwelling. The Planning Department advised the agent that this proposal was fundamentally unacceptable due to overdevelopment of the site and an adverse impact on neighbouring

properties. The agent then submitted an amended scheme in March 2022 for two two-storey detached dwellings. Again, the Planning Department advised that this proposal was also considered to be unacceptable due to overdevelopment of the site and an adverse impact on the privacy of existing dwellings.

The final amended proposal for a single dwelling on the site, as shown on slides, was now considered to be acceptable, meeting all of the relevant planning policy requirements as set out in Planning Policy Statement 7 Quality Residential Environments. Both the existing dwelling at No. 46 and the proposed dwelling would have adequate in-curtilage parking with two spaces each. Adequate private amenity space would also be provided to the rear of each dwelling with approximately 43sqm for No. 46 and approximately 126sqm for the proposed dwelling. Those areas were in line with the guidance contained within Creating Places which recommended a minimum of 40sqm. When assessing the amount of private amenity space provided, the context of the site was also a material consideration. In this case, there were a variety of private amenity space sizes in the immediate area including a significant number with areas around the minimum of 40sqm. It was therefore not considered that the reduction in amenity space to No. 46 would be out of character with the area.

The height of the dwelling had been limited to 1 ½ storey measuring 6.5m to the ridge thereby ensuring that it would appear subordinate to the surrounding development with no unacceptable dominant impact on the adjacent dwellings.

To ensure that privacy to the rear of No. 46 would be maintained, a 2m high close-boarded timber fence would enclose its rear private amenity space, providing screening to the rear of the dwelling. There would also be no first floor windows on the proposed dwelling which would overlook the first floor rear windows of the existing dwelling.

In terms of the potential impact on the privacy of Nos. 18-20 Church Crescent to the rear of the site, the first floor windows would be located 10m from the common boundary. The Creating Places guidance recommended a minimum of around 10m separation to the common boundary and also recommended a separation distance of around 20m between first floor opposing windows. As was demonstrated on the site layout plan, a separation distance of 19.5m would be in place between the opposing first floor windows of the proposed dwelling and Nos. 18-20 Church Crescent. As there was only one small dormer bedroom window and roof lights at first floor level which would face Nos. 18-20, this separation distance was considered to be acceptable. It was therefore considered that the development would not result in any unacceptable adverse impact on the amenity or privacy of the adjacent properties.

It was also considered that the proposal would cause no harm to the overall character of the area. The area was already characterised by medium to high density development with a precedent for backland development already established at a number of other locations in the immediate vicinity. Policy LC1 of PPS7 Addendum 'Safeguarding the Character of Established Residential Areas' which specifically considered density of developments did not apply to sites such as the application site which were located along key transport corridors within cities and large towns.

That was in recognition of the desirability of promoting increased housing density in appropriate locations in line with the Regional Development Strategy's aim to encourage the provision of accessible housing in existing urban areas. However, the density of the proposed development had still been assessed by the Planning Department. The proposed density on the site would equate to 29dph. As detailed in the planning report, that was comparable to numerous other existing densities within the immediate area.

As already outlined, the dwelling would be modest in height and massing and would not appear dominant within the locality. Given the backland location, the development would have minimal visual impact from the public road. The alterations to the existing access would also create minimal additional impact and the small front garden area to No. 46 similar to others along the road, would be retained.

A number of objections to the proposed development had been received. At the time of drafting the planning report, a total of 26 letters of objection from six separate addresses had been received throughout the processing of the application. Eight of these letters of objection from four separate addresses were in relation to the final amended scheme for a single dwelling. Following publication of the planning report, a further two objections were received from a Mr O'Neill and a Ms Maitland. Those had been considered and the Planning Department was content that no new material considerations had been raised.

The main objections raised in relation to the final amended proposal for a single dwelling included:

- The dominant impact of the proposed dwelling on existing properties
- The loss of privacy to existing properties
- Overdevelopment of the site and a failure to respect the character of the area
- Inadequate parking and turning.

As already outlined, the Planning Department was content that the proposed development complied with PPS 7, both in terms of the potential impact on the character of the area, and potential impact on the amenity of existing dwellings and all of these concerns had been considered in detail in the planning report. With regard to access, parking and turning, DfI Roads had been consulted on numerous occasions during the processing of the application, and having also reviewed the submitted representations, was content with the proposal.

In summary, the proposal was considered to comply with the Development Plan and all the relevant policy requirements of PPS7 Quality Residential Environments. The proposal would cause no demonstrable harm to the character or appearance of the area, the proposed density of development would be comparable to that already prevalent in the area, adequate private amenity space and parking would be provided for both the existing and proposed dwelling, and there would be no unacceptable adverse impact on the amenity of adjacent properties. On this basis it was recommended that full planning permission should be granted.

There were no questions for the Planning Officer at that stage. The Chair invited Anne Maitland to come forward who was speaking against the application.

Mrs Maitland outlined her reasons for being against the planning application as follows:

1. Insufficient depth of site for the development. DCAN 8 Point 5.7 (i) specified “A fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment for new and existing residents. Backland development on plot depths of less than 80 metres is unlikely to be acceptable”. As confirmed by the planning report, the backland plot depth at 46 Newtownards Road was 45m and therefore over 40% less than the suggested minimum for backland development approval. Previously an email from the Planning department confirmed that not having a recommended minimum of 80 metres was an obstacle to any backland development.
2. The proposed development did not respect the scale and density of the surrounding houses. DCAN 8 Point 5.7 (ii) specified that the proposed development should be “of a form and scale which respects the local context and existing development”. Further it stated, “the scale and massing of new housing in backland areas should not exceed that of the existing dwellings fronting the surrounding streets.” At approximately 175sqm the house was approximately 30% bigger than all the surrounding houses. In fact, the proposed dwelling spanned the entire width of both plots of 18 and 20 Church Crescent, which it backed onto, highlighting how much this proposal was not in scale with the local context.
3. Unacceptable adverse effect on existing neighbouring houses in terms of being overlooked, loss of light and overshadowing. This application included a large upstairs back window and three Velux windows which overlook the gardens 18 and 20 Church Crescent and two Velux windows overlooking the gardens of 44 and 46 Newtownards Road. The back windows and Velux windows faced directly into the upstairs bedroom windows of 18 and 20 Church Crescent. In contravention to DCAN 8 Point 4.12 which stated, “A key consideration is the need to respect the privacy of the occupants of residential properties, which are adjacent to the proposed development.” Emphasised in *Creating Places*, Chapter 7, paragraph 7.16, the specific guideline “.... schemes likely to result in a significant loss of privacy or overlooking, particularly of existing properties, will not be acceptable”.
4. Insufficient separation distance between the rear of the new house and the common boundary. With reference to “*Creating Places*”, Chapter 7 paragraph 7.18 stated, “Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.” This development had only a 17m separation between this proposed new house and 18 and 20 Church Crescent. Furthermore, there was only 8.5 metres between the rear of new house and the common boundary and only 1.5 metres between the front of the new house and the common boundary with number 46 Newtownards Road.

5. Irrelevant comparison with other backland site developments on the road. Comparison to other “higher density development in close proximity” and the “two-storey care home” was irrelevant. Both developments were built well before the current planning guidelines were introduced and so could not be used as a precedent. Also Abbey View Care Home replaced a very large derelict and long neglected site and was an improvement to the area, new use to this site and a benefit to Bangor.

In summary, Mrs Maitland viewed the application as unacceptable back garden development which was contrary to planning guidelines as outlined. The development did not respect the surrounding context, was inappropriate to the character of the area and would result in dominance and overlooking of existing residential properties. If approved, the application would not only override the planning guidelines but would also create a precedent to allow developers to get around important planning guidelines and allow inappropriate development of back lands. Mrs Maitland urged the Committee to reject the application.

There were no questions for Mrs Maitland and she returned to the public gallery.

The Chair invited David Donaldson (Agent) and Mr Logan (Applicant) who were speaking in support of the application.

Mr Donaldson outlined that, as detailed, the proposal was initially for three dwellings and to address concerns identified by Planning Officers the Applicant had reduced the application to a single dwelling. Whilst objectors were entitled to their opinions, the Case Officer’s report objectively assessed the planning considerations in commendable detail.

Paragraph 3.8 stated that the guiding principle for planning authorities in determining applications was that sustainable development should be permitted, having regard to the Development Plan and all other material considerations, unless demonstrable harm would be caused. As outlined, the North Down and Ards Area Plan and the draft BMAP did not set out any design considerations for the Newtownards Road. The Regional Development Strategy for Northern Ireland 2035 encouraged sustainable housing in urban areas. As noted in the Case Officer’s Report, PPS7 Addendum did not apply to the proposal, as sustainable development was encouraged by policy on sites which were adjacent to main arterial routes such as Newtownards Road. PPS 7 ‘Quality Residential Environments’ was important in relation to the principle of development, Policy QD1 set out a number of criteria which all proposals would be expected to meet. Key aspects were addressed as follows: -

- The development was appropriate to its context;
- It would respect its setting in terms of local character, especially with the adjacent care home and the nearby Church View Cottages;
- There was also a similar arrangement of dwellings at Nos 2 and 2a Church View;
- The density of the development was 29 dwellings per hectare and
- The development would have a rear garden;

- The development would provide amenity space which was in excess of the 'Creating Places' guidance; provision would be made, within curtilage, for parking, with safe access and egress to Newtownards Road.
- As this was a main transport corridor, the site was already in a sustainable location for public transport;
- The proposal would utilise a simple form, with a rendered chalet bungalow type house, incorporating appropriate materials; and there would be no adverse impact upon the privacy of adjacent properties.

Neighbouring amenity appeared to be a key concern of some objectors; however, Planning Officers had ensured that this aspect had been addressed with reference to policy and guidance. The new dwelling had been carefully designed to minimise overlooking. All of the main windows would be at ground floor, with only Velux and a single dormer at first floor. The separation distance between the rear dormer bedroom window and the first floor windows of the opposing houses at 18 and 20 Church Crescent would be 20 metres which was entirely in accordance with the guidance in 'Creating Places'. It must be concluded that this proposal represented the sustainable development of a plot of land within the urban area. It was not contrary to PPS7 or other relevant guidance. No demonstrable harm would be caused and there were no sustainable reasons why permission should therefore should not be granted.

Adding to that, Mr Donaldson noted that Mrs Maitland had referred to DCAN 8 which was a guidance document. He noted that it did state that back land development would likely be unacceptable unless the urban grain was very urban in character and were carefully design could overcome concerns of overlooking and daylighting which was precisely what this application did.

As there were no questions from Members, Mr Donaldson and Mr Logan returned to the public gallery.

The Chair invited questions from Members for the Planning Officer.

Councillor McRandal referred to the points raised by Mrs Maitland and asked the Officer's opinion regarding the backland development and the minimum of 80m. The Planning Officer highlighted that DCAN 8 was a guidance document and there were other material considerations that needed to be taken into account. As alluded to by Mr Donaldson, the guidance stated that plot sizes less than 80m may be acceptable where the existing urban grain was very urban in character and it was considered that this area was very urban in character, it was on a main transport corridor, and it was high density area. Also careful design could overcome concerns of overlooking and in this case she felt efforts had been made to achieve this.

Councillor McRandal referred to the concerns expressed regarding overlooking at Nos 18 and 20 Church Crescent. The Planning Officer explained that the Creating Place guidelines recommended around 20m of a separate distance between opposing first floor windows. In this instance the scale was 19.5m. In such an urban area there was always going to be a degree of overlooking and complete privacy could not be completely guaranteed. The proposal contained one small dormer window with the remaining windows being roof lights which would minimise

overlooking. On balance, in the judgement of the Planning Officer, it was considered that was acceptable.

In response to a question from Councillor Cathcart regarding the PPS7 Addendum, the Planning Officer stated that the road was key transport corridor. She referred to PAC decisions in another area in the Borough and that was considered.

Councillor Cathcart referred to the windows and asked if the property behind was at a higher elevation. The Planning Officer stated that the surrounding property levels were relatively comparable. The separation distance was deemed as adequate with being only 0.5m off the general recommendation specified in Creating Places guidance.

Councillor Martin questioned how the proposal sat with other properties in the Newtownards Road. The Planning Officer explained that PPS7 Addendum was to be considered alongside PPS7. It was Policy LC1 of aPPS7, which primarily dealt with density which was not applicable in such area – however, density had been assessed and it was in line. She also referred to the built form to garden ratio and in this case 52% garden, 48% built compared to as an example 20 Church Crescent, 43% garden and 57% built. It was therefore difficult to say that the proposal was overdevelopment of site.

In relation to Creating Places and the separation distances, he asked if the dormer window was considered as a high level window. The Planning Officer stated that the window was small in size and there was only one, the other windows were roof lights, the views out of those were quite restrictive. Creating Places did allow for greater flexibility when accessing applications in inner urban locations. The professional planning judgement was that it was acceptable.

Councillor Morgan referred to the sewage disposal and expressed an overall concern regarding the sewage infrastructure in the Borough.

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

Alderman Smith sympathised and understood the concerns from objectors though, having heard the considerations and mitigations that would be put in place, he was happy to accept the recommendation.

Councillor Wray had no comment to make.

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

Councillor Harbinson re-entered the meeting – 8.03 pm.

- 4.3 LA06/2021/0834/F - Zoned housing land (HPA 1) and former builders yard, lands to rear of 10 Prospect Road accessed from and north of 100-118 Oakdale, south of 1-4 Prospect Court, south west of 14-30 (even) Prospect Road and east of 9 and 10 The Paddock, Ballygowan - Residential development of 40 units comprising 14 detached, 22 semi-detached and 4 apartments, car ports, landscaping and associated site works**
(Appendices III, IV)

PREVIOUSLY CIRCULATED: Case Officer's Report and Addendum.

DEA: Comber

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

Proposal: Residential development of 40 units comprising 14 detached, 22 semi-detached and 4 apartments, car ports, landscaping and associated site works (reduced no. of units from 41 to 40).

Site Location: Zoned housing land (HPA 1) and former builder's yard lands to rear of 10 Prospect Road, accessed from and north of 100-118 Oakdale, south of 1-4 Prospect Court, southwest of 14-30 (even) Prospect Road, and east of 9 and 10 The Paddock, Ballygowan.

Recommendation: Grant Planning Permission

The Planning Officer (P Kerr) outlined the detail of the application. The initial proposal was for 41 units; however, it was considered to be unacceptable in terms of the site layout and relationship between existing and proposed properties. An amended scheme was received on 18 October 2022 which reduced the scheme from 41 units to 40 units and included changes to the design layout, communal open space and amenity relating to the proposed apartments.

The site was located at Zoned housing land (HPA 1) and former builders' yard, lands to rear of 10 Prospect Road accessed from and north of 100-118 Oakdale, south of 1-4 Prospect Court, south west of 14-30 (even) Prospect Road and east of 9 and 10 The Paddock, Ballygowan.

All consultees were content aside from NIW.

This was a local application as it was under 50 units and under 2 ha in area. The application was being presented at Committee as there were six objections from six separate addresses when the application was first advertised and neighbour notified. There were amendments made to the proposal as referred to and after readvertisement and neighbours notification no further objections were received.

The initial objections raised the following planning issues:

- Out of character, higher density, would cause overlooking and loss of light to existing properties abutting the site;
- Increase in traffic, especially when added to the traffic generated from the extant approval for 15 dwellings on the adjoining site;
- Water pressure and capacity issues;

- Concerns about TPO trees;
- Concerns about site boundary treatments;
- Parking issues at 114 and 116 Oakdale.

With regard to traffic increase, DfI Roads had been consulted regarding this application and was satisfied that the existing road infrastructure could accommodate the additional traffic generated from this development. It had stated it had no objections to the proposed development in terms of road safety. With regard to parking standards, each dwelling was to be provided with two in-curtilage parking spaces, as well as on street visitor parking. There would be six parking spaces provided for the four x 2-bed apartment block which was in line with parking standards.

With regard to the ongoing NIW capacity issue, a negative condition was proposed to deal with this, as NI Water had advised that the existing water supply network was operating at, or above, design capacity. The applicant was advised to consult directly with NI Water to ascertain whether a solution could be agreed. The Planning Officer was aware that that had already been happening in the background. An Impact Assessment would be required for consideration by NI Water. On this basis a negative condition could be included so that no development could take place until the method of water supply had been agreed in writing with NI Water.

The Council was aware of recent planning permission for a new WWTW. NI Water anticipated that would be completed prior to the occupation of any proposed dwelling; however, as a precaution, as previously stated, a condition could be included that no development shall take place on-site until the method of sewage disposal had been agreed in writing with NI Water or a Consent to Discharge had been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. The agent had indicated that he had reached a solution with NIW.

With regard to concerns regarding TPO trees, there were no TPO trees to be removed as part of this application. Mitigation measures had been conditioned to ensure TPO trees were protected. Any works to TPO trees would require a separate application for consent to carry out works. Any specific requests for works to be carried out to protected trees on the site boundary for amenity reasons should be made in writing in a separate request to the Council in relation to that TPO. TPO trees were to be protected and retained within the site.

Regarding concerns about site boundary treatments, a new hedgerow was to be planted along the site boundary adjacent to the properties on Prospect Court and Prospect Road, as shown on the landscape plan. There was existing vegetation to be retained and augmented, where necessary. The existing boundaries of adjacent dwellings were outside the site outlined in red and should not be impacted upon by the proposed development.

Regarding loss of parking for 114 and 116 Oakdale, there was a detached garage on each property so there was off-street parking provision at each property for one car. There was also on-street parking at the front of the dwellings at Oakdale.

With regard to the Development Plan context, the site was within the settlement limit of Ballygowan as designated within the Ards and Down Area Plan 2015 and was largely designated for housing – ‘HPA 1 Gardens and land to the rear of Ballygowan House’. Key site requirements were set out in the Plan, some of those were now deemed unnecessary or unachievable as detailed in the report. There was portion of the site outside the designation, previously used for industry but had since been cleared.

The proposal was in line with the SPPS and PPS2 Natural Heritage, PPS3 Access Movement and Parking, PPS7 Quality Residential Environments and the Addendum to PPS7 Safeguarding the Character of Established Residential Areas, PPS8 Open Space and Outdoor Recreation and PPS12 Housing in Settlements.

The density of the proposed development was not considered as significantly higher than the surrounding residential area. The list of Key Design Considerations for the designation does not include density specifications. The density of the proposed development was approximately 22 dwellings per hectare, compared with approximately 29 dwellings per hectare in Oakdale, so was lower. The density was calculated taking a hectare sized area adjacent and opposite vehicular access in Oakdale.

With regard to residential amenity, the properties at prospect court and Prospect Road will avail of separation distances of around 20m back to back between the opposing rear first floor windows in accordance with Creating Places guidance. At Oakdale, the proposed dwellings are side-on, with no upper floor windows proposed. Given the separation distances and layout, there would be no significant impact on surrounding residents. This was land designated for housing in a medium density area with a proposed development in line with this density. The ridge heights in the surrounding area varies. The proposed ridge heights range between 8-8.5m which was in no way excessive for an area such as this. All the roofs would be pitched or hipped which would mitigate any possibility of dominance. Boundary vegetation was to be retained where possible and augmented. All properties would have close-boarded timber fencing surrounding each plot.

With regard to visual amenity, the proposal lies within a settlement limit and was located adjacent to a variety of residential properties. The site did not lie within an ATC or Conservation Area. The layout, scale and massing of the proposed dwellings would respect the topography of the site and the character of the area. The design and materials to be used were of a quality that would result in high specification finish. The finishes included a mix of smooth, white painted, render and facing brick, and dark grey concrete roof tiles. The site layout had been designed to respect the topography of the site which fell to the south. Changes to the levels of the site were minimal. The character of the area was a mix of dwelling types including 2-storey dwellings as could be seen in the visual.

It was important to have a mix of dwelling types in a development and that could include apartments, as this proposal did. That was essential to deliver balanced communities as stated in the SPPS in order to meet different needs and contribute to creating and enhancing shared space.

The majority of the proposed dwellings would have more than 70sqm amenity space provided and more than the required amount. As the proposal was over 25 units at least 10% of usable amenity space had to be provided as stated under Policy OS 2 of PPS8. 12% of open space had been provided in the western portion of the site and was considered usable as defined under Annex A, PPS8.

In conclusion, the Officer stated that the site was largely land designated for housing, aside from the builders' yard area. It was proposed to be developed at a lower density than the surrounding area. The builders' yard area had been cleared and an appropriate use for this site, considering it was surrounded by housing, would be a residential use, as any industry on the land would have multiple restrictions due to proximity of housing. The loss of industrial land was outweighed by the community benefit of the provision of a range of housing types. DfI Roads was content and NIW issues could be addressed through a negative condition with a solution forthcoming. There would be a certain amount of overlooking expected in a suburban area like this. As the residents currently enjoy being adjacent to unused land it was understandable that they had concerns; however, there would be no significant loss of amenity suffered due to layout and design considerations, and on this basis approval was recommended.

The Chair invited questions from Members.

Alderman McDowell thanked the Planning Department for the Addendum that had been circulated. He had concerns that the area had been referred to as builders' yard as that area had been much more than a builders' yard - it had provided a number of varied jobs and manufacturing elements. In relation to the Addendum, he quoted that '*planning permission should not normally be granted for the loss of such land or buildings to other uses unless alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use*'. Alderman McDowell questioned what those benefits were when there was currently no available space for jobs.

The Planning Officer outlined that the benefits were a mix of housing types including apartments for varying budgets to create a shared residential development. It was felt that the benefits of providing that housing, adjacent to the designated housing land outweighed the loss of industrial land. She highlighted that if an application was to be submitted for industry on the site it would be overly restrictive due to the modern day standards required in industry with the residential properties surrounding the site.

Alderman McDowell noted that it was the cumulative effect of such decisions was having on that employment lands in areas throughout the Borough. In relation to PPS7, he referred to the small block of flats contained within the proposal, and he queried how that was in keeping with the area.

With new housing developments, the Planning Officer explained that the SPPS advocated a mix of house types within a development. Considering the area as a whole, there was mix of houses and the small apartment building would not look out of place within the character of that area.

Alderman McDowell disagreed, as the mix was semi-detached and detached properties. He was concerned regarding the loss of employment lands and the cumulative effect made Ballygowan a dormitory town where people had to travel out off to work.

Alderman Smith asked the Officer to confirm that there would be no development until the water and sewerage would be sorted. The Planning Officer confirmed that conditioning.

Referring to a visual and the access point between 114-116 Oakdale and noted that entrance was narrow, and he questioned if DfI was content in that regard. The Planning Officer advised that DfI was satisfied that access was sufficient.

The Chair asked for Mr McAuley (Agent) to be admitted to the meeting who was speaking in support of the application and was in attendance via zoom.

Mr McAuley outlined that, from a planning policy perspective, the proposed site fell within the planned settlement limit for Ballygowan as defined in the current Ards & Down Area Plan. The vast majority of the site was zoned for housing development under HPA 1 of the Plan, with the balance of the site defined by brownfield land (the former Micwall Developments builders' yard). As Members would be aware, inside settlement development limits, and especially on zoned housing land, planning policy operated a clear presumption in favour of development. The SPPS directed that the guiding principle for Council planning authorities, in determining all planning applications, was that sustainable development should be permitted, having regard to the Development Plan and all other material planning considerations, unless the development would cause demonstrable harm to interests of acknowledged importance. Prior to the submission of the planning application, extensive site investigations and environmental reporting was completed including Drainage Assessment, Ecological Appraisal, Contaminated Land Preliminary Risk Assessment and Transportation Assessment.

In the context of PPS4, relating to the retention of land formerly used for economic development purposes inside settlements, the redevelopment of the small portion of the site for housing provision would not lead to any significant effect on employment lands within the locality or indeed the wider Borough. The former builders' yard use was abandoned some 13 years ago in 2010 and the site buildings were demolished and appropriately disposed of in 2017 due to the presence of asbestos and other contaminants. As detailed by the Planning Officer any future use for employment lands would be limited given the surrounding residential uses and a limited vehicular access width. The vast majority of the site fell within the designated policy area, the proposal complied with all key site requirements listed in HPA 1 of the Plan, with the exception of the provision of a right turn lane on Belfast Road. A detailed Transportation Assessment and pre-application engagement with DfI Roads was undertaken by qualified transport engineers. The Transportation Assessment concluded that the provision of the right turning lane was unnecessary as the road network in this location had three connections from the site access to the main road network, resulting in a split of traffic leaving the site to a variety of journey destinations. Following analysis of the transportation assessment information, DfI Roads returned a response of no objections concluding that it would not have any significant effect on road safety or traffic progression within the village. The

development proposals included provision of 0.26 hectares of public open space and an additional 0.17 hectares of urban woodland which included the retention and future management of long established and mature trees protected by TPO. The combined open space and urban woodland amounted to in excess of 24% of the overall site area, far exceeding current policy requirements of 10% of the site area as required by PPS 8 Policy OS 2. This generous open provision would deliver an accessible landscaped open space, promoting biodiversity, health and wellbeing, and catering for both established and new residents. The initial scheme of 41 units received a total of six objections. Following consideration of the objections and subsequent discussions with planning officers, the revised scheme for 40 units was submitted and no further objections were received. Following a lengthy Wastewater Impact Assessment process with NI Water, his clients had identified a storm water off-setting solution to achieve the necessary capacity for the sewage disposal requirements of the proposed development. This solution was summarised in the engineer's summary report.

In summary, the development represents a sustainable use of a vacant and derelict brownfield site alongside a site zoned for housing. As endorsed in the officer's report, the development proposals were compliant with the general policy requirements set out in the Ards & Down Area Plan and the SPPS, nature conservation policies set out in PPS 2, traffic & transportation issues covered by PPS 3, and residential development and public open space policies established in PPS 7 and PPS 8. Mr McAuley was pleased to endorse the planning authority's recommendation to approve this application and commend the development proposals for positive consideration by the Planning Committee.

The Chair invited questions for Mr McAuley.

Alderman Smith referred to the open space and asked Mr McAuley to confirm the management arrangements for that space. Mr McCauley advised that there was a management and maintenance plan in place and that was submitted alongside the landscape proposals. That would be conditioned and linked to the planning approval. Once developed, the open space would be managed and maintained by a Management Company with the planning condition ensuring the delivery of that.

Alderman Smith referred to the water access and asked how that issue was likely to be resolved. Mr McAuley explained that in September 2021, a water impact application had been submitted. A reply from NI Water was received in December 2021 when it confirmed that the development could be supplied from the network without a detrimental impact to existing customers. Therefore, Mr McAuley confirmed that issue had been addressed.

As there were no further questions for Mr McAuley, he was returned to the virtual public gallery.

The Chair invited further questions for the Planning Officer.

Councillor Cathcart sought clarity regarding dealing with the negative condition of water matters. The Director advised that legal advice had been obtained from planning lawyers regarding the ability to apply the negative conditions. It had been made clear to NI Water that the conditions were prior to development taking place

rather than prior to occupation. With regard to this development, as specified, an upgrade in the area was underway.

Alderman McDowell referred to access and was of the view that there was another access to the site on northern side. The Planning Officer could not comment regarding the integrity of that access.

The Director explained that that access was into the housing land and it would not be made available for the development of industrial land.

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

The proposer and seconder were content not to comment further.

Councillor Morgan commended the development for the open space and the management plan proposed, which she viewed as really positive.

The proposal was put to the meeting and declared CARRIED, with 12 voting FOR, 1 AGAINST, 1 ABSTENTION and 2 ABSENT.

FOR (12)	AGAINST (1)	ABSTAINED (1)	ABSENT (2)
Aldermen	Alderman	Alderman	
Graham	McDowell	McIlveen	
Smith			
Councillors			Councillors
Cathcart			McCollum
Creighton			Kendall
Harbinson			
Kerr			
Martin			
McLaren			
McKee			
Morgan			
McRandal			
Wray			

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

(Councillor Martin withdrew from the meeting – 8.39 pm)

4.4 LA06/2022/1141/F - Land within 'Hightrees' Development, 90m SE of No.25 Hightrees Drive, Donaghadee - 14no. two storey detached houses, garages and associated works: (Change of house type to plots 23-37 of approval LA06/2016/0982/RM and overall reduction from 15, 9 detached and 6 semi-detached houses).

(Appendix V)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor East and Donaghadee

Committee Interest: A planning (legal) agreement or modification to a legal agreement forms part of the consideration.

Proposal: 14no. two storey detached houses, garages and associated works: (Change of house type to plots 23-37 of approval LA06/2016/0982/RM and overall reduction from 15, 9 detached and 6 semi-detached houses)

Site Location: Land within 'Hightrees' Development, 90m SE of No.25 Hightrees Drive, Donaghadee

Recommendation: Grant Planning Permission

The Planning Officer (P Kerr) outlined the detail of the application. There were no objections to this application and all consultees were content with the proposal.

The approval LA06/2016/0982/RM and associated outline X/2014/0473/O were extant as the permission had been implemented.

The site was located on land within 'High Trees' development, 90m South-East of No 25 Hightrees Drive, Donaghadee. The site was located within the boundary of the larger development site with the previously mentioned associated permissions for 390 dwellings.

The site was located within the designated settlement limit of Donaghadee in the Ards and Down Area Plan 2015 and on land zoned for housing and adjacent to land proposed for open space amenity and recreation.

(Councillor Martin re-entered the meeting – 8.41 pm)

The proposal was in line with the SPPS and also the relevant planning policy that applied, namely PPS2 Natural Heritage, PPS3 Access Movement and Parking, PPS7 Quality Residential Environments, PPS7 Addendum - Safeguarding the Character of Established Residential Areas, and PPS12 Housing in Settlements.

The proposal was acceptable in terms of density as it was a decrease in units from that which was previously approved and was appropriate for the character of the area.

With regard to visual amenity, as the principle of dwellings had already been established under LA06/2016/0982/RM, the main area for discussion was the change in design from a mixture of detached and semi-detached dwellings to all detached dwellings and the associated design changes that involved. The proposed siting and design were similar to extant and there would be no adverse impact on the

character of the area. Similar materials and design had been proposed (red facing brick and some areas of smooth render with roofs to match in with existing development) and so it was appropriate for the character of the overall development.

With regard to residential amenity, the separation distances were comparable to the previously approved scheme and the siting and design was similar, therefore the privacy and amenity of each individual dwelling was respected and the proposal would not create any further adverse impact. No further loss of light or overlooking would be created. Amenity space had been provided in accordance with Creating Places guidance.

With regard to the issue of a planning agreement relating to the provision of a distributor road - as noted previously, the present application was for a change of house type for a pocket of land within the wider development known as "Hightrees". As part of the original planning permission for the whole site, a series of phasing conditions were imposed to restrict the development of the site under that planning permission to ensure the delivery of the distributor road in full prior to the occupation of 200 dwelling units. In addition, those restrictions sought to limit the total number of units accessing onto Cannyreagh Road before the completion of the distributor road to no more than 30 dwellings. However, the developer had lodged a series of applications for pockets of the wider, original- approved site. To avoid any issue arising, and in response to a request by the Planning Department, the developer had voluntarily entered into a planning agreement to secure the delivery of the distributor road, which bound the land as a whole and was registered as a statutory charge on the land. That agreement secured the same restrictions as the original planning permission, but through the planning agreement which bound any future planning permission that may be granted on the site, over and above those already issued. This application was such a case, and if a resolution to approve was passed by the Committee, and a permission were to issue, it would be bound by the agreement and the restrictions imposed upon it through the planning agreement, rather than planning condition. As such the planning agreement executed by the Council on 26th October 2023 would restrict this development – such an execution which postdates the preparation of this report. In line with the planning policy and planning agreement, it was believed that the proposal was policy compliant, and approval was therefore recommended.

The Chair invited questions from Members for the Planning Officer.

Councillor Cathcart sought clarity that previously there was no legal agreement regarding the distributor road and was contained with the phasing conditioning. The Planning Officer advised that distributor road was contained within the overall conditioning within the first approval.

Councillor Cathcart was of the view that it was normal practice to have a legal agreement for distributor roads that were seen as key infrastructure routes.

The Planning Officer stated that was dependent on the type of development and the phasing.

In response to further questions from Councillor Cathcart, the Planning Officer stated that the planning agreement would supersede any conditioning with regard the distributor road. The Director added that any future amendments to the development would be subject to the legal agreement and would not necessarily need to come before the Planning Committee.

The Chair invited David Donaldson (Agent) and Mr Wilson (Strand Homes) to come forward who were speaking in favour of the application.

Mr Donaldson welcomed the recommendation to grant planning permission with the Case Officer's report being comprehensive and addressing all the key considerations.

Planning permission on this part of the site already exists for 15 houses. This proposal had been submitted to facilitate a change from the approved nine detached and six semi-detached to instead provide 14 detached houses. The overall layout remains much as before. An application such as this would not normally have to be presented to Committee, especially when there were no objections. The application had been placed on the Schedule because there was an associated Section 76 Legal Agreement between the Council and the developer. This Agreement had been presented to and ratified by full Council. Its purpose was to ensure that the distributor road which was already approved through the High Trees site (between Newtownards Road and Cannyreagh Road) would be delivered by the developer prior to 200 houses being completed on the site. At present about 100 houses had been completed on the site. Planning permission for this phase of development was now urgently required and there were further applications in the system. Mr Donaldson asked the Committee to endorse the Officer's Report and grant permission.

There were no questions for the Mr Donaldson and Mr Wilson and they returned to the public gallery.

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

Councillor Wray was content that the application was policy compliant and there were no objections raised.

Councillor Cathcart welcomed and thanked the Planning Officers and the applicant for coming together to ensure that the key distributor road was built for Donaghadee as part of this development.

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

4.5 LA06/2023/1500/F - Lands at and to the rear of 18 – 52 Main Street (Reeds Rain to TK Maxx), 2 – 34 King Street, 5 -17 Southwell Road, 5 – 41 Queen’s Parade, Marine Gardens car park, the Esplanade Gardens, and area around McKee Clock, Queen's Parade, Bangor.
(Appendix VI)

DEA: Bangor Central

Committee Interest: An application in the major category of development.

Proposal: Queen’s Parade Development

Variation of Condition 2 and 3 of previous approval LA06/2020/0097/F

Site Location: Lands at and to the rear of 18 – 52 Main Street (Reeds Rain to TK Maxx), 2 – 34 King Street, 5 -17 Southwell Road, 5 – 41 Queen’s Parade, Marine Gardens car park, the Esplanade Gardens, and area around McKee Clock, Queen's Parade, Bangor.

Recommendation: Grant Planning Permission

The Planning Officer (A Todd) outlined the detail of the application. The site occupied a central location within Bangor City Centre, immediately south of the Marina, and covered an area of just over five hectares. It incorporated the current Marine Gardens car park along with the area to the south of Queen’s Parade bound by Main Street, Southwell Road and King Street. The vast majority of the buildings within the site had been vacant for a considerable time now, pending redevelopment.

The previous planning permission on the site was granted on 29th September 2022 and was therefore extant until September 2027. The full description of the approved development was set out on the slide but to summarise, the main elements included demolition of existing buildings, the erection of a mixed-use development comprising culture and leisure facilities, a 66 bedroom hotel, retail units, food and beverage outlets, offices, 137 residential units, the creation of new public squares and courtyards and the redevelopment of Marine Gardens Car Park to create a public realm space.

Referring to the visuals which displayed the general layout of the approved development, the Planning Officer highlighted the approved public realm area at Marine Gardens which included a series of lawn areas, a playpark, multi-purpose event space, a central water feature and kiosks and pavilion buildings for food and beverage use.

Furthermore, the Planning Officer displayed the approved layout for the mixed-use development on the landside of Queen’s Parade which included primarily residential development at the Southwell Road and King Street side of the site, and then a mix of offices, leisure, hotel, retail and food beverage at the Main Street side of the site. Areas of public open space are also proposed throughout, including the main Market Place and pedestrian linkages through from Main Street to Queen’s Parade.

The Planning Officer showed a CGI of what the approved development would look like viewed from Pickie direction.

The Planning Officer outlined the phasing of the development as approved. That was divided into four phases:

- **Phase 1** included the eastern half of the Marine Gardens public realm area along with a number of other works to the buildings on Main Street.
- **Phase 2** included the remaining half of the Marine Gardens public realm along with the undercroft carpark and residential development blocks fronting Queen's Parade and Southwell Road.
- **Phase 3** then included the hotel, kids' zone, offices, the Market Place and the completion of the pedestrian links from Main Street.
- **Phase 4** would include the residential development along King Street and the leisure or cinema building.

As the application was made under Section 54 of the Planning Act for the variation of planning conditions, it was only matters relating to those conditions that could be considered under the application and the principle of the development itself could not be revisited.

Condition 2 of the original planning permission, required the development to be carried out in accordance with the sequential numeric phasing plans as proposed by the developer, commencing with phase 1 and to be built out sequentially thereafter. No subsequent phase of the development was to be commenced until the preceding phase had been completed. That was to ensure the timely delivery and completion of the development as a whole.

The developer had applied to vary this wording advising that a greater degree of flexibility was now required in terms of the delivery of the development to enable more than just one phase to be under construction at any given time. In particular, the developer sought permission to construct phases 1 and 2 of the Marine Gardens public realm in tandem. The amended condition had been carefully worded following discussions with the developer's agent to provide both a greater degree of flexibility for the delivery of the development and to retain the safeguards which would ensure the completion of each phase and, most importantly, the provision of the various public realm areas.

The amended condition incorporates the following stipulations:

1. Phases 1, 2 and 3 may now be commenced concurrently.
2. Phases 1, 2 and 3 may not be occupied or commence operation until the areas of open space within phases 1 and 2 have been completed in full.
3. Development within phase 3 may not be occupied or commence operation until the areas of open space and pedestrian linkages within phase 3 had been completed in full.
4. Prior to the commencement of construction of any building within phase 4, the construction of phases 1 and 2 (excluding interior fit out) must be completed.
5. Prior to the occupation or operation of any building within phase 4, the construction of phases 1, 2 and 3 (excluding interior fit out) must be completed.

Condition 3 then was also proposed to be amended to reflect the revised wording of condition 2, removing the requirement for the phases to be delivered in sequential order with regard to the public realm areas.

The Planning Department had also carefully considered the potential cumulative impact of various phases being constructed in tandem and was content that there

would be no significantly greater impact on the area as a result. DfI Roads had been consulted and was content with the amendments to the phasing from a road safety and traffic progression perspective. In terms of potential noise, dust and vibration impacts caused during construction, the detailed assessments carried out as part of the original planning application were already based on the premise of all phases being constructed at the same time and were considered to be acceptable by the relevant statutory bodies. The various planning conditions in relation to noise and dust would be repeated in the new planning permission and must also still be discharged in consultation with the relevant statutory bodies.

In addition, condition 16 of the original permission which required the submission and approval of both a Construction Environmental Management Plan and a Construction Site Traffic Management Plan also must still be discharged in consultation with the relevant statutory bodies and those plans when submitted would now reflect the revised phasing.

In summary, the Planning Officer detailed that the Planning Department was content that the proposed revised wording of conditions 2 and 3 was acceptable in the context of the Development Plan and the relevant planning policies, allowing a greater degree of flexibility in terms of the delivery of the development but also still maintaining the various safeguards to ensure the completion of the important public realm aspects of the development. All other aspects of the approved development would remain unchanged, and all other conditions of the original approval remain applicable to the development. On this basis it was recommended that full planning permission should be granted.

The Chair invited questions from Members for the Planning Officer of which there was none.

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

Councillor Cathcart welcomed the flexibility for the development brought with the application. He felt the change in the order of development occurring was a sensible one.

Councillor Martin welcomed the three stages working concurrently and felt constituents would welcome work occurring on site.

Alderman Graham added his support of the application.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Martin, that the recommendation be adopted, and that Planning Permission be granted.

RECESS

The meeting went into recess at 9.03 pm and resumed at 9.14 pm.

4.6 LA06/2021/0118/F - West of Nos. 39 and 80 St Andrews Avenue Ballyhalbert, immediately West of 45 Longfield Way and North of Nos. 72 and 84 Longfield Way. Ballyhalbert - Housing development of 98 units and detached garages, site nos. 175 to 272 inclusive.
(Appendix VII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Ards Peninsula

Committee Interest: An application in the major category of development.

Proposal: Housing development of 98 units and detached garages, site nos. 175 to 272 inclusive.

Site Location: West of Nos. 39 and 80 St Andrews Avenue Ballyhalbert, immediately West of 45 Longfield Way and North of Nos. 72 and 84 Longfield Way. Ballyhalbert

Recommendation: Grant Planning Permission

The Planning Officer (C Rodgers) outlined the detail of the application. The application site was located immediately to the west of the existing St Andrews development to the north of Ballyhalbert Park Homes.

The site formed part a zoned housing policy area in the Ards and Down Area Plan. As detailed in the case officer report, there was a long history of planning approvals associated with the wider housing designation. Many of the houses in the St Andrews development had been constructed and were now occupied. The principle of residential development on this site had therefore clearly been established.

Outline planning permission for the wider zoning was originally granted in 2000 and was followed by approval of the reserved matters. Numerous applications to amend house types have since been granted planning permission. However, the overall layout in terms of the open space and the internal roads network was broadly in line with the original approval.

In specific relation to the current site, an application to amend house types was previously granted permission in 2012. The current proposal was for 98 dwellings – which represented one additional dwelling to that approved in 2012. The proposed overall layout corresponded very closely to the 2012 approval.

The planning history of this site was an important material consideration in the determination of this application.

The design and finishes reflect the house types previously approved within the site and the wider development. The proposed finishes comprise red brick and painted render with white uPVC windows and doors.

Planting was proposed throughout the site to soften the visual impact of the development and assist integration. Three main areas of open space were proposed in accordance with that previously approved planning permission. Planning conditions would ensure that the open space was provided, and subsequently

managed and maintained in perpetuity by a management company on behalf of the residents.

The layout and separation distances provided would ensure there would be no unacceptable adverse impact on the residential amenity of existing or proposed properties.

The site was accessed via the existing Shore Road access. DfI Roads had provided no objection to the proposal - subject to conditions, and the streets had been determined for adoption. A short extension to pedestrian footpath along Shore Road was proposed and that would be conditioned as part of any approval.

Subject to mitigation, no objection had been provided from key consultees in terms of natural heritage interests or designated sites. DfI Rivers provided no objection to the proposal in terms of flood risk.

As this was a major application for planning permission, the applicant had carried out pre-community consultation in line with section 27 of the 2011 Planning Act. The Pre-Application Community Consultation Report, which was subsequently submitted with the application, indicated there was no response to the applicant's efforts to engage with the local community prior to submission of the application. The Council received one letter of objection during the processing of the application, and issues raised had been considered in the Case Officer's Report.

As previously stated, this site was located within a designated Housing Policy Area and benefitted from a long history of planning approvals for similar residential development. Having considered all material planning considerations, it was recommended that planning permission was granted.

The Chair invited questions from Members for the Planning Officer.

Councillor Wray largely welcomed the addition of the dwellings for Ballyhalbert which was growing area. Referring to the Case Officer's report, he sought reassurance from Officers that they were content with the revised storm drainage layout. He highlighted that recently there had been issues with flooding in the locality.

The Planning Officer referred to condition 16 which required submission of a final drainage assessment prior to commencement of development and would have to demonstrate the safe management of any out-of-sewer flooding emanating from the surface water drainage network. She was of the understanding that the proposal was discharge the surface water to an existing watercourse north of the site and to do that would require consent from DfI Rivers.

Councillor Wray expressed concern regarding the infrastructure in the area. He referred to the area of green space and questioned the threshold requirements for a play park.

The Planning Officer outlined under PPS8 the number of units proposed did not meet the threshold for a play park which was 100 units. Outline permission for the wider area was submitted prior to the introduction of PPS8 in 2004 and therefore that

permission did not include a play park. Much of the wider zoning had already been developed and it would be considered unreasonable to revisit the issue now. Ample amenity space had been provided. Under policy where a development exceeds 25 units, open space was required as part of the development.

Councillor Wray expressed his disappointment in that regard stating the Council was struggling to provide play facilities in the area.

Alderman Graham had no objection to the principle of the development, although sought assurances that there would be no risk of flooding. The Planning Officer advised that a drainage assessment had been submitted, that had been considered by DfI Rivers and it had provided no objection to the proposal in terms of drainage and potential flood risk. As a further safeguard, a condition was attached which required the final drainage assessment to be agreed by the Council in consultation with DfI. The drainage infrastructure would have to be put in place as agreed.

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

Councillor Wray reiterated his disappointment regarding a play park and suggested that matter be raised with the developer for consideration in the future.

Alderman Smith expressed his frustration regarding the matter given that the number of houses was in the development was close to 100.

The Chair agreed and highlighted the needs of the Ballyhalbert village as whole.

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

- 4.7 LA06/2020/1052/F - 136 and 136a High Street, Holywood - Demolition of existing retail shop and offices and redevelopment comprising of 2 No. three storey units with retail shops on the ground floor and office accommodation above**
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Holywood and Clandeboye

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

Proposal: Demolition of existing retail shop and offices and redevelopment comprising of 2 No. three storey units with retail shops on the ground floor and office accommodation above

Site Location: 136 and 136a High Street, Holywood

Recommendation: Grant Planning Permission

The Principal Planning and Technical Officer (C Blair) outlined the detail of the application.

Members should note that the original application was not deemed acceptable, with subsequent amendments submitted on 25 May 2021, and further amendments which was the current scheme before Planning Committee, received on 19 July 2021. The proposal when fronting onto High Street had changed from 3-storey to 2½-storey. Since this date the applicant had submitted an Additional Supporting Statement in July 2023 which considered parking arrangements within the site and surrounding area, including within the adjacent St Helen's Business Park, which was also within the applicant's control.

The site was within the settlement limit of Holywood where there was a presumption in favour development. The site comprised two flat-roofed two-storey buildings with an area of hard standing to the rear used as informal parking by the adjoining end terrace building located at the junction of Ean Hill and High Street and used by the funeral directors. The existing buildings on the site were in use by a Credit Union and the adjacent funeral directors. A Boots pharmacy formerly occupied one of the units.

This was an application for the ground floor retail space to be retained with the addition of a third unit with office accommodation on the first and second floors above.

The surrounding area was mixed use, comprising primarily retail, residential and office use. It was within the town centre as defined by both the North Down and Ards Area Plan (NDAAP) 1984-1995 and the Draft Belfast Metropolitan Area Plan (dBMAP) 2015. It lay outside of the primary retail core identified in Draft BMAP. The site was located at the edge of and within the proposed Holywood South Area of Townscape Character (ATC).

Although this site was outside the primary retail core which was the preferred location for comparison and mixed retail development, the Planning Department must take into account the site's existing use. There remained a very high occupancy rate within Holywood's Primary Retail Core, and there were no suitable vacant units currently within the core which could accommodate the proposed development.

The proposal met Policy OF 1 of the draft BMAP which stated that planning permission would be granted for office development within Classes A2 and B1 of the Planning (Use Classes) Order (NI) in the designated town centres. In this proposal the office space was to be located on the upper floors with the ground floor retail element retained, which would encourage continued footfall within the town centre area, as well supporting job creation in the local area and ensuring a sustainable form of development.

The proposal was compliant with the SPPS and Policy PED 1 of PPS 4, which both support and permit office developments within town centres.

Policy ATC 1 related to demolition control in an Area of Townscape Character. The existing buildings on the site have no particular design merit and make no material contribution to overall appearance of this ATC, as the flat roof design and large

picture windows were at odds with the design and proportions of the more traditional built development along the street.

The upper section of High Street comprised mainly 2.5-3 storey buildings. The proposed design of a 2.5 storey building fronting High Street was therefore in keeping with the established built form with the proposed materials and finishes also complementing and blending sympathetically with the existing buildings. As such the proposed development would not harm the overall appearance of the proposed ATC and would comply with the principles of good design as set out in the SPPS.

It should also be noted that Historic Environment Division was content that the proposed development was acceptable and would not detract from the overall setting of the nearby listed buildings.

In terms of the proposed access to the public road onto Ean Hill at the rear of the site and a second vehicular access proposed via the existing access that serves the adjacent St Helen's Business Park, that was assessed against Policy AMP 2 of PPS 3. DfI Roads had no objections to the proposal in terms of road safety or traffic progression at this location.

Having considered the detailed information submitted in respect of proposed formal parking arrangements within the site of 10 spaces plus an area for cycle storage, and the parking spaces availability in the surrounding area (for a further 16 spaces), as well as links to nearby public transport, the Planning Department considered the proposal to be considered before the Council to be acceptable. It should be noted that the existing development on the site did not benefit from any formal parking arrangements or provision. Additionally, the planning agent had clarified that there was no legal requirement for residential parking to be provided for Nos. 2 and 4 Ean Hill, with their designated parking being on-street.

The Supporting Statement also referred to the additional option of parking availability within the adjacent St Helen's Business Park, which was in the control of the applicant. A parking survey was undertaken in the area and was carried out on a Thursday between the hours of 8am–7pm. That included all existing public/on-street parking provision within a 200m radius of the application site. 200m radius was an established benchmark for a reasonable walking distance from a mode of transport to a given facility. The results demonstrated that there was in excess of 31 no. available parking spaces within the study area at any time of the day. The majority of available spaces were found to be within the Spafield car park and along High Street and My Lady's Mile, with very little availability, if any, along Church View and Downshire Road.

Whilst there was a shortfall of formal parking provided within the site, the Planning Department considered that the additional supporting statement with parking survey provided by the agent met the requirements of Policy AMP 7 of PPS 3, which advised that beyond areas of parking restraint identified in a Development Plan, a reduced level of parking provision may be acceptable in circumstances where the development was in a highly accessible location well served by public transport or where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street parking. Taking all the matters into the account, the

Planning Officer advised that the Planning Department's recommendation was approval.

The Chair invited questions from Members for the Planning Officer.

Councillor McRandal expressed concern regarding car parking in the area. He noted that the St Helen's Business Park which was adjacent to this site was in the applicant's control and asked if it could be conditioned that parking be made available in that site for the tenants/occupiers of the premises. The Planning Officer did not feel the Planning Department would have the ability to impose that condition. As detailed, there was available spaces within the area.

Alderman Graham was unsure how relevant it was to the application that the developer had control of the site adjacent and questioned how the parking requirement could be defined. The Planning Officer advised that the retail and office development would require 27 spaces. 10 spaces were due to be provided within the application site. As a result of the parking survey, 31 spaces were available in the surrounding area. There was availability of the bus, train and people may chose to cycle.

Alderman Graham did not mean to be negative regarding the proposal as he believed it to be an excellent proposal; however, he was concerned regarding car parking.

Councillor McLaren shared the concerns regarding car parking. She thought the applicant would be using the car park for their own customers. The Planning Officer had indicated that there were a number of free spaces.

Councillor Morgan did not feel the car parking survey was comprehensive. The Planning Officer confirmed that the survey was undertaken on a weekday.

In response to further questions regarding car parking, the Planning Officer outlined the policy requirements which had been met. The car parking survey had been carried out by the consultant employed by the applicant.

The Director advised that the parking standards were published in 2005. The Council was pushing for a modal shift encouraging the use of active travel and public transport. That had to be taken on board and as detailed, the site was highly accessible.

Alderman Smith questioned how the policy could be taken into consideration. The Planning Officer stated that the PPS3 was the relevant planning policy. He reiterated it was a highly accessible location, parking was available nearby and cycling provision had been provided within the site.

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

Councillor Cathcart agreed that the proposal was a betterment to the town centre. Quite often with office accommodation a designated car parking space was not provided.

Alderman Smith agreed and highlighted the need to encourage active and public transport.

Councillor McRandal agreed with the betterment; however, he had grave concerns regarding the parking. He noted the need to encourage active travel; however, felt the infrastructure did not allow at the current time. He was not prepared to make a decision that puts any additional parking pressure on the side streets.

Councillor McLaren outlined the benefits to the town that the proposal brought and although she remained concerned regarding car parking she felt those benefits outweighed the parking issues.

Alderman Graham agreed that it was an excellent scheme; however, he did have reservations regarding the concept of increasing office use in Holywood. There was no availability for all day parking. He remained unconvinced that car parking was available.

Alderman McDowell supported the proposal as it brought extra jobs to the town. Any town needed a good mix of town and office accommodation which assisted in the regeneration of business. The proposal improved the appearance of the area. He recognised parking was an issue, it was a difficult and emotive issue.

The proposal was put to the meeting and declared CARRIED, with voting 8 FOR, 2 AGAINST, 4 ABSTENTIONS and 2 ASBENT.

FOR (8)	AGAINST (2)	ABSTAINED (4)	ABSENT (2)
Aldermen		Alderman	
McDowell		Graham	
Smith		McIlveen	
Councillors	Councillors	Councillors	Councillors
Cathcart	McRandal	Kerr	Kendall
Creighton	McKee	Harbinson	McCollum
Martin			
McLaren			
Morgan			
Wray			

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

4.8 LA06/2022/0689/F - Land at Craigantlet Quarry, 73 Holywood Road, Newtownards - Erection of a Coated Roadstone Plant and associated ancillary development to include bitumen storage tanks, aggregate storage bays, staff facilities, weighbridge and recycled asphalt pavement (RAP) processing and storage area
(Appendix IX)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Comber

Committee Interest: An application in the major category of development.

Proposal: Erection of a Coated Roadstone Plant and associated ancillary development to include bitumen storage tanks, aggregate storage bays, staff facilities, weighbridge and recycled asphalt pavement (RAP) processing and storage area

Site Location: Land at Craigantlet Quarry, 73 Holywood Road, Newtownards

Recommendation: Grant Planning Permission

The Principal Professional and Technical Officer outlined the detail of the application. Members were asked to note that the Planning Department was satisfied that all statutory pre-application requirements had been fulfilled. There were no representations submitted regarding this proposal, either in support of or objecting to the application.

Members were also asked to note that there were no concerns raised through the consultation process, subject to conditions which were listed in the case officer's report. The Industrial Regulation & Radiochemical Inspectorate's (IRPI) response advised that the tar and bitumen activities detailed in the application would be regulated under separate legislation, which was outwith any Planning Enforcement powers.

The application site was located within the left-hand side portion of the existing quarry, close to and northeast of the road access from Holywood Road. The existing quarry area covered some 32 hectares with the application site measuring approximately 2 hectares.

The existing part of the quarry was currently used as a concrete batching plant and block yard. The site was in the countryside, which was principally characterised in the surrounding area by agricultural lands, single dwellings and the quarry. The existing access into the quarry would remain unchanged.

The development included a Coated Roadstone Plant which would be 35m high, bitumen storage tanks 14m high, aggregate storage bays 10m high, staff facilities building 3m high, weighbridge and recycled asphalt pavement (RAP) processing and storage area.

Firstly, an Environmental Impact Assessment screening was carried out regarding this proposal, and it was determined that the application did not require to be accompanied by an Environmental Statement.

The proposed development was not contrary to any policy within the North Down and Ards Area Plan 1984-1995 (NDAAP) or Draft BMAP, which were silent in relation to policy provisions for mineral works. The site was not located within an AONB or other environmental designation.

PPS 21 "Sustainable Development in the Countryside", Policy CTY 1 stated under the sub-heading for Non-Residential Development that planning permission would be granted for mineral development in accordance with the mineral policies in A Planning Strategy for Rural Northern Ireland ("the Rural Strategy").

As the site was located within an existing quarry, the principle of development had therefore already been established.

Policy MIN 2 of the Rural Strategy related to visual implications. It stated that to minimise the visual impact, advantage should be taken of existing landforms and features, and it required the preservation of skylines. Given the surrounding topography, the short distant views of the proposed development were obscured from Holywood Road and Craigtantlet Road. There were critical views from longer distances along the Ballymiscaw Road, and as such the planning agent submitted a Landscape and Visual Appraisal.

The siting of the plant was on lower land to ensure that it could avail of the landform to the rear providing a backdrop for the proposed plant. It further demonstrated that it would not have an adverse impact on the skyline.

The Planning Department considered that the proposal complied with Policy MIN 2 and would visually integrate into the landscape and would cause no unacceptable harm to the rural character of the area, in accordance also with Policies CTY13 and CTY14 of PPS 21.

In terms of residential amenity, the nearest dwelling to the application site was 69 Holywood Road (south-west of site) which was approx. 150m from the application site. 9 Craigtantlet Road (north-west of site) was approx. 169m from the application site. A Noise Impact Assessment was submitted as part of the application and the Council's Environmental Health Department was content with the predicted noise levels, subject to conditions which could be added, should the application be approved.

The application was sited approximately 1.2km north of Craigtantlet Woods ASSI. An Air Quality Assessment report was also submitted. The Natural Environment Division considered that the proposal was unlikely to have any significant impacts on any designated sites and the Environmental Health Department was content that the predicted process emissions were acceptable.

Taking all of the above into account the Planning Department's recommendation was to grant full planning permission.

The Chair invited questions from Members for the Planning Officer.

Councillor Cathcart questioned why the application was classed as a major application. The Director advised that was due to the size of the site.

Councillor Cathcart noted that there were no objections and questioned the reasoning for the delay in the application. The Planning Officer highlighted that such matters at the air quality assessment and noise impact assessment took time to be reviewed and assessed in detail.

Councillor McRandal highlighted that the site was adjacent to Cairn Wood and he questioned the visibility for walkers and users as a material planning consideration. Referring to the visual, the Planning Officer did not consider that the proposal would have a significant visual impact for the users of Cairn Wood.

Councillor McRandal advised when walking at the side of Cairn Wood the infrastructure on the site was visible. He noted the height proposed and again questioned if that was a material consideration.

The Planning Officer advised that the short term views into the site were obscured. Whilst that was a material consideration, the existing typography and vegetation was deemed to obscure those views.

Councillor McRandal stated that there were no trees at that side of Cairn Woods with unrestricted views into the quarry lands.

Alderman Graham referred to the image of the tower and questioned if the colour and finishes of that could be conditioned. He stated that he had some concerns regarding the visual impact particularly in the countryside.

The Planning Officer stated that the proposal complied with policy and therefore he did not believe the application could be conditioned in that respect.

The Chair questioned if there was anywhere else on the site that the towers could be accommodated that would have had less impact. The Planning Officer stated that the rest of the quarry was in full operating use and the applicant had indicated this location as the best position for the proposal.

Councillor Creighton was of the view that the proposal was very obstructive in the countryside and questioned if anything could be done regarding the aesthetics. The Planning Officer referred to the existing vegetation in the backdrop. He believed the ability to plant trees around the operating quarry would be unlikely.

Councillor McRandal was unsure of the impact on the local amenity had been fully considered, and as such it was therefore;

Proposed by Councillor McRandal, seconded by Councillor Creighton, that the application be deferred until the impact on local amenity including Cairn Wood was considered.

Alderman Graham welcomed the principle of the development; however, he was concerned regarding the visual impact.

Alderman Smith stated that he could support the proposal, the towers were situated due to the nature of the production process. It was a matter of balance, did the Council wish for the material to be produced within the Borough and the benefits that brought versus the visual appearance of the proposal. Whilst Alderman Smith understood the concerns, he was supportive of the application.

Councillor McKee was supportive of the proposal to defer the application. For a proposal as high he felt visuals should have been displayed from all angles.

Councillor Morgan asked if the application had been publicised in the normal way. The Planning Officer confirmed that the application had been advertised in the press and neighbour notification issued. As with all major applications a pre community consultation was also carried out.

Councillor Morgan was unsure why the application would be deferred if no objections were submitted.

Councillor McRandal made it clear that he was not proposing to object to the application; however, he felt the users of Cairn Wood and the amenity value had not been considered.

The amended proposal was put to the meeting and declared LOST, with 6 voting FOR, 7 AGAINST, 1 ABSTENTIONS and 2 ABSENT.

FOR (6)	AGAINST (7)	ABSTAINED (1)	ABSENT (2)
Alderman Graham	Aldermen Smith McIlveen	Aldermen McDowell	
Councillors Creighton Harbinson McKee McLaren McRandal	Councillors Cathcart Kerr Martin Morgan Wray		Councillors McCollum Kendall

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

The proposal was put to the meeting and declared CARRIED with 7 voting FOR, 3 AGAINST, 4 ABSTENTIONS and 2 ABSENT.

FOR (7)	AGAINST (3)	ABSTAINED (4)	ABSENT (2)
Alderman Smith McIlveen	Aldermen	Aldermen Graham McDowell	
Councillors Cathcart	Councillors Creighton McRandal	Councillors McLaren	Councillors McCollum

Kerr
Martin
Morgan
Wray

McKee

Harbinson

Kendall

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

5. UPDATE ON PLANNING APPEALS

(Appendices X, XI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching appeal decision notices. The report detailed that the following appeal was dismissed on 25 September 2023. The terms of the Notice were varied.

PAC Ref	2021/E0026
Application ref	LA06/2017/0337/CA & EN/2020/0013
Appellant	Mr J Hair (J Hair Car Sales)
Subject of Appeal	Alleged change of use from yard area to car sales
Location	Premises on land behind Dicksons Garden Centre, 79 Cootehall Road, Crawfordsburn

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

Ground (e) that copies of the Enforcement Notice were not properly served - The Commissioner considered that the Notice was appropriately served, and this ground of appeal failed.

Ground (a) that planning permission ought to be granted - The appeal site comprised a small area of hardstanding which sits within the existing boundaries of a vacant garden centre. The garden centre was approved in 1988 as part of approval W/1988/0115 for the demolition of existing complex and erection of new indoor garden centre and restaurant with associated external horticultural areas. The garden centre was now vacant, and the wider site was occupied by several other businesses including a pet shop specialising in tropical fish, a conservatory supply and installation showroom and a concrete products retailer. These businesses all involved the sale of goods to the public. The appellant argued that the appeal site was part of an approved retail complex and as such this represents a reasonable fallback position. The appellant further advised that any other type of retail at the site other than vehicle sales, which was sui generis, would not require further planning permission.

The Commissioner considered that the use of the site was retailing and prevailing policy within the SPSS stated that retailing would be directed to town centres and the development of inappropriate retail facilities in the countryside must be resisted. No sequential test was submitted, and the Commissioner was not convinced that the

appeal development represented an appropriate use in the countryside in accordance with the policy. It therefore did not meet the requirements of the SPPS.

In respect of the appellant's reliance on a fall-back, the sale of vehicles had a distinct character which separated it from other retail uses. Therefore, to use the previous use of the site to justify vehicle sales does not account for the fact that any change of use to vehicle sales must require permission. There was clear distinction between the nature of those uses and the fallback position as a garden centre. The previous use of the site was not adequate to establish the principle of the appeal development.

In respect of the deemed application, the Commissioner found that the Council's objections to the principle of the car sales use of the appeal site in respect of Policy CTY 1 of PPS 21 were sustained in that it was not demonstrated that there were any overriding reasons why the development was essential in this countryside location and could not be located within a settlement.

Ground (f) – that the steps required by the Enforcement Notice exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity caused by any such breach – the Commissioner did not consider that there was any ambiguity within the wording of the Enforcement Notice, and the appeal under this ground failed.

Ground (g) – that the period for compliance specified in the Enforcement Notice falls short of what would reasonably be allowed - The Council had stipulated a 90-day timescale for the cessation of the use and the removal of the portacabin and return of the land to its condition before the breach took place. The Commissioner varied the terms of the Notice to provide a period of six months.

The following appeal was dismissed on 12 October 2023.

PAC Ref	2022/A0184
Application ref	LA06/2021/0375/O
Appellant	Mr John McKee
Subject of Appeal	2 detached dwellings with garages and ancillary works
Location	Lands located between Nos. 20 and 20a Lower Balloo Road, Groomsport, and No. 160 Springwell Road, Bangor

The Council refused planning on 16 November 2022 for the following reasons:

- 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 site does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and would, if permitted, create a ribbon of development along the Springwell Road and Lower Balloo Road, resulting in the loss of a valuable visual break within the existing road frontage; and

- iii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

The main issues in this appeal were whether the proposal was acceptable in principle in the countryside and would erode the rural character of the area.

The Commissioner considered that there were no designations or zonings in the Development Plan and that the proposal was contrary to the SPPS and prevailing planning policies under PPS 21 applied namely CTY 1, CTY 8 and CTY 14.

The Commissioner concluded that despite the curvature of the road at the intersection between Springwell Road and Lower Balloo Road, the proposed development site fronts onto the roads and therefore belongs to two distinct and separate frontages (see map below). As such there was no substantial and continuously built-up frontage along this section of the Lower Balloo Road, as it depends on development fronting onto Springwell Road acting as a bookend to establish a line of three or more buildings within which the proposal would be located. As such, the appeal site cannot constitute a small gap site within an otherwise substantial and continuously built-up frontage.

In terms of the size of the gap at the location it was determined that the subject gap was sufficient to accommodate more than two dwellings, which would respect the existing development pattern along the frontage in terms of size, scale, siting, and plot size, based on the range of plot sizes within this area. As such the proposal does not meet the exceptional test.

Finally in terms of CTY 8 the Commission concluded that the appeal development would still create a built-up appearance along the road, resulting in a ribbon of development and the loss of an important visual break.

In terms of CTY 14 the Commissioner determined that a ribbon of development would be created as per CTY 8. Further, development on the appeal site would lead to the built-up appearance of the area, resulting in a suburban style build-up of development that would cause a detrimental change to the rural character.

With regard to Policy CTY 1 of PPS 21 Policy CTY 1 of PPS 21 as it was not demonstrated that there were any overriding reasons why the development was

essential in the countryside location and could not be located within a settlement, the policy requirement was also not sustained.

New Appeals Lodged

The following appeal was lodged on 11 September 2023.

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

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

RECOMMENDED that Council notes the report and attachments.

(Alderman Smith withdrew from the meeting – 10.28 pm)

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

6. PLANNING SERVICE BUDGETARY CONTROL REPORT – SEPTEMBER 2023

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that the Planning Service's Budgetary Control Report covers the 6-month period 1 April to 30 September 2023. The net cost of the Service was showing an overspend of £82k (10.7%) – box A on page 2.

Explanation of Variance

The Planning Service's budget performance was further analysed on page 2 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£105k favourable	2
Report 3	Goods & Services Expenditure	£20k adverse	2
Report 4	Income	£168k adverse	2

Explanation of Variance

The Planning Service's overall variance can be summarised by the following table: -

Type	Variance £'000	Comment
Payroll	(105)	Vacant posts within Planning include Manager's post and Administration posts. Vacant posts are expected to be filled over the next few months.
Goods & Services	20	Legal fees – 2/3 large on-going cases which require significant legal advice. Planning portal costs – higher than expected. These overspends have been partially offset by small underspends in areas such as advertising and printing.
Income	168	Planning application fees. No major applications received. General slowdown in applications in NI.

REPORT 1 BUDGETARY CONTROL REPORT					
Period 6 - September 2023					
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance
	£	£	£	£	%
Planning					
730 Planning	848,987	766,600	82,387	1,541,500	10.7
Total	848,987	766,600	A 82,387	1,541,500	10.7
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Planning - Payroll					
730 Planning	1,086,303	1,191,500	(105,197)	2,383,000	(8.8)
Total	1,086,303	1,191,500	(105,197)	2,383,000	(8.8)
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Planning - Goods & Services					
730 Planning	154,906	134,900	20,006	308,100	14.8
Total	154,906	134,900	20,006	308,100	14.8
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Planning - Income					
730 Planning	(392,222)	(559,800)	167,578	(1,149,600)	29.9
Totals	(392,222)	(559,800)	167,578	(1,149,600)	29.9

RECOMMENDED that the Council notes this report.

(Alderman Smith re-entered the meeting – 10.29 pm)

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

7. **QUARTER 1 STATISTICS 2023/24**

(Appendix XII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching Statistical Bulletin. The report detailed that the Department's Analysis, Statistics and Research Branch published provisional statistics for Planning activity on 12 October 2023 for Quarter 1 (April – June) of 2023/24.

Members could view the full statistical tables at

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-2023>

Local Applications

The Council determined 175 residential applications in Quarter 1 of 2023/24 compared to 180 such applications in the same period of the year before. Residential applications include a range of proposals, but notably dwellings and residential extensions. Some residential extensions or applications for single dwellings in the countryside, whilst seeming innocuous, can attract a high volume of objection which triggers referral to the Planning Committee for determination, or are called into Committee from the delegated list, which obviously adds time to the processing timeline.

Processing times were also dependent on the quality of the application when submitted (i.e. whether additional information was required by Council or statutory/non-statutory consultees), staff resource and volume of representations raising material planning considerations to be considered. They also have to be considered in the context of all other work within the section i.e. assessment and determination of applications for Certificates of Lawfulness, Non-Material Changes, Discharge of Conditions, preparation of Statements of Case for planning appeals, and planning enquiries.

The average processing time for applications in the local category of development in Quarter 1 was 15 weeks, in line with statutory performance indicators.

Major Applications

Recorded in the statistics was one application determined in the major category of development with an average processing time of 93.2 weeks against the statutory performance target of 30 weeks.

The detail of that application was set out below:

LA06/2021/0817/F Residential development of 58 No. dwellings (comprising detached and semi-detached dwellings), garages, landscaping, open space, internal road network, right hand turn lane at Ballygowan Road and all other associated site and access works (Amended landscaping/ landscape management plan) Lands adjacent to and West of Ardara Grove and Ardara Elms, to the rear and West of Nos 8 and 9 Swallow Close, and South of Nos 24 to 38 (evens) Heathermount Court, and Nos 20 to 22 Dalton Glen, Comber

The application, on land zoned for housing within the Ards and Down Area Plan, was submitted 28 June 2021.

Consultations were required with the following bodies:

DFI Roads – initially considered the application unacceptable as submitted due to there being insufficient detail provided on transportation issues

DFI Rivers – required further information in order to fully assess the submitted Drainage Assessment in respect of the viability of the proposals

Natural Environment Division – which requested further information

Water Management Unit – advised that the proposal had the potential to adversely affect the surface water environment.

Shared Environmental Service – initially required additional information to enable a Habitats Regulations Assessment to be carried out.

NI Water - advised that the receiving foul sewerage network had reached capacity and recommended refusal. As a consequence the applicant had to consult directly with NIW to ascertain whether an alternative drainage/treatment solution could be agreed, and NIW required submission of an Impact Assessment for consideration.

Historic Environment Division – initially had concerns regarding the proposal in the context of adjacent listed buildings.

All of the above required submission of additional information and amended designs, which in turn required to be re-advertised and re-neighbour notified, and the carrying out of further consultation and all subsequent further objections assessed.

NI Water and the applicant eventually agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal, the solution to be fully funded and delivered by the applicant. However, the agreement could not be carried out through use of planning conditions, therefore a separate legal agreement required to be drafted by the Council's Planning lawyers and then executed between the Council and the applicant and sealed by the Council.

The last information submitted by the applicant was November 2022 and the application was presented to Planning Committee on 06 December 2022 with a recommendation of approval, subject to execution of the legal agreement referred to above. The legal agreement was then draw up between the Council's lawyers and the developer's lawyers and was given approval to be signed and sealed at the Council meeting on 26 April 2023. The agreement was then signed and sealed once the call-in period had expired, and the decision notice was issued dated 17 May 2023.

Further information on majors and locals was contained in Tables 3.2 and 4.2 respectively of the Statistical Tables.

Enforcement

The Planning Service opened 100 new enforcement cases in the first quarter of 2023/24.

73 cases were closed with the reasons as follows:

Closure Reason	Number
Remedied/Resolved	27
Planning permission granted	14
Not expedient	6
No breach	22
Immune from enforcement action	4

Enforcement case conclusion times against the statutory performance indicator are not yet available.

Householder Applications

During Quarter 1 the Planning Service processed 112 applications within the householder category of development.

74 of these were processed within the internal performance target of 8 weeks (66%), with 97 being processed within the 15 week statutory performance indicator (87%) while the remaining 15 were processed within 28 weeks.

Additional Activity

Additional activity details the "non-application" workload of the Planning Service, and includes Discharge of conditions, Certificates of Lawfulness (Proposed & Existing), and applications for Non-Material Changes.

Type	No. Received	No. Processed
Discharge of Conditions	29	29
Certificates of Lawfulness (Existing/Proposed)	7	15
Non-Material Changes	18	12
Pre-Application Discussions (PADs)	8	8
Proposal of Application Notice (PANs)	2	2
Consent to carry out tree works	18	11

Further detail on the above table was contained in Table 9.1 of the Department's Statistical Tables.

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

(Councillor Creighton withdrew from the meeting – 10.29 pm)

The Director spoke to the report, she was pleased to highlight that the average processing time for applications in the local category of development in Quarter 1 was 15 weeks which was in line with statutory performance indicators.

(Councillor McLaren withdrew from the meeting – 10.30 pm)

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

(Councillor McLaren re-entered the meeting – 10.30 pm)

Councillor Cathcart was pleased with the processing time for local applications and hoped that would continue.

Councillor Morgan thanked the Planning Officers for their hard work and noted that the efficient turnaround time processing planning applications was important to the residents.

(Councillor Creighton re-entered the meeting – 10.31 pm)

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

8. NIPSO OWN INITIATIVE INVESTIGATION – TREES

(Appendices XIII- XV)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching Covering Letter from NIPSO 29/09/23, NIPSO Report - 'Tree Protection: Strengthening Our Roots', Covering letter from Chief Executive 16/10/23, ANDBC Response to NIPSO Report and Extract from ANDBC Response to DFI consultation on Implementation of the Planning Act. The report detailed that in July 2022 the Northern Ireland Ombudsman wrote to all local councils and the Department for Infrastructure (the Department) proposing an Own Initiative investigation, under section 8 of the 2016 Act¹, into how public bodies effectively promote, administer and enforce the statutory protection of trees.

She advised that concerns had been raised with her office about the actions of public bodies in carrying out their statutory duties to protect trees. Following an assessment of this matter she identified potential systemic issues which included, but were not limited to concerns about:

- The availability of information to the public about the protection of trees, planned works on trees, and enforcement outcomes;
- The extent to which Councils are following the correct procedures when granting permission for works to protected trees (including situations in which Councils submit applications for works on their own land);
- The level of independent evidence which Councils are seeking from applicants in support of applications for works to protected trees;
- The responsiveness and robustness of enforcement activity in respect of potential breaches of Tree Preservation Orders (TPOs); and
- How information was used within Councils to align environmental and planning strategies and decision making to ensure the effective protection of trees.

In setting out her proposal, the Ombudsman requested considerable information from each council and the Department to help inform her decision making; and further information was provided for clarity on some points.

The Ombudsman had now written to all Chief Executives to advise that she had chosen not to proceed to full investigation at this time, referring to the comprehensive information gathered during the proposal stage which she states has enabled her to draw out significant observations and recommendations. Those were presented in a Report entitled '*Tree Protection: Strengthening Our Roots*'. Each Council was asked to comment on factual accuracy by mid-October 2023.

The Planning Service reviewed the content of the Report and its recommendations and determined that it was necessary to comment, not just in respect of points of accuracy, but also raised concern regarding some of the recommendations which would present an additional resource and financial burden to Council.

RECOMMENDED that Council notes the Ombudsman's Report entitled '*Tree Protection: Strengthening Our Roots*' and the response issued in respect of the observations and recommendations contained therein.

The Director spoke to the report highlighting the salient points. She highlighted that in July 2022 the Northern Ireland Ombudsman wrote to all local councils in respect of concerns that had been raised with the Ombudsman in respect of trees in Northern Ireland. That had resulted in a substantial amount of information having been gathered and submitted to the Ombudsman Office in respect of the Councils' processes. The Director wished to highlight concerns regarding the remit and what was recommended as that had significant ramifications for the department in terms of resources bringing additional work for the Tree Officer and a large amount of money would have to be spent taking some of the recommendations forward. The matter would be discussed further at the Heads of Planning group and with the Department.

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

Councillor Wray noted that this Council was an area of good practice and felt that was really positive. He highlighted the benefits of trees and thanked the Planning Officers for their diligence on the matter. He referred to the Council's response regarding the recommendation and supported the response.

Councillor McRandal congratulated those involved in the preparation of the information. He noted that one of the issues was the lack of enforcement action and matters being listed as not expedient and asked for comment in that regard.

The Director advised that the planning department had responded in that regard and assured Members that an explanation was provided. She explained that if works were carried out to a listed building or to an protected tree that was classed as a criminal offence. However, it was an extremely high bar to prove and achieve a

conviction in Court. If a tree had been felled or damaged in a storm, the Council would enforce the replanting notice.

Councillor McKee welcomed the report and noted that it was evident that there were serious issues of openness and transparency in the planning system and this matter was one part of that. With regards the report, he felt there was lack of clarity and context on occasions throughout the report and concerns regarding the public accessibility and engagement on the Council's TPO process. The Ombudsman had sought to increase accessibility however the opportunity to contextual had been missed by the failure to align the aims with the pillars of the Aarhus Convention. He was of the view that there was a strong argument that TPO's did constituent environmental decision making and if that was the case any failure to facilitate participation in the TPO process could be a breach of the Convention. Councillor McKee expressed his concerns that the response from Council was a rejection of the recommendations from the Ombudsman and a diversion on access to information and environmental decision-making. He sought assurances that matters in relation to the Aarhus Convention would not be compromised.

(Councillor Wray withdrew from the meeting – 10.41 pm)

The Director advised that considerable legal advice had been sought in relation to the Notice of Motion presented in 2022 from Councillors McKee and Kendall and the advice obtained was that the Council's Planning Department was not in breach. There was no legislative requirement to neighbour notify regarding TPOs.

(Councillor Wray re-entered the meeting – 10.42 pm)

The Director advised that a further report would be brought to the Committee regarding the matter.

Councillor Creighton referred to the re-planting order, she asked if Officers checked that a tree had replanted and if there were enforcement powers in that regard. The Director advised that it was an offence if that order was not complied with. The planning department did not have the resource to check compliance. Neighbours normally kept the department informed and she assured the member that the department would seek re-planting in an appropriate location of normally a native species and had the powers to enforce.

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

9. PROPOSAL FOR BOROUGH DESIGN AWARDS

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that some members may recall that the Committee sent letters of congratulations (via the then Chair) to a local architectural firm based in Newtownards, and another architect, back in 2018.

At that time the architectural firm, BGA Architects Ltd, based in Newtownards, won an RSUA Design Award and an RIBA Regional Award in the category of

Contemporary for a dwelling/site know as Maison Wedge, located off the Ballydorn Road, Killinchy. This dwelling was recently used in filming of the crime drama Bloodlands with James Nesbitt.

Another RSUA Design Award winner in our Borough relates to a barn conversion, designed by Micah T Jones Architect, at The Brae, Ballygowan. This barn conversion featured on Grand Designs a number of years ago. At that time there was some discussion around the Council presenting a design award to developers in respect of well designed development within our Borough, however, the idea was never progressed.

Further to some developers making enquiries, some research had been carried out by officers concerning other councils making such awards, with examples being reviewed from Dumfries and Galloway and Argyll and Bute councils.

Members can see examples here:

[Dumfries and Galloway Council Design Awards 2023 - Dumfries and Galloway Council \(dumgal.gov.uk\)](https://www.dumgal.gov.uk)

[Design Awards 2022 | Argyll and Bute Council \(argyll-bute.gov.uk\)](https://www.argyll-bute.gov.uk)

[Sefton Design Awards 2023](https://www.sefton.gov.uk)

The reviewed Council Design Awards aimed to recognise, promote and celebrate examples of exceptional design and sustainability across the whole of the respective Planning Areas. Each category was open to residential, commercial, community etc., and also to renovations. The categories represented different ways in which good design could be interpreted or be successful, as follows:

- Sustainable Design
- Aesthetic Design
- Community – Led Regeneration
- Built Heritage
- Design for under £100k

Another example was from Sefton Council which stated that it was committed to achieving high quality design within the borough's built environment, and presented awards across a number of categories as follows:

- Best heritage scheme
- Best small housing scheme (under 10 houses)
- Best individual new house
- Best large housing scheme (10 houses or over)
- Best conversion scheme (any use)
- Best commercial scheme
- Best home extension
- Best affordable housing scheme
- Best public building
- Best public art or public realm scheme
- Best sustainable/climate change resistant scheme

It was proposed that the Planning Committee considers such an award scheme, which could invite applications for developments completed between April 2015 and end of 2023, in the likes of the categories set out above. Judging could be undertaken by a mix of elected members and planning officers, with recommendations being presented to full Committee for decision. It was envisaged that an award, such as that presented as long service award, could be presented,

alongside lunch in the Mayor's Parlour for the successful candidates. Appropriate budgeting through the upcoming estimates process could include awards, and officers could work up application forms for launch of the scheme in January 2024, for presentation in April 2024.

RECOMMENDED that Council considers the report and:

- a. approves the introduction of a Council Design Awards scheme for 2024, agreeing the categories as appropriate, and that could be repeated every four years, subject to rates setting process;
- b. approves officers to work up an appropriate application process for Members' approval;
- c. agrees appropriate members and officers to form the judging panel at a later date.

The Director outlined the detail of the report for Members.

Proposed by Councillor Cathcart, seconded by Alderman Smith, that the recommendations be adopted.

Councillor Cathcart welcomed the report and encouraging good design.

Alderman Smith agreed and felt that it would be useful to encourage and enhance good design and architecture.

AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Alderman Smith, that the recommendations be adopted.

10. UPDATE ON REGIONAL PLANNING IMPROVEMENT PROGRAMME (RPIP)

(Appendices XVI - XVIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching report to SOLACE from Heads of Planning, Joint Work Programme, RPIP Overview September 2023 and RPIP Governance Arrangements. The report detailed that following publication of a report by the Northern Ireland Audit Office on Planning in Northern Ireland in February 2022, the Public Accounts Committee met in February and March 2022 to consider its contents. It published its own Report on Planning in Northern Ireland shortly after, making 12 recommendations relating to the following:

- The establishment of an independent Commission;
- Streamlining of the Local Development Plan process;
- Transparency;
- Engagement;
- The financial sustainability of the planning system; and
- The culture of those operating and engaging in the planning system.

In the absence of a functioning Executive, no updates had been provided to a successor Public Accounts Committee; however, work was continuing on what was known as the 'Regional Planning Improvement Programme'.

A report was attached to the report which was prepared by Heads of Planning in local government and presented to SOLACE recently. It set out an update on the work undertaken to date.

Members could read further information on the Planning Improvement Programme on the Department for Infrastructure's website here [Planning Improvement Programme | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/planning-improvement-programme)

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

The Director spoke to the report and advised that regular updates would be brought forward to the Committee regarding the matter.

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

(Alderman Graham withdrew from the meeting – 10.49 pm)

Councillor Morgan welcomed the good work that was occurring.

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

EXCLUSION OF PUBLIC/PRESS

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

11. LOCAL DEVELOPMENT PLAN – HOUSING GROWTH OPTIONS AND ALLOCATION

(Appendix XX)

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

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

Schedule 6:3. Exemption: relating to the financial or business affairs of any particular person

A report from the Director of Prosperity setting out 'policy in development' pertaining to options for Members' consideration and agreement in respect of Spatial Growth Strategy and detail related to Housing Growth Options and allocation to be set out within the Local Development Plan (LDP).

12. ADDRESSING FINANCIAL STABILITY OF PLANNING

(Appendix XXI)

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

Schedule 6: 3.Exemption: relating to the financial or business affairs of any particular person

A report from the Director of Prosperity setting out a proposal for potential hard charging on some elements of planning work, subject to legal advice which is awaited. Members are asked to approve the concept, with specific charges, for introduction subject to receipt of positive legal advice.

RE-ADMITTANCE OF PUBLIC/PRESS

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

TERMINATION OF MEETING

The meeting terminated at 11.04 pm.


ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2023/1959/F
Proposal	Erection of new arrival and welcome building (Culture Hub), collection & exhibition building (Industry Zone), staff and volunteer hub; extension to existing Ballycultra building for collections storage space and sustainable energy centre; erection of new pavilion building and landscaping within the 'town' area; alterations to existing buildings to form learning facilities and craftwork spaces within the 'town' area of the museum; landscaping improvements across the museum estate including new pedestrian walkways and interpretation signage; the development of new car and bicycle parking areas; and the demolition of the Dungannon Store facility, entrance ticket kiosk, staff portacabins and Carrigan's Sawmill
Location	Ulster Folk Museum 153 Bangor Road, Holywood, BT18 0EU
Committee Interest	An application in the major category of development.
Validated	23/06/2023
Summary	<ul style="list-style-type: none"> • The existing site is located in the countryside outside Holywood. The site is located within a proposed Local Landscape Policy Area (LLPA) and Site of Local Nature Conservation Importance, both under dBMAP 2015. The site is also within a Historic Park Garden and Demesne. The proposal is not in conflict with any of these proposed and existing designations. • In terms of the SPPS, the proposal meets the regional strategic objectives for tourism include facilitating sustainable tourism development in an environmentally sensitive manner and will support a vibrant rural community supporting high quality tourism development, which contributes to the growth of the regional economy. • Policies TSM 2 and TSM 7 of PPS 16 'Tourism' are relevant. • Under TSM 2 the proposal for the extension of an existing tourist amenity does not harm the rural character, landscape quality or environmental integrity of the surrounding area. Whilst the extension of existing buildings is not feasible as desired under this policy this is outweighed by the fact that the proposal for the expansion of this facility will significantly boost the tourism economy.

	<ul style="list-style-type: none">• The new buildings respect the scale, design and materials of existing buildings including any architectural or historic interest they may have.• The proposal is compliant with the criteria set out under policy TSM 7, providing a movement pattern that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport.• The proposal includes appropriate boundary treatments and the entire site is screened from public view due to mature vegetation. The proposal's associated infrastructure and landscaping arrangements are of high quality and assist in the promotion of sustainability and biodiversity.• The proposal will not detract from the existing built form or surrounding character and will not adversely impact on the amenity of nearby residents due to the significant distance of >250m to the nearest resident with intervening bands of mature trees and vegetation.• The proposal is not contrary to policies CTY 13 and CTY 14 of PPS 21 as it will integrate into the landscape and will not detract from the surrounding rural character. There are no close views of the site with long distance views (Whinney Hill & Ballygrainey Road) obscured by existing vegetation.• HED is content with the proposal and DfI Roads has no objections. The proposed development meets the requirement of PPS 3 policies AMP 1, AMP 2, AMP 3, AMP 7 and AMP 9.• An Events Management Plan was submitted as part of the proposal, which DfI Roads is satisfied with.• The proposal will lead to a slight loss of open space; however, the proposed development is considered an exception to policy OS1 of PPS 8 'Open Space, Sport & Outdoor Recreation' given that it has been clearly demonstrated that the proposal will bring substantial community benefits and other areas of open space are retained within the overall site.• As the development site is hydrologically connected to the following designated European sites: Belfast Lough Open Water SPA, Belfast Lough SPA, Belfast Lough Ramsar Site and East Coast (Northern Ireland) Marine Proposed SPA, a HRA Stage 1 screening was carried out. SES was consulted and found that the project would not have an adverse effect on the integrity of any European site. It therefore complies with Policy NH1 of PPS 2.• As part of the scheme 6no. trees are to be felled and numerous shrubs removed. NED was consulted and is content that impacts to priority woodland/SLNCI habitat are limited. NED noted the need for an Outline Landscaping
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	<p>Plan which details additional planting and a Tree Management Plan.</p> <ul style="list-style-type: none"> • NED reconsulted on 13 October 2023 following the submission of the above and a Bat Survey. This response remains outstanding and an addendum to the case officer report will be prepared for Planning Committee when it is received. • A pre-commencement (negative) condition will be attached to any approval regarding the need for an agreement for sewage disposal with NIW. • DfI Rivers reviewed the submitted Drainage Assessment (14 June 2023) and requested the developer provides further information demonstrating the viability of the proposal by means of a Schedule 6 consent from DfI Rivers in relation to discharge to watercourse. • The planning agent has confirmed Schedule 6 consent has been obtained and a copy has been provided to Council. • No objections have been received regarding this application; however, seven letters of support submitted.
<p>Recommendation</p>	<p>Approval</p>
<p>Attachment</p>	<p>Item 4.1a – Case Officer Report</p>

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/1959/F	DEA: Holywood & Clandeboye	
Proposal:	Erection of new arrival and welcome building (Culture Hub), collection & exhibition building (Industry Zone), staff and volunteer hub; extension to existing Ballycultra building for collections storage space and sustainable energy centre; erection of new pavilion building and landscaping within the 'town' area; alterations to existing buildings to form learning facilities and craftwork spaces within the 'town' area of the museum; landscaping improvements across the museum estate including new pedestrian walkways and interpretation signage; the development of new car and bicycle parking areas; and the demolition of the Dungannon Store facility, entrance ticket kiosk, staff portacabins and Carrigan's Sawmill		
Location:	Ulster Folk Museum, 153 Bangor Road, Holywood		
Applicant:	National Museums NI		
Date valid:	23/06/2023	EIA Screening Required:	Yes. EIA screening was carried out and concluded that an Environment Impact Statement is not required.
Date last advertised:	20/07/2023	Date last neighbour notified:	No adjacent neighbours
Letters of Support: 7		Letters of Objection: 0	Non-committal: 0
Consultations – synopsis of responses:			
Dfl Roads	No objections.		
Dfl Rivers	Schedule 6 consent is required from Dfl Rivers in relation to discharge to a watercourse.		
NI Water	Due to the significant increase in persons expected to attend the premises - 380 increasing to 1065 daily - submission of both Water and Wastewater Impact Assessments applications (as was detailed in previous Pre-Development Enquiry (PDE) response received for this proposal) will be required to establish if this proposal can be served and find a suitable solution to offset and capacity constraints.		
HED (Historic Buildings)	HED (Historic Buildings) is content with the proposal as presented.		
HED (Historic Monuments)	HED (Historic Monuments) is content with the proposal as presented.		

DAERA Water Management Unit	If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network’s ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.
DAERA Regulation Unit	No objections.
DAERA Natural Environment Division	Await final consultation response.
Shared Environmental Service	The project will not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Conditions recommended.
Environmental Health	No objections subject to conditions.

Summary of main issues considered:

- Principle of development
- Impact on tourism
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on historic built environment
- Biodiversity
- Road safety and parking
- Water and wastewater capacity issues
- Flood risk
- Contaminated lands risk

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 site is located within the Ulster Folk Museum which is located within Cultra Manor Estate in Cultra. The site is approximately 11km to the northeast of Belfast city centre along the A2 Bangor Road. The application site is only part of the overall museum grounds and comprises the most frequently used public area. The application site includes a replica of an old heritage town including historic shop faces and industry with a large carpark along the northeast boundary. This area also includes outbuildings used for maintenance and storage by the museum. The town area includes a corner shop and replica streets including Cluan Place South and Cluan Place North, as well as a gift shop and tearoom. The site also includes the Independent Order of Good Templars (IOGT) Hall, multiple churches, a pub and a school. Along the western edge of the

development boundary there is an outdoor venue including a farm and vehicles, outhouses and two large sheds.

The wider area of the museum consists of agricultural and productive land uses including numerous green spaces with grass lawns, fields, and trees, which are separated by walkways and paths. To the east, the area is less publicly available and consists of a maintenance space and storage sheds. These include old plane, car and bus storage buildings.

2. Site Location Plan



Figure 1 Site location plan

3. Relevant Planning History

LA06/2023/1527/F: Ulster Folk Museum
Erection of 5No. polytunnels, timber shelter and 3No. ancillary sheds.
Application under consideration

LA06/2023/1549/PAN: Ulster Folk Museum
Developments across the folk museum site including: a new 'Culture Hub' arrival and welcome building with associated landscaping and car parking; new pedestrian walkways, signage and works to support connectivity to public transport nodes; a new 'Industry Zone' collection exhibition building with staff and volunteer hub adjacent; alterations to existing buildings to form improved learning facilities and makers spaces within the existing town area of the museum; extension to Ballycultra building to form

collection storage spaces and sustainable energy centre with associated landscaping; new pavilion and landscaping within the town area; landscaping and interpretation improvements across the wider rural area.

PAN acceptable

LA06/2021/1329/F: Ulster Folk Museum

Change of use from cultural exhibit/office space to hospitality areas for the sale of food and drink to include external seating area within existing courtyard and existing internal hospitality function space (1st floor of parochial hall).

Approval 23.12.2021.

LA06/2020/0815/F: Ulster Folk Museum

Proposed rear extension to existing public toilets at Ballinderry Terrace to provide a changing places facility.

Approval 27.11.2020.

LA06/2020/0946/LDE: Ulster Folk Museum

Established and lawful Tourism Complex, comprising class D1 (D) education and related office use, Class F Museum Use include Public house exhibit building, Class (h) Public Hall /exhibition hall use, Class D2 Dance hall use and A1 Retail Shop and Sui Generis uses including upper floor residential (dormitory) accommodation associated with established educational use, public toilet and external courtyard event space and public seating areas.

Certificate granted 02.12.21.

4. Planning Assessment

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

- North Down & Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- 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 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 16: Tourism
- 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 relevant development plans are the extant North Down and Ards Area Plan 1984-1995 (NDAAP) and Draft BMAP 2015, which remains a material consideration.

Under NDAAP the site is located outside the settlement limit. As this proposal is for building on an existing museum site with a focus on built heritage, it is considered this proposal is appropriate within the context of the site notwithstanding the extant designation. The proposal will be assessed under PPS21 to ensure it satisfies the policy for sustainable development in the countryside.

In Draft BMAP 2015 the site is located within the countryside/greenbelt and affected by HD 13/06 Site of Local Nature Conservation Importance: 'Ulster Folk and Transport Museum and Cultra Glen' and also HD15 Local Landscape Policy Area: 'Folk Park/Creighton'. The site is also within a Historic Park, Garden and Demesne. See extracts from dBMAP below.

Designation HD 15	Local Landscape Policy Area Folk Park / Creighton
<p>A Local Landscape Policy Area is designated at Folk Park / Creighton as identified on Map No. 4a - Holywood and on clarification Map No. 4b – Holywood Local Landscape Policy Areas showing the full extent of LLPAs affecting the settlement of Holywood.</p>	
<p>Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below: -</p>	
<ul style="list-style-type: none"> • Archaeological sites and monuments and their surroundings – Unnamed site: Souterrain located within the grounds of the Ulster Folk and Transport Museum; • Listed buildings and their surroundings – The grounds of The Hill with panoramic views across Belfast Lough, Cultra Manor, Lorne (Ulster Guiders Training Centre), Lorne Cottage and Cultra Manor at the Ulster Folk and Transport Museum; 	

- Carradrennan Farmhouse, Lisrace Smithy, The Spade Mill, Bleach Green Watch Tower and The Lismaclock House;**
- **Area of local amenity importance – A heavily wooded landscape demesne around the Ulster Folk Museum, which includes the Cultra Glen, defining the south-east limit to Hollywood and a small burial ground east of No. 143 Bangor Road, Cultra; and**
 - **Areas of local nature conservation interest – North facing wooded slopes which lie either side of Creighton’s Road, southeast of the Ballymenoch Road.**

As can be seen in the above listed features this proposal, the museum site, is subject to LLPA policy. The overarching policy for LLPAs is shown below. It is considered that this proposal will not adversely affect any of the features that are listed as part of this LLPA.

Policy ENV 3 Local Landscape Policy Areas

In designated Local Landscape Policy Areas (LLPAs), planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity or character.

Where riverbanks are included within LLPAs, planning permission will only be granted where access is provided to the river corridor as part of the development proposals.

Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

The proposal lies within a Site of Local Nature Conservation Importance (HD13/06). It is considered that the proposal will not have an adverse impact on this designation. NED has been extensively consulted and ecological reports submitted and considered. NED offer no objection to the proposal.

Designation HD 13 Sites of Local Nature Conservation Importance - Holywood

The following Sites of Local Nature Conservation Importance are designated in the locations identified on Map No. 4a - Holywood and Map Nos. 4c - 4h SLNCIs:

HD13/01	Ballymenoch Park
HD13/02	Belfast Harbour Estate
HD13/03	Croft Burn
HD13/04	Glen Lyon
HD13/05	Redburn
HD13/06	Ulster Folk and Transport Museum and Cultra Glen

Policy ENV 2 Sites of Local Nature Conservation Importance

Planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance.

In Draft BMAP 2015 it is considered important to protect Historic Parks, Gardens and Demesnes from harm to their historic character. This proposal aims to ensure the upkeep and sustainability of this Historic Park Garden and Demesne by breathing new life into the existing facility and ensuring continued patronage to bring in required funds in order to future-proof the museum site. The design and layout will ensure the protection of the existing site heritage, and archaeological and architectural value. The prevailing policy to assess Historic Parks Gardens and Demesnes is PPS 6 'Planning Archaeology and the Built Heritage'. This will be assessed further in this report.

The relevant regional planning policies are the SPPS, PPS2 'Natural Heritage', PPS3 'Access Movement and Parking', PPS8 'Open space, sport and outdoor recreation', PPS15 'Planning and Flood Risk', PPS16 'Tourism', and PPS21 'Sustainable 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 other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 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 to local amenity.

With regard to the SPPS, the regional strategic objectives for tourism include facilitating sustainable tourism development in an environmentally sensitive manner. This includes tourist amenities like the Folk & Transport Museum. This proposal will contribute to the growth of the regional economy by facilitating tourism growth. This proposal will sustain a vibrant rural community by supporting tourism development of

an appropriate nature, location and scale and it ensures a high standard of quality and design. It is fully in line with the objectives of the SPPS.

The primary areas of development have been summarised below:

- New vehicular access and car park
- New woodland walkway
- Demolition of the existing Dungannon Store building to facilitate the construction of a
- new arrival building known as the Cultural Hub
- New Industry Zone and Staff Hub building
- Activating under-utilised spaces and buildings and connecting different spaces through improved landscaped areas and alterations to the Diamond and Market Garden
- New Learning Courtyard
- Extension to Ballycultra Store
- New security kiosk

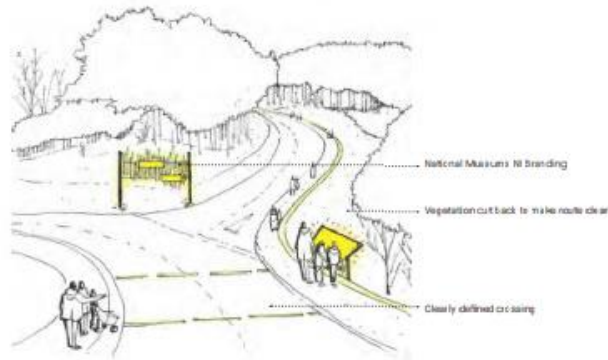
Figure 2 below shows the proposed elements on a site layout plan.



Figure 2 Proposed site layout

New vehicular access and car park

Figure 3



The new vehicular arrival area will use an existing access that is currently used by staff to access buildings and hardstanding areas for storage and maintenance purposes – See Figure 3 above. This will lead directly to a new visitor car parking area in an area currently used for outside storage. The proposed Culture Hub building will be adjacent to the car park and will act as the new arrival building.

New woodland walkway

A hillside of mature woodland sits to the west of the main approach road into the museum. An accessible boardwalk is proposed to lead visitors who arrive on-foot up the hillside and emerge at the front door of the new Culture Hub building. The boardwalk will be constructed in timber in line with its woodland setting, with rest points throughout. It will have a handrail and sections of rest points with seating. As well as the rolling boardwalk, there will be sections of steps for a more direct route option through the woodland. Interpretative panels will introduce the visitor to the natural environment of the woodland and help situate them within the wider museum grounds, details of which will be dealt with under a separate planning application.



Figure 4 Conceptual image of the proposed woodland path

Cultural Hub

This is a new arrival building to welcome visitors who arrived on foot via the new woodland walkway alongside those arriving by car or coach – see Figure 5 below.



Figure 5 Conceptual image of the proposed Cultural Hub building

Industry Zone and Staff Hub

The Industry Zone is located to the North of Tea Lane to house the Ulster Folk Museum’s Industrial Collection.



Figure 6 Conceptual image of the proposed Industry and Staff Hub building

The Market Garden

The Market Garden serves a multitude of functions. It connects the new Culture Hub and the town, negotiates level changes and leads the visitor towards Tea Lane and the wider existing town buildings. It will also provide flexible space to accommodate small-scale events and performances, as additional gathering space by the Omagh Meeting Hall for functions such as wedding parties.

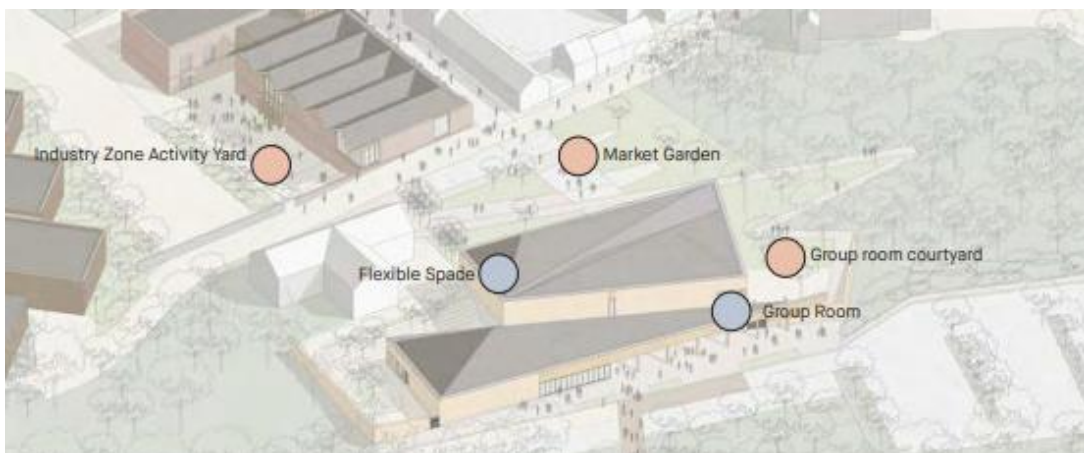


Figure 7 plan to show location of the proposed Market Garden

The Diamond

Improvements are proposed to the existing outdoor area known as The Diamond. A series of lawns are proposed to the front of The Tea Room to accommodate informal gatherings and picnics. A generous area of hardstanding is also proposed to the front of the Tea Rooms with additional outdoor seating. The two large existing trees within the Diamond to the front of the Rectory are retained and the area of existing woodland between the Bank and Barracks is retained with new furniture elements incorporated. Retaining this large open area will provide the museum with space to accommodate larger groups and temporary events. A pavilion is proposed to the south of the proposed lawns, to better define this area and to offer day-to-day use as a gathering space and provide shelter in bad weather.



Figure 8 above Conceptual images for the proposed improvements to the Diamond area and new Pavilion

New Learning Courtyard

The courtyard behind Cluan Place currently contains a mixture of education spaces, exhibit buildings, support/service spaces and the disused residential centre. The courtyard area presently suffers from an overlap of public and 'back of house' access. A small extension is proposed to form a more generous arrival space for groups of learners which connects with covered outdoor space to the east and west to maximise the use of outdoor space throughout the year. This area will be used by schools and also for out of hours events throughout the year.



Figure 9 Drawing to show the proposed new Learning Courtyard

Ballycultra Store extension

The existing Ballycultra Store is proposed to be extended to provide additional storage.



Figure 10 Drawing to show the proposed extension to the Ballycultra Store

New Security Kiosk

A new security kiosk is proposed beyond the arrival road to the Culture Hub as a control point for staff and service vehicles during Museum opening hours. It will be finished in timber cladding to match the proposed Ballycultra Store extension. It will be set back from the bend in the road with landscaping added for screening purposes.



Figure 11 Drawing to show the proposed new security kiosk

Tourism

The application is considered under policy CTY1 of PPS21 as it lies within the countryside/outside any settlement limit as identified in both development plans, where it states that tourism proposals may be considered against the relevant tourism policy, specifically policies TSM2 and TSM7 of PPS16.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

With regard to PPS16 'Tourism', whilst this proposal is not a new tourism development, but rather an extension to an existing amenity, policies TSM2 and TSM7 of PPS16 are of relevance.

As this proposal is for an Extension of an Existing Tourist Amenity Policy TSM2 must be assessed.

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area. Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option.

In the circumstances of this proposal the reuse or extension of existing buildings is not a feasible option as new buildings are required to expand the provision to boost the tourism economy.

In circumstances where the planning authority accepts a new or replacement building, it should be sited and designed to integrate with the overall development.

This proposal is designed to a high standard taking appropriate cues from the surrounding context and history of the site and from the appropriate historical references. The new buildings respect the scale, design and materials of the original buildings on the site including any historic or architectural interest they may have. This proposal is of a high standard ensuring the surrounding environment is respected.

In relation to Policy TSM7 a proposal for a tourism use, will be subject to specific design criteria.

The proposal provides a movement pattern that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. The site layout, building design, associated infrastructure and landscaping arrangements are all of high quality and assist the promotion of sustainability and biodiversity.

The proposal includes appropriate boundary treatments, and the entire site is screened from public view due to mature vegetation. There are no areas of outside storage proposed.

The proposal utilises sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way.

The site is designed to deter crime and promote personal safety as is practicable with a site of this nature. In addition to these specific design criteria, a proposal is also required to meet the listed general criteria in policy TSM 7.

The criteria address compatibility with surrounding land uses. This proposal does not detract from the existing built form or landscape quality and character of the surrounding area. It will enhance an already well-kept site. The proposal benefits from

a large site with no adjacent residential dwellings and therefore it will not adversely impact the private amenity of any nearby residents. The proposal does not harm any features of the natural or built heritage. On the contrary it ensures the continued sustainability of the existing tourism facility at this location.

It should be noted that HED is content with the proposal and offers no objections. The proposal is capable of dealing with its waste production and water requirements. A negative condition will be attached to any planning permission to ensure the appropriate agreements with NI Water are submitted to the Council prior to the commencement of development at the site.

The proposal will not have an impact on the public road network or the flow of traffic and DfI Roads is content.

An Event Management Plan has been submitted and on event days there will be additional public transport and overflow parking available at the Ulster Transport Museum.

Open Space

There is a loss of a small portion of open space to enable construction of the new buildings. PPS8 Open Space, Sport, and Outdoor Recreation provides the policy provision for this consideration. With regard, specifically to, Policy OS1 and the protection of open space, this proposal is considered an exception as it has been clearly demonstrated that the extension to the existing museum will bring substantial community benefits, which decisively outweigh the loss of the small portion of open space. There remain significant areas of open space within the overall site.

Character and appearance of the area

As this site is in the countryside, consideration must also be given to Policies CTY 13 and 14 of PPS21 regarding Integration and Design of Buildings and Rural Character. The supporting information includes a Long View Assessment document. This document provides photographs taken from critical viewpoints of public access on five separate points on Whinney Hill and three points on Ballygrainey Road. Figure 12 below shows the eight separate viewpoints in relation to the application site.

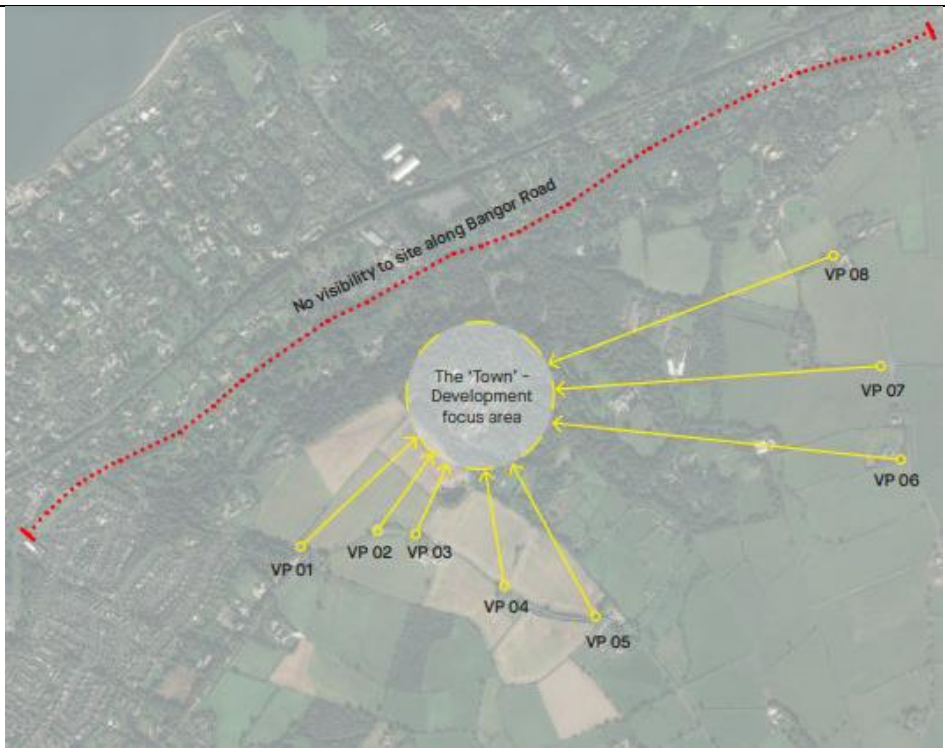


Figure 12



Figure 13 viewpoint 2

Figure 13 above shows the view from Viewpoint 2 on Whinney Hill which is the closest viewpoint.



Figure 14 Viewpoint 8

Figure 14 above shows the view from Viewpoint 8 on Ballygrainey Road.

As the photographs above demonstrate, the site is heavily screened by mature bands of trees with only obscured views of the application site and areas of the proposed development from the wider public viewpoints (including during winter months (leaf loss) when these photographs were taken).

The proposed siting of the new buildings will respect the existing topography. They will sit into the existing landscape at a low level minimising their visual impact due to their proposed height, which is a maximum of two storeys in all locations. There are no views of the application site from the A2 Bangor Road. It is considered that the proposed scheme will not have an adverse impact upon the character of the surrounding landscape as the proposed development is within the naturally screened grounds of the existing museum with sympathetic design (scale, massing and materials) ensuring that it will be absorbed into this countryside setting.

The Cultural Hub building is the first building that visitors will arrive at from the car park and the woodland walkway. The section shown in Figure 15 below illustrates how the architecture of the Culture Hub works with the site topography to present a 'single' storey to the Market Garden and town with the two storey element presented to the arrival space and car park. It is formed of two main sections that sit together. External materials include a lime harl finish, brick, stone plinth, metal cladding and timber cladding with slate roofing and metal flashings.



Figure 15 Photograph showing the site for the Culture Hub building – to the LHS just past the cross road junction.



Figure 16 Photograph showing the site for the Culture Hub – on the grassed area to the RHS of the road. Tea Lane terrace is to the left of this photograph.



Figure 17 Conceptual image showing the Cultural Hub when walking from the new car park.



Figure 18 Conceptual image showing the Cultural Hub from Tea Lane terrace which is visible on the LHS of this image and the new Industrial Hub building on the RHS.



Figure 19 Plan showing the split level of the proposed Cultural Hub building.

The Industry Zone and Staff Hub building is to be sited on the opposite side of the road and opposite the terrace on Teal Lane – see Figures 20 and 21 below.



Figure 20 Photograph of the proposed site for the Industry Zone and Staff Hub building



Figure 21 Conceptual image showing the Industry Zone and Staff Hub building opposite the Tea Lane terrace. This is the view from the Cultural Hub building.



Figure 22 Conceptual image of the Industry Zone and Staff Hub building. The Cultural Hub building can be seen beyond. Teal Lane terrace is to the rear of this elevation.

The Industry Zone is located opposite and to the north of Tea Lane to house the Ulster Folk Museum’s Industrial Collection within the heart of the town, helping visitors contextualise the collection and stories and make sense of the overall ambitions of the Ulster Folk Museum. The staff/volunteer hub is a separate block. The main entrance into the building has been positioned directly opposite Cluan Place and has a feature glass and timber section that is the highest point of the roof – see Figure 23 below.



Figure 23 Conceptual image showing the entrance into the Industry Zone building from Cluan Place.

Although the proposed Industry Zone building is large, it does not dominate the scale of the terrace buildings on Tea Lane or the buildings in Cluan Place. It has been designed to positively contribute to the streetscape of these two areas with a pitched roof running along Tea Lane to mirror the terrace. The proposed building drops down with the topography ensuring it complements the existing buildings. The building is

timber framed with cross laminated timber roofs and walls with brick cladding, areas of timber cladding panels and aluminium and timber windows. The roofs are pitched slate with metal flashings.

The Ballycultra Store is to be extended in the form of timber clad flat roof 'boxes' that step along the length of the building – see Figure 24 below. Timber cladding has been used rather than the aluminium cladding panels of the existing store as a more sustainable, lower carbon material that reflects the ethos of the overall development as a sustainable environmental resource.



Figure 24 Conceptual image showing the proposed extension to the Ballycultra Store

Overall, the proposed scheme has been designed to an exceptionally high standard to complement the existing buildings in the museum. As discussed earlier, due to the limited public views of the proposed development, it will integrate into the landscape and will not have any detrimental impacts to the rural character and appearance of the surrounding landscape. It is therefore compliant with policies CTY13 and CTY14 of PPS21.

Residential Amenity

There are no residential properties that abut the application site. The closest properties are accessed off the A2 Bangor Road. The closest residential property to the application site is Glenmakieran at 141 Bangor Road which is approximately 256m from the application site. There is a mature band of trees exist between the application site and this property. Given the separation distance and the thick band of woodland, it is considered that there will be no unacceptable impacts caused to the residential amenity of this dwelling as a direct result of the proposed development.

The Environmental Health Department has recommended a condition is included on any permission regarding operational hours of the construction activities to ensure that no construction activity should be carried out that would cause noise disturbance to nearby residents (e.g., operating heavy plant work or rock hammering) unless unforeseen and unavoidable.

Historic built environment

HED Historic Monuments has assessed the proposal and is content that the proposal is satisfactory to both the SPPS and PPS 6 archaeological requirements.

The application site is in close proximity to Glenmakieran, 141 Bangor Road, Cultra, Holywood (Grade B+) and is also in proximity to Cultra Manor located within the grounds of the Ulster Folk Museum (Grade B1) which are of special architectural or historic interest and are protected by Section 80 of the Planning Act (NI) 2011.

HED has assessed the proposal and is content that it satisfactorily meets the requirements of the SPPS paragraph 6.12: Listed Setting and PPS6 Policy BH11: Development affecting the Setting of a Listed Building.

Planning agrees with the HED consideration that the proposal is in line with the SPPS and PPS6 requirements.

Biodiversity

The application site is hydrologically connected to the following designated European sites: Belfast Lough Open Water SPA, Belfast Lough SPA, Belfast Lough Ramsar Site and East Coast (Northern Ireland) Marine Proposed SPA.

The application site is hydrologically connected to Belfast Lough, which has several associated European protected sites, namely East Coast (Northern Ireland) Marine pSPA, Belfast Lough Open Water SPA, Belfast Lough Ramsar Site and Belfast Lough SPA. Due to the connection of the proposed greenway to these sites, there is potential for the proposed development to have likely significant effects on these sites. Therefore, an Habitats Regulations Assessment (HRA) Stage 1 Screening was necessary to examine this potential. Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 20/09/2023. This found that the project would not have an adverse effect on the integrity of any European site. It is therefore considered that the proposal complies with Policy NH1 of PPS 2.

A Site of Local Nature Conservation Importance (SLNCI) is located within the application site, 'the Ulster Folk and Transport Museum SLNCI'. NI Priority Habitat is also present within the application site in the form of ancient/long-established woodland, consisting of approximately 1.5ha as noted within the Preliminary Ecological Appraisal (PEA, ARUP, June 2023). Various other habitat types were identified within the application site including but not limited to amenity grassland, broadleaved plantation woodland, hedgerows and mixed parkland.

NED was consulted and is content that impacts to priority woodland/SLNCI habitat have been reduced and are limited to six trees required to be felled. Numerous shrubs are also anticipated to be removed however these are noted to mainly consist of Cherry Laurel. From the submitted Red Squirrel and Pine Marten Report (ARUP, June 2023), NED notes that reference is made to an Outline Landscaping Plan which details additional planting, and a Tree Management Plan has also been included in Appendix B of the report. Drawings 54-59 outline the landscape plans, tree planting, protection, removals and landscape maintenance and management plan and schedule.

The following information was requested to be submitted by NED:

- A bat survey (emergence/re-entry surveying).

- A Wildlife Friendly Lighting Plan.
- Confidential information relating to badgers.
- Outline Landscaping Plan and a Tree Management Plan.

A re-consultation was sent to NED on 13th October 2023 regarding the above information; however, the Council currently awaits its response to be uploaded to the Planning Portal. In absence of comments from NED regarding this information, and due to funding pressures, this application must be presented before the Planning Committee on 5th December 2023 and therefore an addendum to this report will be written and uploaded to the Planning Portal once the consultation reply from NED has been received.

Road safety and parking

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.

The application included the following supporting information: a Transport Statement, a Framework Travel Plan, an Events Management Plan and a Design and Access Statement.

The proposal includes the development of new buildings open to the public, which will be used for employment and education purposes.

The proposal has been designed to provide suitable access for all, whether as customers, visitors or employees.

The woodland walkway provides delivering a step-free route between the overflow visitor car park and the main site entrance.

'Land trains' are also proposed, linking the Folk Museum, overflow car park and the Transport Museum, ensuring that the site is accessible for all by all modes of transport. Secure bicycle storage is provided for visitors close to the entrance of the Culture Hub and for the staff in close proximity to the Staff and Volunteer Hub.

A stair and lift have been included within the Culture Hub building, a lift is included in the new Industrial Hub and Staff and Volunteer Hub, and the Learning Courtyard is also accessible for all users.

Accessible parking spaces have been included in new car parking areas.

The proposal gives pedestrian priority to facilitate pedestrian movement within the museum grounds.

It will provide an improved visitor experience 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 does not involve any changes to the access onto the A2 Bangor Road which is a protected route. The presence of the existing left in – left out access onto the A2 Bangor Road ensures that the proposed development will not have significant impacts on the surrounding road network.

DfI Roads has no objections to the proposal which means the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and complies with this part of Policy AMP2.

In terms of Policy AMP3, the access to the Ulster Folk Museum is from the A2 Bangor Road which is a protected route. The proposal would involve intensification of the existing access and therefore Policy AMP3 is applicable.

The A2 falls into the category heading 'Other Protected Routes – Outside Settlement Limits' part (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

Access to the museum cannot be reasonably accessed from an adjacent minor road and therefore the proposal is justified under Policy AMP3 and therefore Policy AMP2.

DfI Roads did not provide comment regarding Policy AMP3, however it commented that it has no objections to the proposal.

In terms of parking provision, Policy AMP7 of PPS 3 - Car Parking and Servicing Arrangement is the appropriate policy. It is considered the proposal will improve the internal access roads and parking arrangements for the museum as a whole. Currently, both staff, visitors, and coaches park in the same car park. However, the redevelopment will provide a separate visitor car park and a separate staff/ coach car park. This will also allow better management of parking to assist in the implementation of the site Travel Plan. The existing site provides an internal carpark of 76 car parking spaces: 67 standard, 9 accessible and 4 coach spaces. In addition to this, there is an overflow car park with 105 standard car parking spaces and gated access, restricting access unless required. There are currently 185 parking spaces in total which serve the museum, and these will remain as parking.

The 185 parking spaces that exist already will remain as parking and the proposal has included additional parking spaces in addition to the existing 185 spaces. The proposed additional parking comprises a new separate staff car park (36 spaces and 9 accessible spaces), a visitor car park (86 car spaces, 10 accessible spaces and 6 motorcycle parking spaces), an overflow visitor car park (105 spaces) and coach drop off and parking, increasing the overall parking provision to 246 car spaces plus 6 motorcycle spaces in total.

Within the revised visitor and staff car parks, at least 10% of car spaces will be provided with EV charging points.

In addition, the development will provide 12 visitor bicycle spaces within a shelter located close to the main entrance. There will also be secure and covered cycle parking for staff via an external cycle store located adjacent to the staff car park.

Current patronage of the Ulster Folk Museum is calculated as 80,000 visitors per annum, 335 visitors in the overall average weekend and with peak events drawing 6,000 visitors in one day.

It is anticipated that the redevelopment of the site could potentially increase patronage to 243,000 visitors per year through more engagement event days with schools and community services. This is expected to increase the overall average weekend visitors to 1,015 in the third year of opening.

A Framework Travel Plan, a Transport Statement and an Events Management Plan have been submitted which identify the management strategies to be deployed. Existing management strategies include the museum currently liaising with Cultra Manor to co-ordinate planned weddings with any major event days, to ensure any associated parking does not negatively impact the surrounding road network. It is expected that this arrangement will continue. Management of the existing car parks during larger events is purposefully planned for each event and typically relies on staff physically blocking traffic from entering the access road and directing vehicles to the overflow car park or alternatively the neighbouring Transport Museum car park. In addition, during planned event days, National Museums NI provides additional private coach facilities to/ from the site, to reduce the level of private vehicles arriving.

In addition to these existing strategies, proposed improvements have been set out below.

National Museums NIs are actively targeting an increase in sustainable and active travel choices by staff and visitors but recognises that private car use will remain for a proportion of site users. Ideas of additional site management opportunities have been identified for events however, the management required will be developed responding to the type and scale of event planned.

Some of the ideas for consideration include:

- Maximum parking dwell times
- Parking charges being included in visitor ticket costs with discounts for use of public transport, walking or cycling
- Coordination with Ulster Transport Museum for use of remote parking and connections via a land train.
- Engagement with wider events sites across the local area and Belfast to coordinate activity and share lessons learnt
- Exploring connections with other sites within Holywood for shared use of their car parking if necessary (e.g. schools or businesses when closed with a land train or equivalent onwards connection available).

The operation, location, and variation of activity across the year of the Ulster Folk Museum means it is not directly comparable to the available categories within the Parking Standards guidance document (published in 2005). Instead, a first principles approach has been applied using existing mode share and average daily arrival profile information, adjusted for expected growth in total visitor numbers as well as increased coach use and acknowledging National Museums NI strives for modal shift away from private car use where possible. This information is available in chapter 3 of the Transport Statement and is also supported by the Travel Plan strategy.

It is considered the proposed scheme is compliant with Policy AMP7.

Policy AMP 9 of PPS 3 - Design of Car Parking states that a high standard of design, layout and landscaping is expected. It is considered that the proposed car parking area will respect the local landscape as it will be contained within the grounds of the museum and will be completely enclosed and screened by existing trees and planting. DfI Roads has been consulted and has no objections which includes the car park provision and movement of pedestrians and cyclists within the site. The proposal is in line with Policy AMP9.

Water and wastewater capacity issues

With regard to water runoff into watercourses, DfI Rivers has responded stating that it would stress that it is developer's responsibility to ensure that the proposed works do not result in any obstruction to flow arising from a blockage, structural failure, poor workmanship, or any other reason and that there is no restriction or reduction to the watercourse's capacity either during or upon completion of the works. DfI Rivers has also made reference to requiring evidence of a Schedule 6 consent for further review of the Drainage Assessment. Schedule 6 sits outwith the planning process, however, the planning agent has provided evidence of its Schedule 6 consent dated 08 November 2023.

There is no public foul sewer within 20m of the proposed development boundary. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public sewerage system are curtailed. There is no public water main within 20m of the proposed development boundary. An assessment has indicated network capacity issues. This establishes significant risks of detrimental impact to existing customers causing reduced pressure and potential water supply outages. For this reason, NI Water is recommending connections to the public water supply network are curtailed. It is noted that NI Water require an Impact Assessment, and the planning agent has confirmed that such an assessment was submitted to NI Water by ARUP on 18 August 2023. ARUP is liaising with NI Water on this matter and it is considered that Planning can attach a negative condition as appropriate as well as the conditions suggested by NI Water.

Planning and Flood risk

There are no designated watercourses affecting the site however the site may be affected by undesignated watercourses.

With regard to FLD1 of PPS15 Planning and Flood risk - Development in Fluvial and Coastal Flood Plains – the Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – is not applicable to this site.

DfI Rivers has stated that the site may be affected by undesignated watercourses of which it has no record and so in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply.

With regard to FLD3 - Development and Surface Water - DfI Rivers reviewed the Drainage Assessment by Arup, dated 14 June 2023. It states that given the proposal referred to, DfI Rivers would require that in order to fully assess this Drainage Assessment the developer provide it with further information that demonstrates the viability of the proposal by means of providing a Schedule 6 consent from the DfI Rivers Area Office in relation to discharge to watercourse. The applicant’s planning agent has advised that a Schedule 6 consent has already been approved by DfI Rivers and a copy of the consent has been received by the Council.

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

Contaminated lands risk

A Preliminary Risk Assessment, a Generic Quantitative Risk Assessment (GQRA) and an Outline Construction Environmental Management Plan (OCEMP) have been provided by Arup in support of this planning application. The Council’s Environmental Health Department and the Regulation Unit of DAERA have been consulted regarding the proposed development and no unacceptable risks to the environment have been identified. Both consultees have provided no objection to the proposed development provided conditions are included on any permission.

5. Representations

No objections have been received.

Seven letters of support have been received to date from MLAs and councillors. All letters have been read and fully considered. The main points raised include:- significant benefits to the wider local community;

- it will bring much-needed rejuvenation to the Ulster Folk Museum and will help boost visitor engagement;
- it will make the site more accessible and will encourage visitors all year round;
- it will also create greater connectivity between the rural areas and the town with this transformative project, bringing a real boost to the Ards and North Down areas and Northern Ireland as a whole;
- the new learning spaces will also be a great resource for local schools, with the project placing high importance on promoting peacebuilding and building community relations;
- the proposed new arrival building will provide a prominent welcome and orientation for visitors, helping to develop the museum into a leading national tourist attraction.

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. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. Evidence of this consent shall be submitted to the Council prior to the commencement of any development.

Reason: To ensure no adverse effect on the water environment.

3. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to the Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

4. Prior to commencement of development on site, a final Construction Environmental Management Plan (CEMP) shall be submitted and agreed with the Council. Once agreed, development shall be undertaken in strict accordance with the approved CEMP specifically in relation to the noise and dust mitigation measures, unless otherwise approved in writing by the Council.

Reason: To protect the amenity of properties with respect to noise and dust

5. Construction work must be undertaken in accordance with BS5228: 2009 Code of practice for noise and vibration control on construction and open sites. This standard recommends that construction work is to be undertaken between the hours of 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturdays. Any work between the hours of 1900 to 2300 Monday to Friday, 0700 to 0800 and 1300 to 2300 Saturday or any work on Sundays must not cause noise disturbance to nearby residents (e.g., operating heavy plant work or rock hammering) unless unforeseen and unavoidable.

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

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Council shall be notified in writing immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy must be submitted in writing for approval by the Council and subsequently implemented and verified to its satisfaction.

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

7. After completing any remediation works required under Condition 6, and prior to Use/occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

8. Prior to and throughout construction, the appointed contractor must implement, and adhere to, the mitigation measures set out in Chapter 6.4 of the ARUP Outline Construction Environmental Management Plan dated June 2023, unless otherwise agreed in writing by the Council.

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

9. The final storm drainage for the site must be designed in accordance with and include all mitigation (storm attenuation and petrol interceptor) as detailed in the Flood Risk and Drainage Assessment drawings (Appendix A - Proposed drainage network – Ballycultra Stores - Industry Stores - Car Park - Culture Hub) prior to the proposed car park becoming operational.

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

10. All hard and soft landscape works shall be carried out in accordance with the approved drawings and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation/use of the first building constructed.

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

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

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


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.

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2021/0080/F
Proposal	Two storey replacement dwelling with integral garage and erection of a two-storey dwelling with detached garage on lands to the rear to be accessed off existing Cultra Avenue access, landscaping and associated siteworks.
Location	31 Old Cultra Road, Holywood.
Committee Interest	A local development application attracting six or more separate individual objections which are contrary to officers' recommendation.
Validated	26/01/2021
Summary	<ul style="list-style-type: none"> • The site comprises large plot with a 2-storey detached dwelling accessed from Old Cultra Road, and enclosed with mature vegetation. • The proposal incorporates replacement of existing dwelling and sub-division of existing garden to form a second plot for new 2-storey dwelling, which would be accessed from an existing Cultra Avenue access lane point. • Site located within development limit of Holywood where there is a presumption in favour development as outlined in the North Down and Ards Area Plan 1984 to 1995 (NDAAP) and dBMAP. • Site within the proposed Marino, Cultra, Craigavad Area of Townscape Character (ATC) (BR12) in dBMAP. • Whilst proposed ATCs have no designated status and existing policies do not address proposed/draft ATCs, the dBMAP remains a material consideration. • The existing dwelling has no particular design merits and makes little, if any, contribution to the appearance of the proposed ATC, nor is it included within any of the key feature outlined in designation HD12 of dBMAP. As such its demolition of the building will cause no harm to the overall appearance of the proposed ATC. • Proposal complies with requirements under Policy QD1 of PPS 7 ('Quality Residential Environments' and Policy LC1 of the Addendum to PPS 7 (entitled 'Safeguarding the Character of Established Residential Areas'). • Proposed dwellings sympathetic to established built form by way of height, scale, massing and design and no harm will be caused to the appearance of the ATC or the

	<p>character of the immediate area, including in terms of plot subdivision and proposed density.</p> <ul style="list-style-type: none"> • The proposed dwellings do not cause overlooking, overshadowing or dominance of neighbouring residential amenity. • The consultees are content with the proposal including the Planning Tree Officer (re the TPO trees) and Dfl Roads (re Access and Parking arrangements for each dwelling). • A negative condition would be attached to any approval regarding sewerage disposal. • The objections received have been considered in full within the case officer report.
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/0080/F	DEA: Holywood & Clandeboye	
Proposal:	Two storey replacement dwelling with integral garage and erection of a two storey dwelling with detached garage on lands to the rear to be accessed off existing Cultra Avenue access, landscaping and associated siteworks		
Location:	31 Old Cultra Road, Holywood.		
Applicant:	Mr and Mrs Allen		
Date valid:	21/01/2021	EIA Screening Required:	No
Date last advertised:	02/02/2021	Date last neighbour notified:	08/11/2023
Letters of Support: 0	Letters of Objection: 8 (from 7 separate addresses)	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads		No objection subject to condition	
NI Water		No objection – comments re foul sewer	
Tree Officer		No objection subject to condition	
DAERA – Natural Environment Division (NED)		No objection	
DAERA – Marine and Fisheries Division and NIEA		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Impact on proposed Area of Townscape Character (ATC) • Visual impact, design and impact on the character of the established residential area • Impact on Residential Amenity • Impact on Biodiversity • Parking and Access 			
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 \(planningssystemni.gov.uk\)](http://planningssystemni.gov.uk)

1. Site and Surrounding Area

The site consists of a two storey, pitched roof detached dwelling finished in brick and painted render with a conservatory and sunroom the rear. The topography of the site slopes slightly upward towards the rear boundary.

Vehicular access to the site is currently from Old Cultra Road via a curve gravel driveway which leads to a parking area directly in front of the dwelling. A wooden gate between rendered pillars towards the rear corner of the site provides access from Cultra Avenue. There are garden areas laid out in lawn to the front and the rear and several mature trees, particularly in the front garden. This is a mature site and high conifers are located along the south boundary. The rear boundary is denoted by a stone wall which is approx. 2 metres high and mature vegetation and rendered walls form the other boundaries. The site is not currently visible from Old Cultra Road.

The area is residential with a variety of house types with mature gardens and on-site parking. The site lies within the settlement limit of Holywood and within the Proposed Marino, Cultra and Craigavad Area of Townscape Character.



Figure 1: Existing dwelling 31 Old Cultra Road

2. Site Location Plan



Figure 2: Site Location Plan



Figure 3: Aerial View of site

3. Relevant Planning History

LA06/2021/0170/F - 30a Cultra Avenue, Hollywood

Demolition of rear and side returns to accommodate two-storey extension to side, single-storey extension to front and rear, and other works to include alteration to windows and porch – Approval

LA06/2017/0374/F - Site to rear of no. 30 Cultra Avenue Hollywood Proposed demolition of existing garage and erection of new private dwelling and garage and associated siteworks – Approval

W/2010/0689/F – 27 Old Cultra Road- Erection of new dwelling house within the grounds of the applicants existing home to include attached garage.
- Withdrawn

W/1988/6023 – 31 Old Cultra Road – Building site at 31 Old Cultra Road- Permission refused.

W/1988/0334/O – Lands to the rear of 31 Old Cultra Road, Hollywood – Erection of dwelling – Appeal Dismissed

Refusal reasons:

1. The proposed development is contrary to the Department policy of restricting development in this area to a minimum plot size of 0.4ha (one acre) per dwelling.
2. The proposal would lead to an unacceptable intensification in use of an existing substandard access thereby giving rise to conditions which would prejudice the safety and convenience of road users.

Surrounding area:

W/2015/0055/O – 22 Old Cultra Road - Demolition of existing dwelling to provide residential development for 3no dwellings- Permission Granted

LA06/2016/0295/F – 18 Old Cultra Road - Erection of a new dwelling consisting of a detached two storey house and associated site works Permission Granted

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
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)

- Planning Policy Statement 2 (PPS2) - Natural Heritage
 - Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
 - Planning Policy Statement 6 (PPS6) – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 6 Addendum (PPS6A)– Areas of Townscape Character
 - Planning Policy Statement 7 (PPS7) – Quality Residential Environments
 - Planning Policy Statement 7 Addendum (PPS7A) – Safeguarding the Character of Established Residential Areas
 - Planning Policy Statement 12 (PPS12) - Housing in Settlements
-
- Creating Places
 - DCAN 8 - Housing in Existing Urban Areas
 - DCAN 15 - Vehicular Access Standards

Principle of Development

Regional planning policies of relevance are set out in the SPPS and other retained policies. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and the retained policies contained in PPS3, PPS6, PPS6A, PPS7, PPS7A and PPS12; therefore, these remain the applicable policy documents to consider the proposal under.

The application site is within the settlement limit of Holywood as defined in both the North Down and Ards Area Plan (NDAAP) 1984-1995 and the Draft Belfast Metropolitan Area Plan (dBMAP) 2015. NDAAP currently acts as the Local Development Plan (LDP) for this area, despite its end date, with dBMAP remaining a material consideration where applicable.

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

In dBMAP the site is not zoned for any purpose. The site does however lie within and towards the southeastern part of the proposed Marino, Cultra, Craigavad ATC (BR12). The text for the draft ATC identifies multiple key features of the ATC. The impact of development on the proposed ATC and the compliance or otherwise with the provisions of the LDP and the weight to be given to dBMAP will be assessed in detail in the consideration below. The matter of the applicability of the Addendum to Planning Policy Statement 6 – Areas of Townscape Character (PPS6A) and the related provisions of the SPPS will also be considered below.

As the site is within Hollywood settlement limit on whiteland, the principle of a replacement dwelling and additional dwelling and garage is acceptable in the context of the LDP subject to assessment of the potential impact on the proposed ATC and compliance with the relevant regional planning policies.

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

The application proposes a two storey replacement dwelling with integral garage and erection of a two storey dwelling with detached garage within the established residential curtilage of 31 Old Cultra Road as shown on the proposed site layout plan in Figure 4 below.

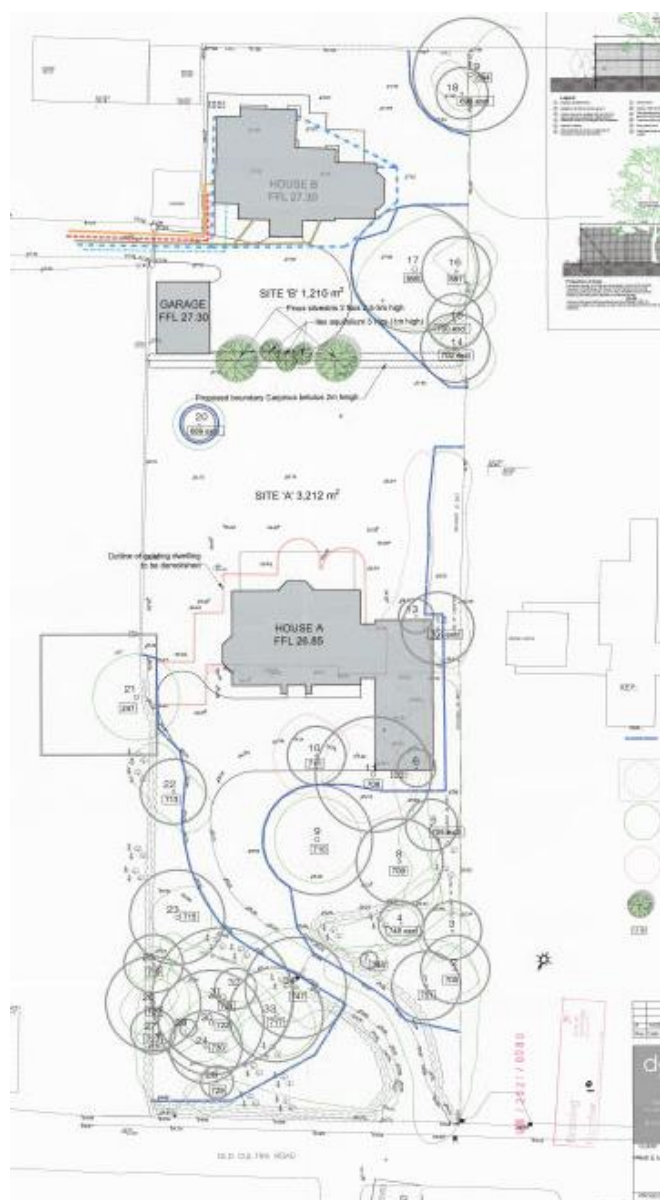


Figure 4: Proposed site plan

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

Notwithstanding this, the policies within PPS6 and the related provisions of the SPPS refer to designated ATCs. No reference is made to draft/proposed ATCs, which do not have the same status as a designated ATC. Therefore, Policies ATC1 and ATC2 of APPS6 and the aforementioned provisions of the SPPS are not applicable to the consideration of the development.

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

The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry and recommended no change to the proposed ATC. Therefore, it is likely, that if and when BMAP is lawfully adopted, a Marino, Cultra, Craigavad, Holywood Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application. The Commission also considered objections to the general policy (UE3) for the control of development in ATCs which is contained in draft BMAP. It is recommended that Policy UE3 be deleted and that a detailed character analysis be undertaken and a design guide produced for each individual ATC. As yet these design guides have not been published. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of Bangor East ATC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the overall appearance of the proposed ATC remains a material consideration and can be objectively assessed. This approach has been adopted by the Planning Appeals Commission in a number of appeal decisions, for example 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor and 2020/A0099 – 17 Apartments, Seacliff Rd, Bangor.

Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the ‘no harm’ test).

The proposed Marina, Cultra and Craigavad ATC covers a large area of east Holywood. It starts from Seapark Avenue and covers the area between the railway line and Belfast Lough as far as ‘The Lane’ off Station Road. Within this area there is a wide variety of built form. In the immediate area, the built form is characterised predominantly by large, detached family homes. The site is located at the South Western part of the proposed designation as indicated on the map below. Draft BMAP does not divide the proposed ATC into separate character areas, therefore it is the impact on the ATC as a whole which must be considered.

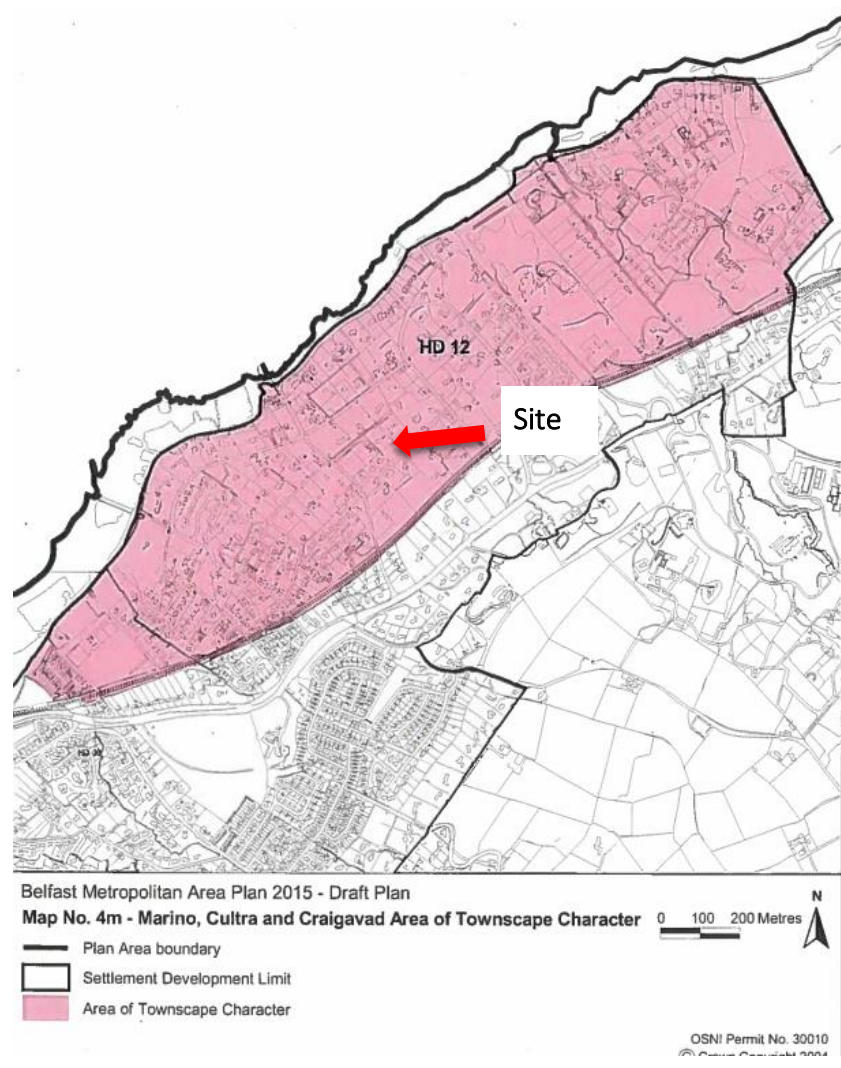


Figure 5 - Extract from Draft BMAP – Marino, Cultra and Craigavad ATC (BR12)



Figure 6 – View of entrance to 31 Old Cultra Road (Google Streetview image March 2023)



Figure 7 – View of proposed entrance to dwelling in the rear garden (Google Streetview image March 2023) off Cultra Avenue

With regard to the proposed demolition, while the existing building fits comfortably within its context by way of its size and form, it is not considered to make any material contribution to the established built form or appearance of the area. It has no particular design merits and makes little, if any, contribution to the appearance of the proposed ATC (see images in figure 9). The building is also not included within any of the key features of the ATC as identified in Draft BMAP and shown in Figure 8 below.

As such, overall it is my professional planning judgement that the demolition of the building will cause no harm to the overall appearance of the proposed ATC.



Figure 10 – Aerial view of site and surroundings

Turning to the development of the proposal itself, paragraph 4.27 of the SPPS states that where the design of proposed development is consistent with relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. It goes on to state that planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.

Criterion (a) of Policy QD1 of PPS7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site

in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion (g) requires that the design of the development draws upon the best local traditions of form, materials and detailing. The provisions of this policy must also be considered in conjunction with policy LC1 of PPS7 Addendum – Safeguarding the Character of Established Residential Areas. The addendum provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

A Design and Access Statement has been submitted setting out the design principles and how the proposed replacement dwelling and additional dwelling will respect the established built form of the area.

The replacement dwelling is located on the approximate footprint of the original dwelling and a new hedge is proposed along the boundary with number 29, where the existing conifers are to be removed. The new smaller dwelling to the rear is orientated so it will have privacy. A new hedge is proposed between both plots. The site boundaries, the location of the garage of number 30A Cultra Avenue and the proposed separation distances between the new dwelling and number 4 Orchard land and number 29 Cultra Road, will minimise potential overlooking or overshadowing.



Figure 11: House A elevations



Figure 12: House A floorplans



Figure 13: House B elevations



Figure 14: House B floorplans

Due to the location of the proposals within this mature site the dwellings will not be readily visible from the road or main public view points. The dwellings will be visible when viewed from neighbouring properties, in particular number 30a Cultra Avenue.

Both dwellings are proposed to be two storey in design. The existing dwelling on the site is two storey as are surrounding dwelling houses.

House A (the replacement dwelling) is the larger of the two. It has a hipped natural stone tiled roof and white render finish painted walls. Windows are proposed to be hardwood sliding sash painted to match the doors. Rainwater goods are black cast aluminium ogee. The dwelling is Georgian in style and features bay windows on the south and east elevation and a canopy porch on the front elevation. Two large chimneys are located on the roof. The design incorporates a single-storey element along the western elevation. The dwelling has a height of approx. 8.9 metres to the

ridge and the two storey part of the dwelling has a width of approximately 15 metres (overall width including single storey element is approx. 25metres). The single storey element is approximately 5.9 metres to the ridge and 3.3 metres to the eaves. The proposal is situated approx. 3 metres from the Eastern boundary and between 8 and 10 metres approximately from the western boundary.

House B is proposed to be located in the rear garden area of the existing dwelling. The proposed dwelling will have a natural slate pitched roof, a rendered painted finish, hardwood sliding sash windows and black aluminium ogee rainwater goods. Two chimneys are located on the ridge at the gable ends. A single-storey element with a bay window is located on the west elevation and single storey 'lean to' is proposed along the eastern elevation. The dwelling has a height of 8.9 metres for the main two storey part of the proposal and 5.9 metres approx. for the single storey 'lounge'. The dwelling is located approx. 1 metre from the western boundary (this refers to the single storey lean too), the two-storey element is sited 4 metres approx. from the common boundary. There is a 10-metre distance from the proposal to the eastern boundary and 8 metres to the rear boundary. A single storey detached garage is proposed adjacent to the front side boundary of the site.

The distance between the front of house B and the rear wall of house A is approximately 38 metres.

Within the vicinity of the application site there are a wide variety of dwelling designs, the proposed dwellings are to be located within a mature site and will not be readily visible from public viewpoints. Therefore, I can conclude that the proposed replacement of number 31 Old Cultra Road and an additional dwelling in the garden will not have an unacceptable detrimental impact on the character of the established residential area and on the overall appearance of the proposed ATC. The proposal is considered to be sympathetic to the established built form by way of its height, scale, massing and design.

There are several examples of good quality detached houses within the vicinity of the application site, therefore the proposal should be considered in the context of these along with other more recent built development in the immediate area. Examples of both the two storey Georgian style dwellings and two storey dwellings within the immediate vicinity of the site are shown below. Cultra Avenue, Old Cultra Road and Orchard Way are not dominated by any in particular style or design of dwelling. Existing mature hedging, trees and large sites mean that private dwellings along Old Cultra Road are not always readily visible from the road.



Figure 15: 34 Cultra Avenue - Google Streetview March 2023



Figure 16: 25 Old Cultra Road - Google Streetview March 2023



Figure 17: 4 Orchard Way (to the rear of the proposed site – Google Streetview March 2023)



Figure 18: Mature boundaries along Old Cultra Road- Google Streetview March 2023

Existing and proposed site plans show levels. These vary from 24.66 to 27.93 meaning the site slopes up towards the rear boundary (south to north). There are no differences shown in site levels between the existing and proposed; therefore, I am content that no harm will be caused to the appearance of the ATC or the character of the immediate area as a result of the site works.

The onus is on the developer to produce a high standard of design which respects and is sympathetic to the particular qualities of the area. All new housing

developments should demonstrate a high quality of design, layout and landscaping. Overall, I am satisfied that the proposal represents good design. The scale, massing, landscaping and materials proposed are combined to create a development that is in keeping with the overall character and appearance of the area. The existing accesses are to be used. The plot size and ratio of built form to garden is acceptable and in keeping with the area.

The density of the proposal is 4 dwellings per hectare (dph) ($2 \text{ units} \div 0.50\text{ha}$). Within the established residential area (ERA) the average density is higher at 5.5 dph.

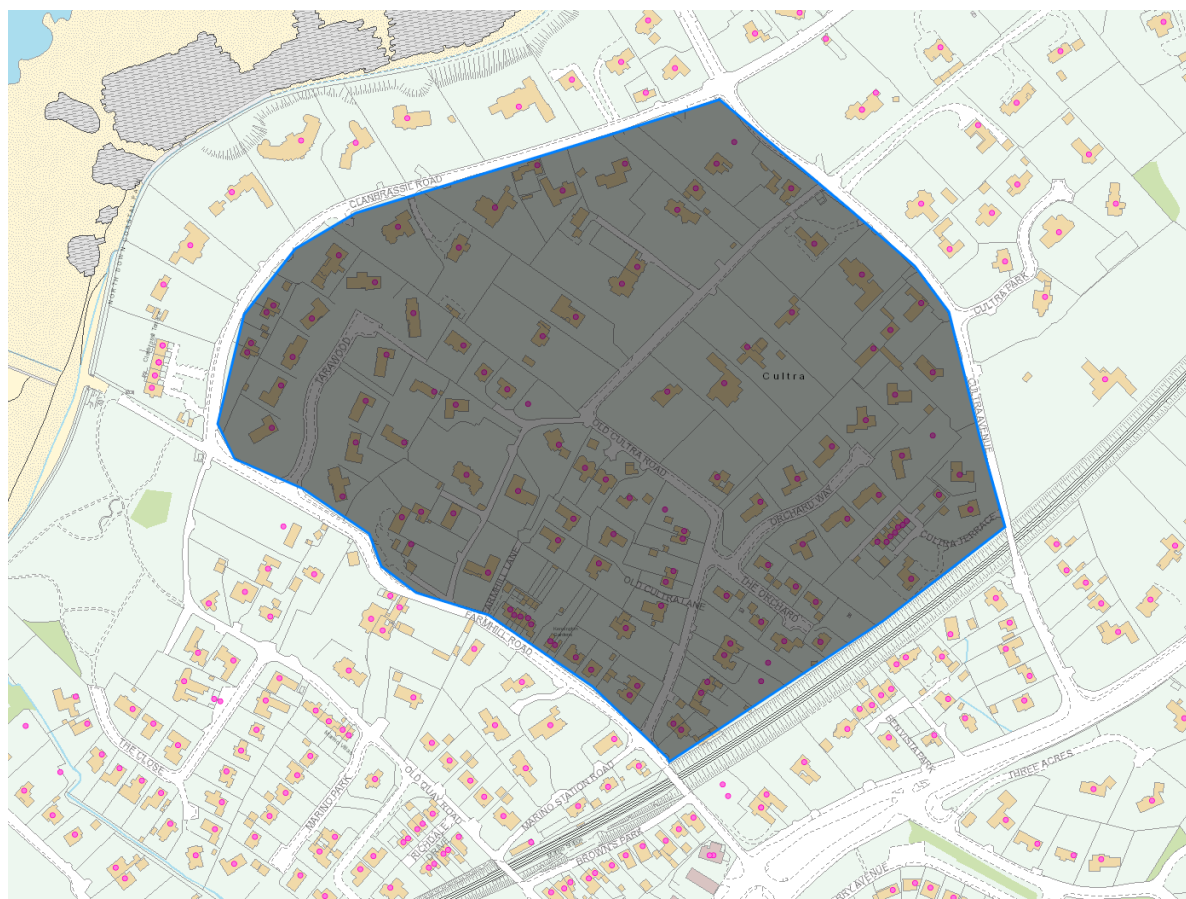


Figure 19: Area used as Established Residential Area for density calculation

Density of a development is only one consideration of many which must be weighed up when assessing the overall impact of a development on the character of an area with the overarching test being primarily a visual one, in other words how the development will appear when viewed within its context. The visual impact of the development and its impact on the appearance of the area has been considered above.

A number of representations received make reference to the 'plot size' policy. The NDAAP contains a Policy Zone relating to plot size in Cultra/Craigavad in order to "protect the inherent qualities of this locality". Paragraph 18.9 recognises that there will be developments which are acceptable in planning terms although they are not strictly in accordance with this plot size policy. These will be generated by

the physical or environmental considerations of a particular site or the nature of the development proposed.

NDAAP Proposals map 6, Cultra/Craigavad Policy Zone indicates the site is within the 0.4 hectares threshold. House A occupies a plot size of 0.32ha and house B occupies a plot size of 0.1ha. It is acknowledged that the 'Plot size Policy' is applicable to this application and the proposal does not slavishly comply. Para 18.9 of NDAAP also states that 'all new development will be expected to integrate satisfactorily into the locality in terms of scale, design and respect for the environmental elements that characterise the area and contribute to its general amenity.' Given the nature of the proposed backland development, on a mature site it is considered a reduction in plot size will have little impact on the visual amenity from public viewpoints and will not be of significant adverse harm on the character of the area.

The proposed plot sizes are considered to be comparable with others in the area.

Existing plot sizes in the surrounding area are as follows:

26A Old Cultra Road = 0.14ha
36 Cultra Avenue = 0.1ha
23A Clanbrassil Road = 0.3ha
21 Clanbrassil Road = 0.5ha
25 Clanbrassil Road = 0.24ha

Approval was granted under planning reference LA06/2017/0374/F to the rear of 30 Cultra Avenue for 'Proposed demolition of existing garage and erection of new private dwelling and garage and associated siteworks'. The plot size of the approved dwelling is 0.089ha which also does not comply with the plot size policy.

The Planning Appeals Commission considered objections in the Public Inquiry to dBMAP that the Policy Zone should be retained in BMAP, however it did not consider that there was a need for such a policy, given the ATC designation, which is also intended to protect the area's character.

An extensive site history search of the surrounding area has also shown 'subdivision' of plots within the established residential area. Of note are approvals at 22 Old Cultra Road and 18 Old Cultra Road where the densities of 6.25 dph and 12 dph respectively were considered to be acceptable.

Extensive mature landscaping in the form of trees within the site and in particular within the front portion (front garden of house A) will soften the visual impact of the proposal. It is considered that the proposed replacement and additional dwelling will sit comfortably with the existing built form and will not detract from the overall character and appearance of the immediate and surrounding area.

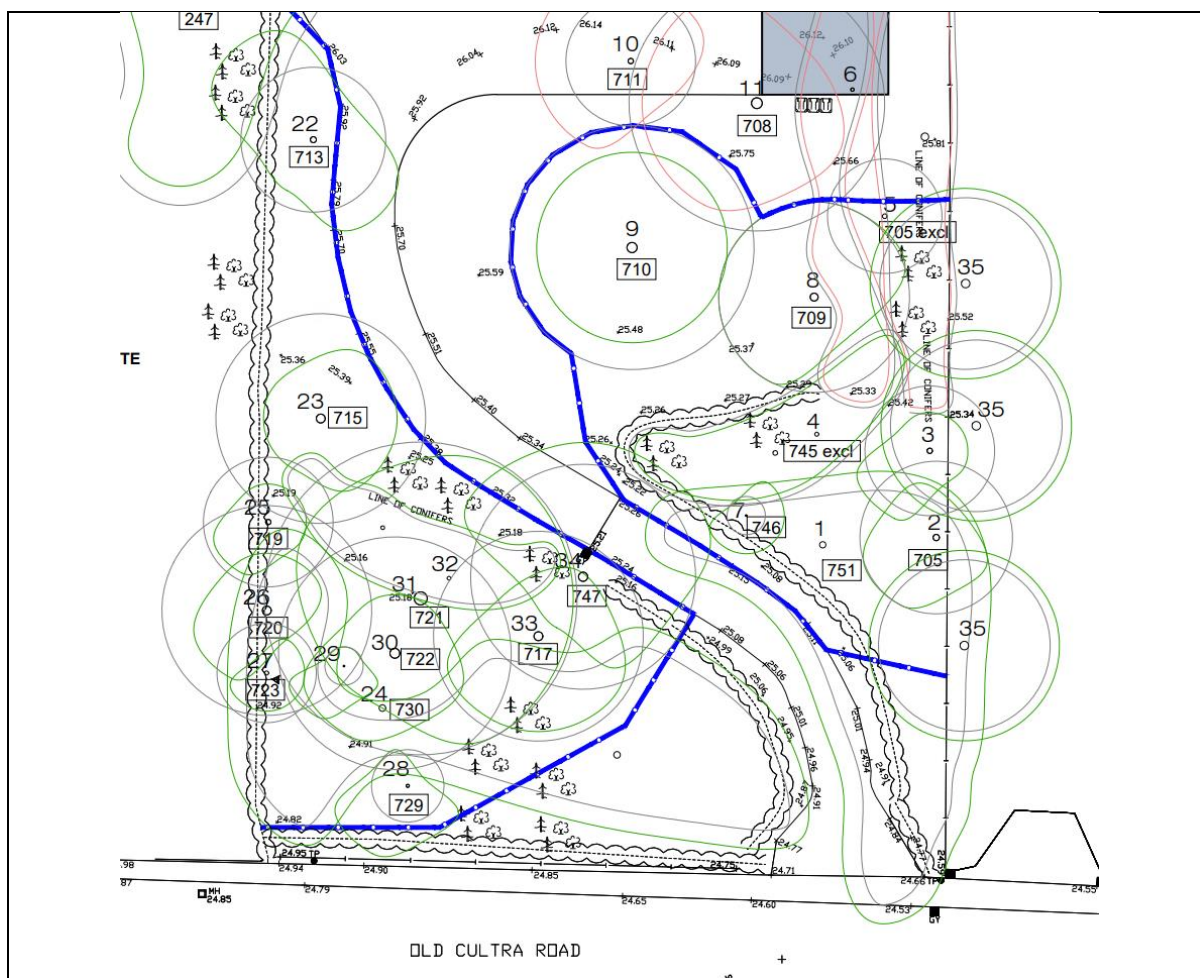


Figure 19: Extract from Proposed site plan showing mature trees which are protected by TPO. Protective fencing shown in blue (conditioned)

Impact on Residential Amenity

The dwellings within closest proximity to the site which would have the potential to be most affected by the development are Nos 34, 32, 30a Cultra Avenue 29 Old Cultra Road and Nos 4 and 5 Orchard Way.

The proposed replacement dwelling (house A) is set off the boundary with Nos 32 and 34 Cultra Avenue by approx. 10.2m, with the exception of the bay window which is 9.2m from the boundary. Due the size of the sites at number 32 and 34 Cultra Avenue and the location of the dwellings within these sites, the separation distances between the neighbouring dwellings and the proposed replacement dwelling are satisfactory to ensure that will be no unacceptable impact on the residential amenity of these properties.

House A is set off the side boundary with number 29 by approx. 2m. This element of the proposal has been designed in such a way to keep that portion of the dwelling single storey with a proposed ridge height of 6.6m and 3.3m to the eaves. The roof is hipped away from the boundary and given the retention of the existing boundary

treatments (including conifers) the proposal shall have no significant detrimental impact on the residential amenity of number 29 Cultra Avenue.

First floor side windows are proposed to serve a store, ensuite and master bedroom. The store and ensuite are non-habitable rooms and therefore a condition can be attached to ensure they are fitted with obscure glazing. The master bedroom is a habitable room, however this room is also served by two windows on the front elevation. Therefore, it is acceptable to condition this side window to have obscure glazing to protect the amenity of number 30A Cultra Avenue.

House A is brought forward in the site by approximately 10m (the single storey portion) from the position of the original dwelling. Given the mature trees (including conifers) in this portion of the site I consider the proposal will not result in any dominant impact in terms of outlook from the neighbouring properties.

House B is located towards the rear of the existing site. The dwelling is located 1 metre from the western boundary (this refers to the single storey lean too). The 2-storey element is sited 4m approx. from the common boundary with number 30a Cultra Avenue. It is set off the boundary with number 29 Old Cultra Road by approx. 10.8m, with the exception of the bay window which is approx. 9.8m from the boundary. The rear of the dwelling is 8 metres from the rear boundary of the site at its closest point.

With regard to potential overlooking and loss of privacy, I am satisfied that separation distances between the two dwellings (House A and House B) will ensure there will be no unacceptable overlooking impact from the front elevation of house B towards the windows on the rear elevation or private amenity space of house A.

With regard to overlooking impact of the proposals towards number 29 Old Cultra Road, the side elevation of house A contains two windows on the ground floor (shower room and guest bedroom), and the shower room window will be conditioned to have obscured glazing as standard and the guest bedroom window is at ground floor level and adjacent to existing natural screenings of the site. At first floor level a bedroom and bathroom window are proposed, the bathroom window will be conditioned to be fitted with obscure glazing. The bedroom window is located to be approximately 11 metres from the side boundary.

On the south side of House B windows indicated to serve bathroom, landing (non-habitable rooms) will be obscured glazing. Bedroom 2 is served by an additional window on the west elevation, this means that it is acceptable for the window to the rear elevation to also be conditioned to have obscure glazing in order to ensure no unacceptable overlooking impact on the private amenity of the neighbouring dwellings to the rear in Orchard Way.

The potential dominant impact of the development on neighbouring properties is also a material consideration in addition to the impact on daylight. Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Although it is acknowledged this policy is primarily used for the assessment of extensions Policy EXT1 of PPS7 Addendum

Residential Extensions and Alterations is a useful reference in this regard. The policy advises that neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by an extension. This can often result from the construction of a large blank wall and dominance can be increased when the neighbouring property is at a lower ground level to the development site, with loss of light usually a consequence of dominance. However, it is appropriate, to take account of the prevailing local environment.



Figure 20: View from site towards 30a Cultra Avenue

A 2-storey extension has been approved at number 30a Cultra Avenue, to date this has not been built but remains extant. (see figure 20 for existing dwelling). The proposal includes a two-storey side extension. The assessment of this application included the scenario of a proposed dwelling in the rear of number 31 Old Cultra Road. The approved extension includes three windows at ground floor and a window on the first floor facing towards the proposed new dwelling. The first-floor window has been conditioned to be glazed with obscure glazing to prevent any unacceptable overlooking.



Figure 21: Elevations of the approved extension at number 30a Cultra Avenue showing window conditioned to be obscure glazing.

In summary, taking account of all the above factors, I am satisfied that overall, the proposed dwelling will be located a sufficient distance from the existing dwellings to ensure that no unacceptable degree of dominance or overshadowing will occur and there will be no unacceptable adverse impacts on residential amenity.

Access and Road Safety and Parking

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. Parking should be provided in accordance with Creating Places standards.

The proposed site layout plan indicates that there will be ample room for parking within the boundaries of the application site.

DfI Roads was consulted and offered no objections subject to conditions. It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

Private Amenity Space

Sufficient amenity space will be provided within the development. The plots are adequate to ensure that sufficient provision is made for private amenity space well above the average space standard for the development, providing greater than 70m² amenity space as recommended in Creating Places.

Trees

Tree surveys have been submitted as part of the planning application. Consultation have taken place with the Council's Tree Officer who has no objections to the proposal. This includes removal of tree no 17 and proposed replacement planting. No trees are indicated for removal to achieve the visibility splays; however, it is recognised that a small reduction off the end weight may be required to Tree no 38 (tree no. 687 as identified in the TPO) which would require a works request. Conditions related to the protective fencing, no level changes within the root protection area of retained trees, and implementation of new planting prior to occupation are recommended.

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).

Planning permission will only be granted where a development proposal is not likely to harm a protected species or result in the unacceptable adverse impact or damage to priority species, habitats or features of natural heritage importance.

Flooding and Drainage

NIW in its consultation response has stated that consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for. It has also confirmed there is a public foul sewer located within Old Cultra Road; However, due to the sewer network being at capacity in the Seahill catchment and sewer flows spilling from

CSOs into the environment, NI Water is recommending that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site.

NI Water can consider connections where the applicant can demonstrate (including calculations),

- (a) like for like development.
- (b) extant previously approved development.
- (c) where the development will offer a reduced loading on the sewer network.

There is a 150mm dia storm sewer that traverses the proposed site. Under no circumstances will storm water be permitted to enter a public foul sewer. Building over a public watermain is not permitted, and only in exceptional circumstances may building over a public sewer be permitted. Waste Water Treatment Facilities at Seahill are presently available; however, the sewer network within the Seahill catchment is at capacity.

The applicant has indicated on the submitted P1 form that surface water and foul sewage will be disposed of via public mains.

NI Water has advised that a high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed.

The applicant is advised to consult directly with NI Water to ascertain whether any necessary alternative drainage /treatment solutions can be agreed.

I am satisfied that the above capacity issue can be dealt with by attaching a negative condition stipulating that no development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. The condition will also require that evidence of this consent shall be submitted to the Council prior to the commencement of any development.

The applicant will be able to liaise with the relevant authorities outside of the planning process to finalise the details of the proposed solution. If the applicant is unable to deliver the required solution, then he/she will be unable to implement the permission. If a private treatment plant solution is proposed as an alternative to resolve the issue, a separate planning application for this would be required.

Other material considerations

There are no archaeological or built heritage features to protect or integrate into the overall design and layout of the development. The proposal will not damage the quality of the local area. The layout has been designed to deter crime.

5. Representations

Eight objections received – from seven different addresses.

Issues raised in submitted representations are summarised below:

- Loss of privacy from three windows on the south side within 10 metres of the boundary
- Development not in keeping with the area.
- Erosion of character of the district due to infilling
- First floor windows of house B overlooking private amenity space at front of property.
- Close proximity of house B is not in keeping with the area.
- Subdivision will erode character of the area.
- North down and Ards plan is still a governing planning document and contains plot size policy of 1 house/acre in this part of Cultra
- Inconsistent to grant approval as number 27 had a similar application refused for non compliance with the plot size policy.
- Impact on ATC
- Intrusiveness of second house.
- House B is in close proximity to 30A Cultra Avenue and not in keeping.
- Three sets of gates on laneway which is not practical to serve proposed additional dwelling.
- If approved all services should be taken through lands owned and controlled by the applicant directly onto Old Cultra Road
- Safety concerns regarding construction traffic using the laneway.
- Similar proposal was refused previously and dismissed at appeal.
- Loss of privacy due to overlooking toward Orchard Way
- 'in fill' not in keeping with Cultra area

The main concerns raised in relation to the impact of the development on the character of the area, impact on residential amenity, have all been considered in detail in section 4 above.

Other matters raised are considered as follows:

- Loss of value to property

This is not a material planning consideration.

- Proposed access not owned.

Amended application form has been submitted on 2 March 2023 showing certificate C completed and notice served. This change was re neighbour notified on 8 November 2023.

- If approved precedent will be set for other site sub division.

Each Planning application will be accessed on its own merits against prevailing planning policy at all other material planning considerations.

- Three sets of gates on laneway which is not practical to serve proposed additional dwelling.

This is not considered to be a material planning consideration.

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. 03A. All works and new planting as indicated on the drawing shall be completed during the first available planting season after the occupation of house B hereby approved and retained in perpetuity thereafter.

Reason: In the interest of visual amenity.

3. 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.

4. If any retained planting is removed, uprooted or destroyed or dies, another hedgerow/tree/s shall be planted at the same place and shall be of such size and species to be agreed in writing with the Council. The planting as

approved shall be planted within the next available planting season.

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

5. The demolition of the existing dwelling shall be carried out in accordance with the details and methodology on approved Drawing No. 03A.

Reason: To prevent damage to trees to be retained.

6. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans Drawing No. 03A and in accordance with BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, or any other works carried out, or fires lit without the written consent of the Council.

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

7. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved plan, Drawing No.09, prior to the commencement of the 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.

8. 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

9. The windows, as shaded yellow, on Drawing Nos. 04, 05, 06 and 07 shall be finished with obscure glass. The obscure glazing shall be installed prior to the occupation of the respective dwelling hereby approved and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

10. No development shall take place on-site, including the vehicular access, until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. Evidence of this consent shall be submitted to the Council prior to the commencement of any development.

Reason: To ensure no adverse effect on the water environment.

Informative

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

Site photographs



Photo 1: Rear boundary of site looking towards Orchard Way.



Photo 2: Existing rear elevation, 31 Old Cultra Road.



Photo 3: Existing rear elevation of 31 Old Cultra Road.



Photo 4: Existing rear elevation of 31 Old Cultra Road.



Photo 5: View from rear garden of 31 Old Cultra Road towards 30A Cultra Avenue.



Photo 6: Existing front parking area and garden, 31 Old Cultra Road.



Photo 7: View from front garden towards 34 Cultra Venue.



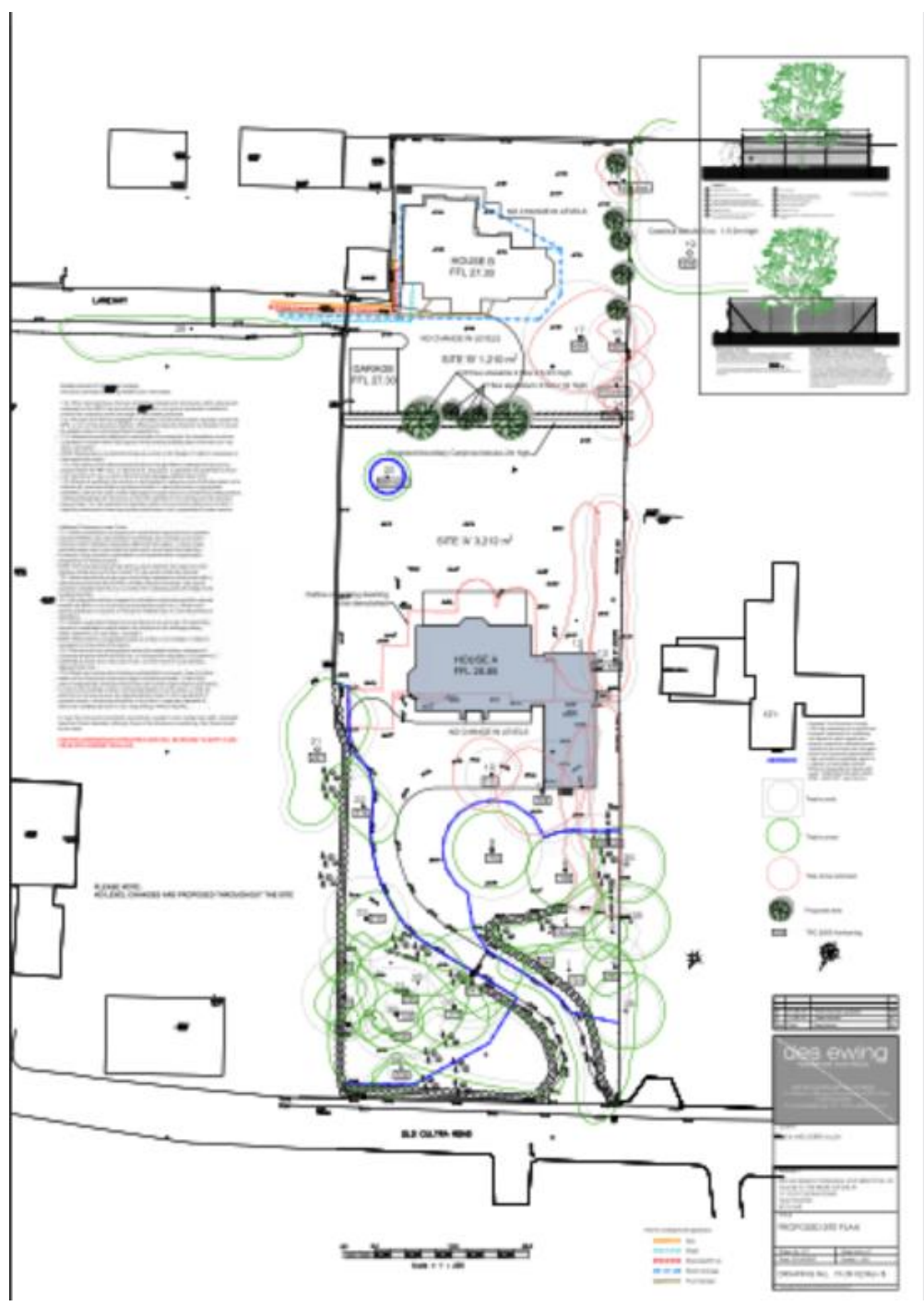
Photo 8: Existing front elevation, garden and driveway, 31 Old Cultra Road.



DRG 01 – Site Location Plan



DRG 02- Site survey



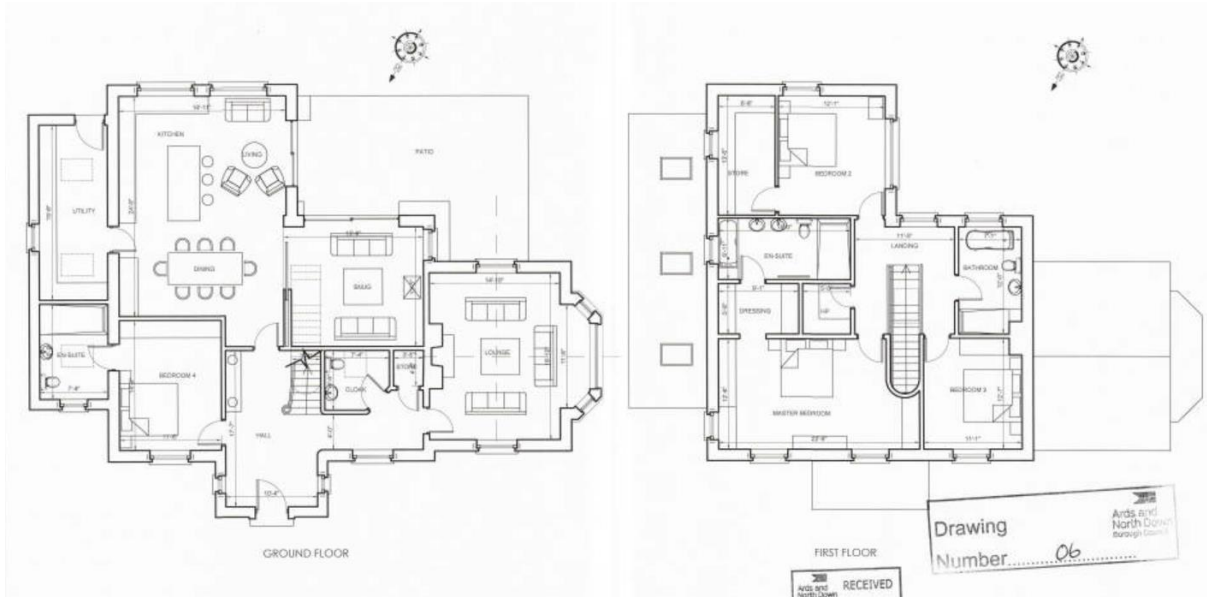
DRG 03A – Proposed Site Plan



DRG 04 -House A floorplans



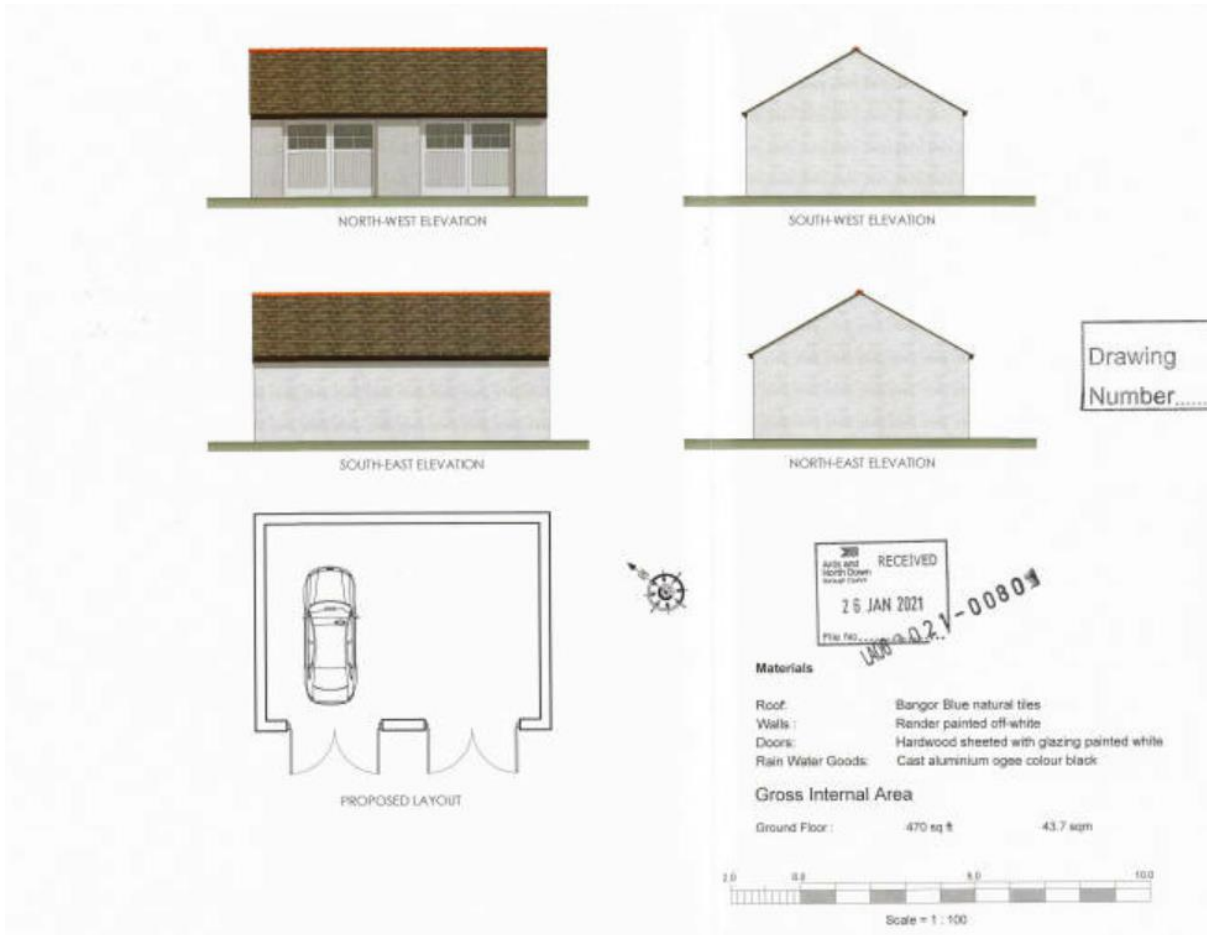
DRG 05- House A Elevations



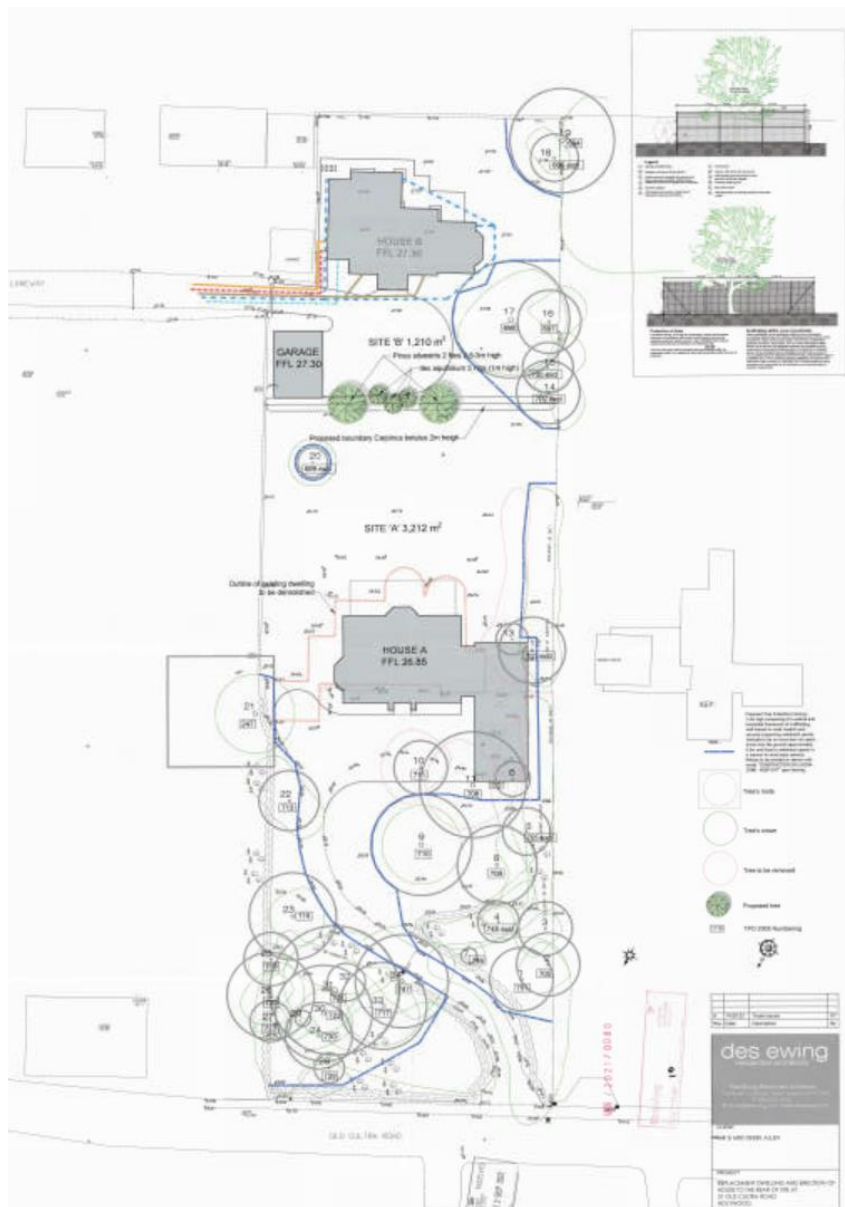
DRG 06- House B floorplans



DRG 07 – House B Elevations



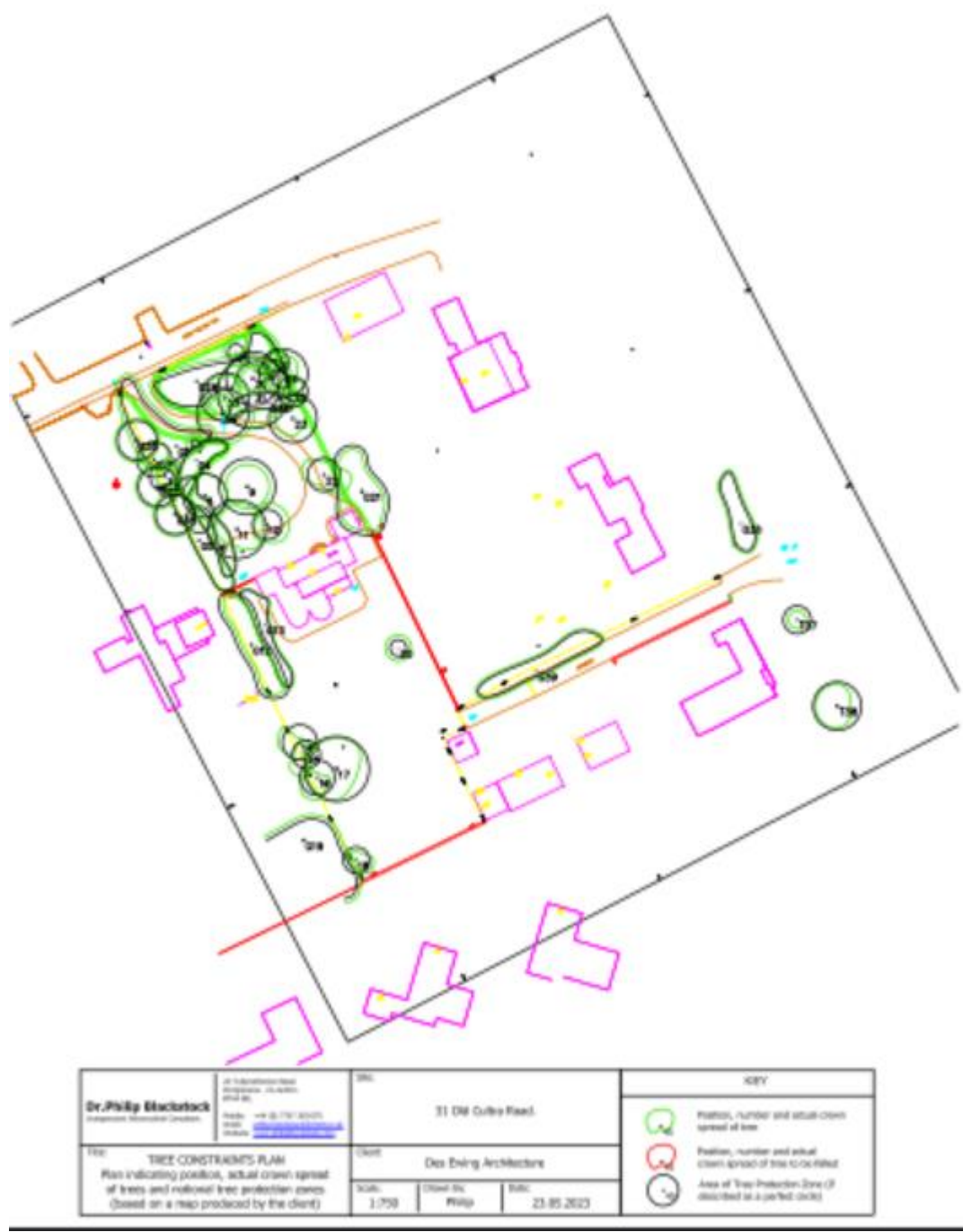
DRG 08 – Garage elevation



DRG 10 – Site plan to include tree details



DRG 11: Site access details



DRG 12: Tree constraints plan

ITEM 4.3

133

Ards and North Down Borough Council

Application Ref	LA06/2015/0677/F
Proposal	Replacement of existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet
Location	251a Bangor Road, Whitespots, Newtownards DEA: Newtownards
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	28/10/2015
Summary	<ul style="list-style-type: none"> • Proposal originally presented at PC meeting 04 April 2023 – deferred for further consideration • Proposal originally submitted was for 3 sheds, deemed to be unacceptable and through negotiation reduced to one shed. • Stables for use by applicant only and will not be open to clients, customers, or members of the public • Enforcement history associated with application site – proposal will replace existing shed on site. • Current condition of site - dilapidated structures and old horse boxes, detracts from the visual amenity and character of the landscape • Site is located within a Local Landscape Policy Area (LLPA): 'Whitespots, lead mines, Golden Glen and associated lands' – proposal does not impact • 11 objections received from 6 separate addresses – issues raised include principal of development, septic tank, access, prominence, land ownership and information on application form. All material issues raised considered within Case Officer Report • All consultees content subject to conditions • Associated section 76 legal agreement limiting proposal to domestic use to prevent commercial use
Recommendation	Approval
Attachments	Item 4.3a – 3rd Addendum to case officer report Item 4.3b - Case Officer Report Item 4.3c - 1st Addendum to Case Officer Report Item 4.3d - 2nd Addendum to Case Officer Report

Item 4.3a

3rd Addendum to LA06/2015/0677/F

The above planning application was originally presented at Planning committee meeting on 04 April 2023.

A proposal was put forward by Alderman McIlveen to defer the application until a further Planning Committee meeting in order for further clarification with regard to the following matters:

1. How long has the existing shed been in place?

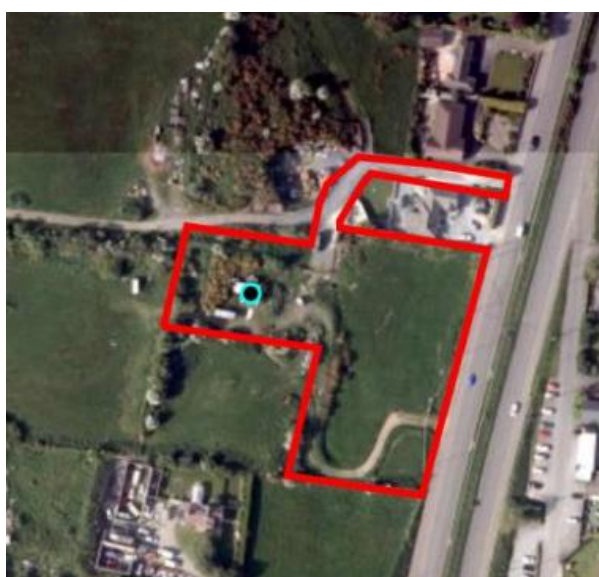


Fig 1: Boundary of application site



Fig 2: OSNI Orthophotography flown 31/05/2009 (shed shown within red circle)

It is evident from orthophotography that the shed has been in site from at least 31 May 2009 as shown in Figure 2 above.

2. Can a shed built without planning permission be considered for replacement be considered in the absence of a CLEUD?

As stated in the Case Officer Report the shed under consideration for replacement does not have planning permission and a Certificate of Lawfulness of Existing Use or Development (CLEUD) was not submitted to regularise the development.

It should be noted that the submission of a CLEUD is voluntary and an applicant cannot be forced to submit such details for consideration. Certification is granted solely on the basis of proof having been provided that

a use/development has been ongoing/in place for five years back from the date of application and therefore immune from enforcement action.

While the submission of a CLEUD is considered to be preferable by the decision maker in the determination of a planning application, in this situation it is left to the decision maker to determine a proposal in the absence of same taking into account a number of material considerations.

This current application is different from other proposals, such as those for an 'infill' dwelling under Policy CTY 8 'Ribbon Development' or Policy CTY 2a 'New Dwellings in Existing Clusters' in PPS 21 – Sustainable Development in the Countryside. In those such cases, the Planning Appeals Commission has refused to take into consideration unauthorised buildings in the absence of a CLEUD to contribute to a substantial and continuously built-up frontage or a cluster.

Additionally, in planning caselaw (*Zurich Assurance v North Lincolnshire Council* [2012] EWHC 3708) the Courts rejected a proposition that a fall back position could not be a material consideration in the absence of a lawful development certificate. While this case does not involve a fall back, the principle is that the Council cannot ignore the fact that the building is immune from enforcement action, in respect of this proposal.

Regardless of the absence of a Certificate in this case, it is a material planning consideration that the shed is immune from enforcement action, as observed from the 2009 orthophotography.

3. How can the Committee be assured that a material change of use from domestic to commercial could be protected/enforced accordingly?

As with any approval of planning permission conditions are included, which if an applicant is in breach of, enforcement can be taken if it is deemed expedient to do so.

The application is for the replacement of an existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet.

While the Council must take into account the application before it, in *Blum v Secretary of State for the Environment* [1987] J.P.L 278 it was held to be valid for a decision-maker to have regard to the possible environmental impact of the use of land. In that particular case, a livery stable began being used as a riding school and livery stable. The Court upheld an inspector's decision that a material change of use had occurred, noting that the inspector had been entitled to consider the additional staff required for a school as opposed to the livery, the additional facilities required, and that there would be more horse activity, more horse traffic, more rides out, more car traffic and more parking.

Statutory consultee DFI Roads has also stipulated that there should be no commercial operations from the site which would cause intensification of traffic onto a dual carriageway.

In order to provide an additional level of 'protection' to ensure that the any approval is restricted to domestic use only, it was considered that the execution of a section 76 planning agreement to limit the use of the development proposal is the most appropriate and robust mechanism to impose the required restrictions on the development to prevent the planning harm identified by the Council during its consideration and that identified by its consultees.

The proposed agreement will ensure that the proposed shed is for private use only and will not have any commercial use associated with it. If following approval there is evidence to suggest there is an intensification of the approved use, as with any other development, enforcement action can be taken given this would be considered a material change of use of the land beyond that for which permission has been granted, taking account of the circumstances at the site.

4. Details of the business verified and how we can ensure that no such use is carried out onsite?

Whilst there were references to a business use on site by the applicant in several statements during the course of processing of this application since 2015, there has never been any evidence to suggest this is currently the case.

The agent has also confirmed that there is currently no business use on the application site and the existing shed is used solely for equestrian and equine purposes associated with the breeding of horses as this is an interest of the applicant.

It should be noted that an enforcement case was opened under 'LA06/2015/0075/CA: *Alleged unauthorised change of use of land to manufacture of equestrian/equine equipment*' however, this case was closed as no breach was identified.

While the storage and repair of carriages has been proposed onsite within the proposed building, this is deemed acceptable given the small- scale operation more for a hobby use for the storage and repair of carriages when required. Given a planning agreement will be used to restrict the use of the stables onsite, this is considered appropriate to ensure no intensification of use occurs on the site.

5. Clarification on how condition versus s76 agreement appropriate

Conditions attached to any approval can be appealed to the Planning Appeals Commission, or alternatively applications to vary such conditions can be

submitted under Section 54 of the Planning Act (NI) 2011. In theory, once a decision notice issues, a Section 54 application could be submitted immediately for consideration.


Section 76 of the Planning Act (NI) 2011 allows the Council to enter into a legally binding agreement with a landowner as part of the grant of planning permission for a development.

A Section 76 legal agreement is considered to provide a higher level of protection as any attempt to amend restrictions set out in the legal agreement cannot be applied for within 5 years.

In addition, a Section 76 forms a statutory charge on the land should any site go on the market for sale with any potential purchaser being aware of restrictions associated with the land.

Paragraph 5.56 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) advises that a planning agreement should only be used when the imposition of a condition does not overcome the particular obstacles to the grant of a planning permission. Policy and guidance advocates a 'condition first' approach but that Local Council should consider each application on 'case by case' basis.

Following consideration of the additional matters of clarification the recommendation remains for approval of the proposal.

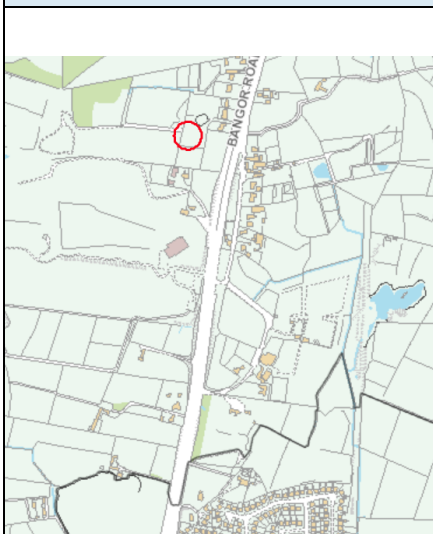
Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2015/0677/F	DEA: Newtownards	
Proposal:	Replacement of existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet		
Location:	251a Bangor Road, Whitespots, Newtownards		
Applicant:	Mr P Finnegan		
Date valid:	28/10/15	EIA Screening Required:	No
Date last advertised:	03/02/22	Date last neighbour notified:	26/01/22
Letters of Support: 0		Letters of Objection: 11 from 6 separate addresses	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		No objections	
Environmental Health		Content subj to conditions	
NI Water		Standing Advice	
NIEA: Regulation Unit		Content subj to conditions	
NIEA: WMU		Advice and guidance	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Visual Amenity • Impact of the proposal on the character of the countryside • Impact on Biodiversity • Access & 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 Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The proposed site is located on the western side of Bangor Road, to the north of Newtownards. The land rises from the road upwards in a westerly direction. The site is accessed via a laneway that runs from the Bangor Road along the northern side of No. 251 and then it turns along the rear of this property and opens out into a roughly levelled area. There is a sloping field between this level area and the roadside. The area would appear to have been infilled with rough hard-core material at some stage in the past to level the ground out. There are two horse lorries, one which consists of the back portion of the lorry only and the other one appears to have been in situ for a considerable period of time and is not in working order. Another lorry which appears to be an old army type model is also on the site and again does not appear to have been moved in some time. There are various pieces of scrap metal strewn around the site. There are also a number of scrap vehicles on the site and an old trailer. There is a makeshift shed on the site consisting of a wooden frame with sheet metal cladding which is divided up in different sections. The application is effectively for the replacement of this shed. There are a number of dwellings adjacent to the road along this section of Bangor Road.



2. Site Location Plan



3. Relevant Planning History

X/2013/0142/O: 251a Bangor Road, Newtownards; Farm dwelling, detached garage and new access - Withdrawn 18 December 2014

The above application was recommended for refusal under Planning Policy Statement 3 (Access, Movement and Parking) grounds and in addition, the proposed dwelling could not cluster with any existing farm buildings.

Enforcement History on site

X/2014/0047/CA: Alleged unauthorised infilling of land
Case closed as breach remedied by removal of imported waste material used for the unauthorised infilling

X/2015/0001/CA: Alleged unauthorised Shed
Enforcement Notice served requiring removal of shed and associated foundations.
Case closed as complied with

LA06/2015/0075/CA: Alleged unauthorised change of use of land to manufacture of equestrian/equine equipment
Case closed as no breach identified

LA06/2015/0030/CA: Alleged unauthorised creation of new access onto a protected route:
Case closed as no breach identified

LA06/2015/0187/CA: Alleged unauthorised change of use of agricultural access for other purposes, via new field gate on Protected Route
Case closed as use of access not demonstrated to be for any other purpose other than agriculture and as such would fall under agricultural permitted development - Class C, Part 7 [Agricultural Buildings and Operations] of The Planning (General Permitted Development) Order (Northern Ireland) 2015

LA06/2017/0156/CA: Alleged unauthorised advertisement for alleged unauthorised equine archery at site:
Case closed as no breach identified

LA06/2017/0157/CA: Alleged unauthorised change of use of land to equine archery business
Case closed as no breach identified

LA06/2017/0179/CA: Unauthorised construction of laneway from agricultural gate through field to land to rear
Case closed on 04 March 2022: The Council is content that the works meet the criteria under Part 7, Class C (Agricultural Buildings and Operations) of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

The makeshift shed does not have any planning permission associated with it although from review of orthophotography it is clear that it has been in situ for a period in excess of 5 years and is therefore immune from enforcement action, however no Certificate of Lawfulness has been sought or granted in this regard.

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)
- Ards and Down Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 8: Open Space
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

The proposal is for replacement of an existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet

The site described above is in the countryside as defined in the Ards and Down Area Plan 2015 which operates as the Local Development Plan for the area. The site is located within a Local Landscape Policy Area (LLPA): 'Whitespots, lead mines, Golden Glen and associated lands'.

Policy CTY 1 of PPS 21: Sustainable Development in the Countryside sets out a range of types of development which are in principle acceptable in the countryside, and further highlights that other types of development will only be permitted where there are either overriding reasons why it is essential and could not be located in a settlement, or that it is otherwise allocated for development in a development plan.

The initial test in relation to the principle of development is therefore whether the proposal falls within a category of development under Policy CTY 1 which is in principle acceptable, or whether planning permission can only be justified through Policy CTY 1 on one of the 'fallback' bases, namely that:

- Overriding reasons can be shown as to why the development is essential and could not be located in a settlement; or
- The proposal is allocated for development in a development plan.

Further to the above, Policy CTY 1 states that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

The policy under which this proposal is being assessed is Policy CTY 1 in respect of non-residential development i.e. outdoor sport and recreational uses in accordance with PPS 8: Open Space, Sports and outdoor Recreation (PPS 8)

The proposal in the context of the Plan designation relating to the Local Landscape Policy Area is considered later in this report.

Policy OS3 of PPS8 entitled 'Outdoor Recreation in the Countryside' sets out that permission will be granted for the development of proposals for outdoor recreational use in the countryside where all of a number of criteria are met. Further, it states the following within the justification and amplification:

'The keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings.'

Whilst the notes specifically refer to riding schools, the approach taken by the Commissioner in Appeal 2018/A0008, was that this would not '*bar consideration of other equestrian uses under the policy.*' The headnote does not distinguish between recreational facilities for personal use and larger commercial operations.

It must be noted that the proposal was originally for three new buildings on site and was associated with a business use. An amended application form and plans were received for the replacement of the existing structure with 1 No. single storey unit to accommodate stables, coach house, tack room, workshop and toilet. The agent stated on behalf of the applicant that the stables are for the use of the applicant only and will not be open to clients, customers or members of the public. Whilst the applicant will use part of the stables for commercial work connected to his business, the actual business use is carried out off-site. The following was stated within an email from the agent:

'Furthermore; I can confirm all lands and buildings are used solely by the Finnegans for equestrian and equine purposes associated with the breeding of horses (and all activities associated with this, including occasional visits by a vet and/or delivery of supplies), the training of horses (by Mr Finnegan) for carriage promotional work (this work being carried out off-site, on surrounding roads, in towns and villages) and the maintenance of carriages/coaches by the Finnegans.'

In addition to the above statement, the agent submitted copies of several horse passports. I consider such a use to be appropriate to the countryside and ascertain that it could not reasonably be accommodated within a settlement. The above policy does not set a minimum threshold for equestrian activity before which the erection of new buildings can be considered.

The proposed new shed will replace the existing dilapidated structure on site. Figures 1 and 2 show the existing three buildings to be removed and proposed site layout consisting of one building.

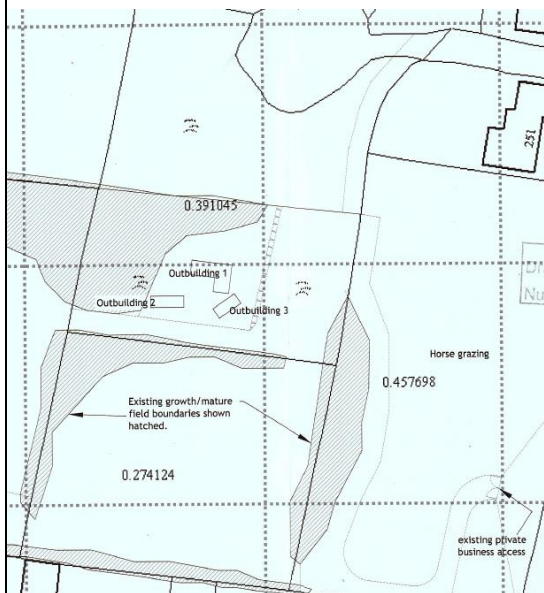
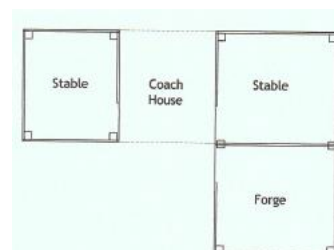


Figure 1: Existing Site Layout

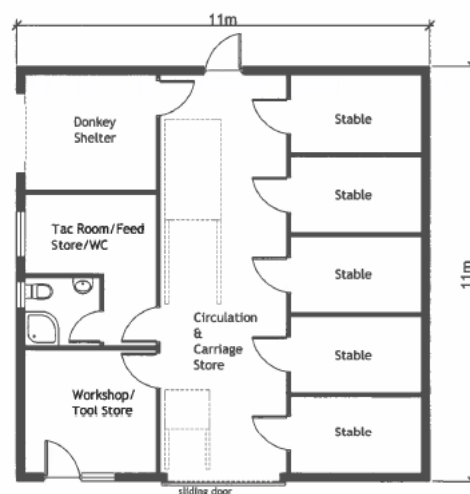


Figure 2: Proposed Site Layout

The proposed shed measures 11m x 11m and will have a pitched roof with a ridge height of 4m. The shed will be a lightweight steel framed building finished in green corrugated cladding. Other finishes include clear translucent roof panels, timber sliding main central door and upvc windows. The proposed shed would be considerably larger than the existing outbuilding with a slightly higher ridge height. (see floorplan of existing and proposed to right hand side)



The shed will be located on the same footprint of an existing shed and will be placed within a field that is currently used for horse grazing. I do not consider there to be any loss of high value agricultural land as a result of this application. The current condition of the site, with dilapidated structures and old horse boxes, takes away from the visual amenity and character of the landscape. I am of the professional opinion that a new shed with additional landscaping will improve the visual amenity of this existing site, further to removal of the existing structures.



The proposed shed will be situated on an elevated site which sits above the carriageway between Bangor and Newtownards. Image 1 below shows the existing site from the road.



Image 1: Existing site as viewed from the main road travelling north toward Bangor

As the site is within a prominent position, I had concerns that there would be sustained views of the shed when travelling along both sides of the carriageway. Given the shed will effectively replace the existing dilapidated shed/structure on site, the new shed will not be considerably more prominent. There is a line of existing vegetation growth/field boundaries which will help screen the shed when travelling from Newtownards which will be conditioned to be retained. In order to help with screening when travelling from Bangor, the agent included landscaping measures within the proposed site plan. This consists of 6 native species varying between 4 – 5.5m in height. This landscaping will be vital in integrating the building into the landscape and will help screen the shed from these public viewpoints along the carriageway. The proposed landscaping scheme will be conditioned to be carried out during the first planting season following erection of the building.

There will be no adverse impact upon features of importance to nature conservation, archaeology or built heritage.

Visual Amenity & Integration into Landscape

Policy CTY 13 and CTY14 of PPS 21 have been considered in regard to this application. As assessed previously, I am satisfied that the proposal will integrate sympathetically into the surrounding landscape and the proposed building will not cause a detrimental change to, or further erode, the rural character of the area. The existing and proposed landscaping will help screen the building from view and soften the visual impact of the new building. The existing outbuilding has a ridge height of 3.7m. The proposed shed is only 0.3m higher than this therefore it is not considered that this proposal will have a significantly greater visual impact.

The site is located within an LLPA: Ref LLPA 3: Whitespots, Lead Mines, Golden Glen and associated land. The Plan sets out those features or combination of features that contribute to the environmental quality, integrity or character of these areas. In relation to this particular designation I have reviewed those features which would be relevant to this site, noting that the LLPA designation covers nearly 300ha,

and further to application of Policy CON 2 within the ADAP which states that planning permission will not be granted to development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas, I am content given the structure will replace an existing shed/outbuilding and additional landscaping is proposed that the proposal will not have a major detrimental impact upon the visual amenity of the LLPA.

Residential Amenity

The proposal is not considered to unduly affect the privacy or amenity of neighbouring residents. The closest dwelling at 251 Bangor Road will be approximately 55m from the stables. Given the stables will accommodate a workshop/tool store, the Council's Environmental Health Department (EHD) was consulted on the proposal and offered no objections in relation to noise issues. EHD did propose an informative stating that the applicant should be advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby dwellings. I consider this should be secured by a planning condition rather than merely referred to in an informative, which has no legal standing and is unenforceable.

Road Safety and Access

The application form indicates that there will be no additional traffic generated by the proposal and it will be for private use only. There is a gravel laneway leading from an agricultural gate adjacent 251 Bangor Road to the site. The development proposes to utilise this access coming off the Bangor Road, which is a protected route. DFI Roads was consulted on the proposal and stated the following:

'No objections providing this application is non-commercial and there will be little or no intensification in use of the existing access. These comments are on the basis that this is an exception to the Protected Routes Policy.'

Within PPS 3, Access, Movement and Parking, Policy AMP 3, examples are given to what can be considered exceptions to the Protected Routes Policy. Under (d) 'Other Categories of Development' it is stated that approval may be justified in particular cases for other development where access cannot reasonably be obtained from an adjacent minor road'. I am therefore of the professional planning judgement that the use of this access will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads had no objections providing the application is non-commercial. As stated previously, the main use of the building is for private stable use with a workshop/tool store which will be used by the applicant in connection with his carriage business. This is considered ancillary to the main use and is to support the applicant's business which is carried out off-site. The applicant has stated that there will be a maximum of 3 vehicles accessing the site on a daily basis. Development Control Advice Note 15 (DCAN 15) defines intensification of use as increasing the traffic flow using an access by more than 5%. Given the stables will not be open to members of the public, I do not consider there will be any intensification in use of the existing access. The

applicant has a right of way onto this laneway and currently uses it to access his fields upon which his horses graze.

Sewerage Disposal

The application form states that a septic tank and soakaway system will be used and that the surrounding land is within the control of the applicant. I am satisfied that the sewerage system would be a sufficient distance from third party dwellings and will not result in adverse pollution.

NIEA: Water Management Unit was consulted on the proposal and provided the following advice:

- All hardstand areas where the storage and handling of animal waste, animal feed or compost occurs must be located and designed to prevent runoff having a negative impact on the water environment.
- Any dung heaps associated with this development should be sited at least 10m away from any watercourse or drains.
- In order to reduce unnecessary run-off of surface water and to minimise the volume of dirty water produced at the site, hosepipes should not be left running to prevent dirty water from being generated by onsite activities.

It is considered that these requirements can be met by imposition of appropriate conditions.

Contaminated Land

It was identified at an early stage of this application that former activities within the surrounding area may have caused the land to be affected by contamination. A Preliminary Risk Assessment (PRA) was provided by Pentland MacDonald Ltd in support of this application which identified no unacceptable risk to environmental receptors.

NIEA: Regulation Unit was consulted and asked to provide comments on the PRA, considering the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It has no objection subject to imposition of conditions.

The Council's Environmental Health Department (EHD) was also consulted and stated that the PRA determined that no potential contamination sources were identified at the site itself; however, there are several potentially contaminating previous land uses in the vicinity. EHD highlighted that the contamination associated with the historical landfill located to the southwest may pose a risk to the site; therefore, it was deemed appropriate that gas protection measures should be incorporated into the proposed building and as such EHD recommended conditions relating to such measures.

Designated Sites and Natural Heritage

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

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

Planning Agreement

The execution of a section 76 agreement to limit the use of the development proposal to domestic only was the most appropriate and robust mechanism to impose the required restrictions on the development in order to prevent the planning harm should the proposal be utilised for any commercial use identified by the Council during its consideration and that identified by its consultees. The proposed agreement will seek to ensure that the proposed shed is for private use only and will not have any commercial use associated with it.

5. Representations

A total of 11 objections were received for this application from six separate addresses. Further to the proposal being amended to one building rather than three separate buildings, one further objection was submitted from an existing objector.

Those material planning matters raised in submitted representations are summarised below:

- Principle of Development:** Several objectors stated that the existing shed/outbuilding on site does not have any planning permission and as such the application cannot be considered a replacement building. I have addressed this above under the section 'Principle of Development'. Given the existing outbuilding is immune from enforcement action, the proposed shed can be considered a replacement. In addition, a number of the objectors questioned the business use aspect of the business. As referred to previously, the applicant will use part of the stables for commercial work connected to his business, with the actual business use being carried out off-site. There is no existing business use on site and the fields are currently used for grazing horses.
- Septic Tank:** One of the neighbours stated that the applicant does not have a septic tank on the site. The p1 form indicates that a septic tank will be used to deal with sewerage disposal. Control of septic tanks is a matter for NIEA:WMU and would require consent accordingly. NIEA:WMU was consulted and offered no objections.

- **Access:** Several objectors stated that the proposal will result in intensification of the existing access onto a protected route. I have addressed these matters in detail under section 'Road Safety and Access' above.
- **New farmyard not in compliance with Policy CTY12:** Policy CTY 12 relates to Agriculture and Forestry Development and states permission will be granted for development on an active and established agricultural holding where certain criteria are met. This application is not for a new farmyard nor for development on agricultural holding, rather it is being assessed for a replacement building in relation to an equine business.
- **Prominence in the skyline:** One of the objectors stated that the shed will appear prominent. I have addressed these matters under section 'Principle of Development' above.
- **Land Ownership:** One of the objectors claims the 'existing right of way' access laneway is not in control of the applicant. Consequently, I contacted the applicant and asked for confirmation that Certificate C was filled in correctly. The agent confirmed the details within the P1 form were correct, which included ownership as detailed/signed as part of Certificate C with notice also served on other owners (of the access/laneway) on 03/10/15. The Council cannot become embroiled in landownership disputes as this is not a planning matter, rather a civil matter; however, the Council queried the veracity of the certificate due to the objector's concerns. If the objector does legally own the land, then he can prohibit the developer from gaining access over his land.
- **P1 form:** A number of the objectors highlighted that the existing use as described on the application form was misleading as it suggests there is an existing business use (horse breeding/carrriage promotions). There is an existing dilapidated shed on the site, along with a number of scrap vehicles and an old trailer on the site. As stated previously, these are immune from enforcement action or do not constitute development. Objectors furthermore stated that whilst there are horses on the site, it is unclear whether the applicant is currently carrying out any business use. I have assessed the proposed use under 'principle of development' and have not stated there is a current business being operated on site but rather that there is an existing shed on site.

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: To comply with the requirements of Section 61 of the Planning Act (Northern Ireland) 2011.

2. The stable building hereby approved shall be constructed in accordance with the materials and finishes in accordance with Drawing 05A, date stamped 24 January 2022.

Reason: To ensure the materials used are appropriate in the interest of maintaining the character of the surrounding countryside.

3. Prior to the commencement of any development, the existing structures shaded in green on Drawing No. 01, date stamped 27 October 2015, shall be demolished with all rubble and foundations removed.

Reason: In the interests of visual amenity and to prevent an accumulation of buildings on site.

4. All landscaping works shall be carried out in accordance with the approved details as shown on Drawing No.02a bearing the date stamp 24 January 2022. All new planting shall be permanently retained, as indicated on the same stamped drawing and shall be completed during the first available planting season after the erection of the building hereby approved.

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

5. 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.

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

7. Prior to the use of the proposed development, the applicant shall provide to the Council, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the report entitled Preliminary Contamination risk assessment, 251a Bangor Road, Newtownards, Pentland Macdonald Ltd Report No. PM14- 1028 dated April 2014 have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance referenced above.

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

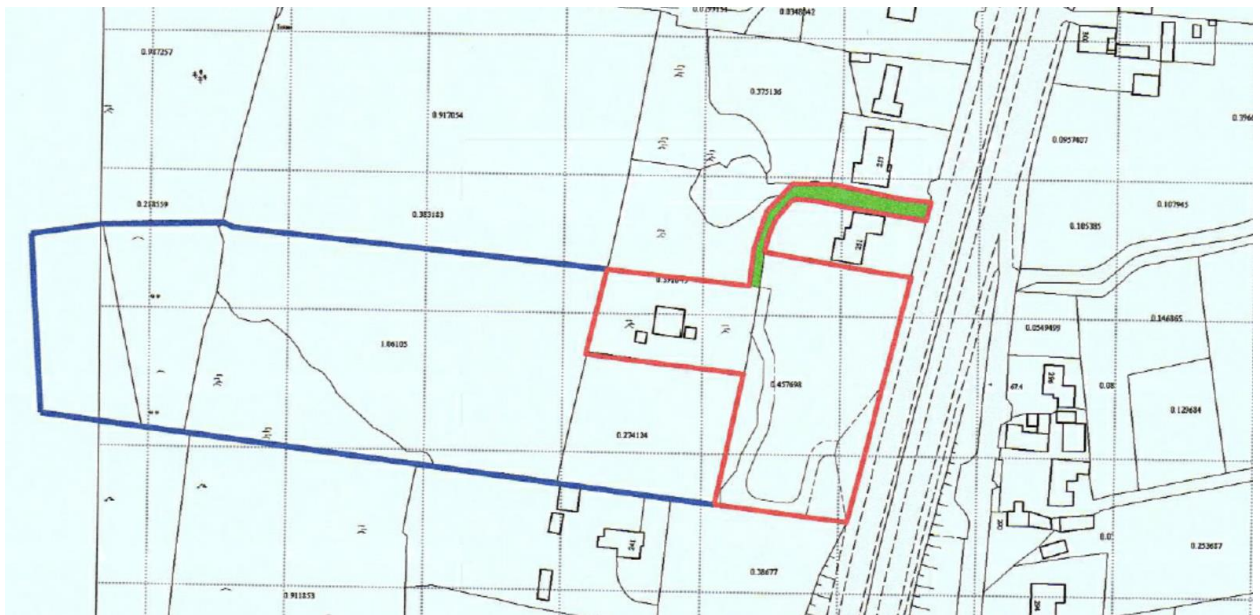
8. Gas protection measures shall be installed, prior to the commencement of the use hereby approved and shall be retained in perpetuity, to meet the requirements of C665 Characteristic Situation 2, namely as a minimum:
- Concrete floor slabs
 - A proprietary gas and vapour resistance membrane
 - A passively ventilated under floor void

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

Informative

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

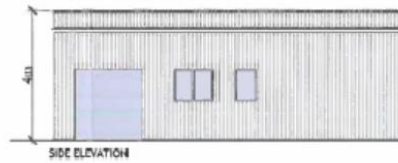
Site location plan



Site Block Plan

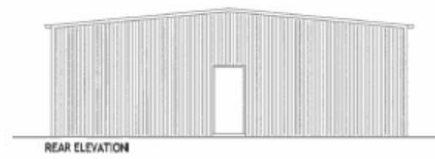
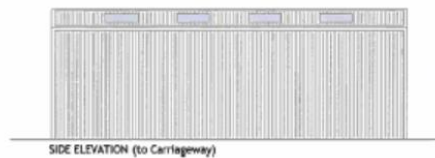


Proposed Plans



RECEIVED
 ARDS AND NORTH DOWN
 Borough Council
 24 JAN 2022
 File No. 15/0677

Drawing
 Number... 05A
 ARDS AND NORTH DOWN
 Borough Council



FINISHES

Lightweight steel framed building with corrugated cladding to walls and roof - colour Green.

Clear translucent roof panels for natural light.

Galv. ms gutters and downpipes.

Timber sliding main central door to front elevation.

uPVC windows and pedestrian doors.

Site Photos



Existing dilapidated shed on site along with scrap metal



Existing horse trailer and lorries



Public views of site along Bangor Road





Existing gravel laneway leading up to the site



Item 4.3c

Addendum to COR LA06/2015/0677/F

Following the publication of the case officer report in relation to the application referenced above, one further objection has been received from Jim Shannon MP on behalf of a constituent. This has taken the total number of objections up to 12 from 7 different addresses.

The following issues were highlighted:

- **Sight Lines:** A comment was made stating that the plans detail no allowance for sight lines. The development proposes to utilise an existing access coming off the Bangor Road, which is a protected route. DFI Roads was consulted on the proposal and offered no objections provided the use is not commercial in nature. DFI Roads did not ask for any amended plans in relation to the existing access and visibility splays.
- **Contamination:** The objector stated that contamination of the surrounding grounds has already occurred, and the concerned parties believe this will continue to have negative impacts and potentially become worse. Please see the main report for details regarding contamination. The application has been recommended for approval subject to a number of conditions in relation to contamination risks, submission of a Verification Report and Gas protection measures to be installed.
- **Dwelling:** There was reference to an existing dwelling being an eye-sore for which approval should not have been allowed as it does not meet criteria and the belief is that this application will develop this dwelling further. This is not relevant to this application for a stable building. There is no existing dwelling on site.

The issues raised within the objection have been considered and the recommendation to approve the proposal remains.

Nicole Keizer 28/03/23

Item 4.1c

Further Addendum to COR LA06/2015/0677/F

Following the publication of the case officer report in relation to the application referenced above, additional objection letters have been received. This has taken the total number of objections up to 15 from 7 different addresses.

The majority of issues raised have been addressed in the case officer report. The following issues were highlighted:

Address: The objector has stated that No. 251a does not exist and this does not refer to the applicant's residential address. The address is listed and shown on the Council's GIS and google maps. The applicant would have had to apply to Building Control to register this address on the site therefore this is not a planning matter. It is the responsibility of the agent and/or applicant to submit the correct details on the P1 form.

Preliminary Contamination Risk Assessment (PRA): The objector has stated that this assessment does not reflect the planning proposal as the report describes the proposal as a 'Farm Dwelling and detached garage', therefore the conclusions contained therein cannot possibly have any credibility or relevance to this agricultural / commercial proposal. The report states that historical landfill may have resulted in the land to be affected by contamination and the report identifies that there will be no unacceptable risk to environmental receptors. NIEA: Regulation Unit was consulted and offered no objections subject to imposition of conditions. The Council's Environmental Health Department (EHD) was also consulted and stated that the PRA determined that no potential contamination sources were identified at the site itself; however, there are several potentially contaminating previous land uses in the vicinity. EHD offered no objections subject to conditions. Both consultees were re-consulted on amended proposals and did not make any further comments. The findings in the report are relevant to the contamination of the site regardless of a proposed residential or commercial use.

Existing Commercial Business(s) operating from the site: Neighbours stated that there is no commercial business operating on the site. A number of the objectors highlighted that the existing use as described on the application form was misleading as it suggests there is an existing business use (horse breeding/carriage promotions). I have assessed the proposed use under 'principle of development' and have not stated there is a current business being operated on site but rather that there is an existing shed on site. One objector stated that the applicant had recently given evidence as part of a separate planning appeal regarding the commercial use of the site. This will not be considered as it does not form part of this application.

In addition, an objector has highlighted that the proposed block plan shows reference to an 'existing right of way business access'. This has now been removed from the plans therefore will not be 'stamped' upon approval/refusal of this application. Please see the amended block plan below:



Use not compatible with horses being kept on site: The objector stated that workshop activities such as carriage repairs and promotions are not typical equestrian activities, and the noise created by the repair work is likely to startle any animals nearby. Environmental Health was consulted and offered no objections to the proposed use or any issues with noise as a result. The agent has clarified that the workshop is for the applicant's personal use only.

Site was put up for sale: An objector stated that the site was put up for sale stating it had 'commercial' planning approval for stables. This was raised with the agent and applicant and the For Sale sign has since been removed given there was no planning permission on site (live application). If the application were to be approved, it will be subject to a planning agreement. The proposed legal agreement will ensure that the proposed shed is for private use only and will not have any commercial use associated with it. The agreement will be registered on the Statutory Charges register.

Increase in traffic movements: One objector stated that the applicant mentioned in the supporting statement that the proposal was required due to continuing growth of the businesses. The objector further elaborated that, by definition any growing businesses, this will surely have an increase in traffic therefore they have questioned the accuracy of the information provided in the P1 form which states there will be no increase in traffic movements. In addition, another objector stated that any change of use or development of the existing grazing ground would cause intensification of use & or increased vehicular movement and therefore under AMP3 of PPS3 - Protected Route Policy any form of development / business should be automatically refused. This has been covered in detail in section 'Road Safety and Access' in the COR. The agent has stated that the stables building is for the applicant's horses and for a workshop for repairs of carriages. The business use is carried out off-site hence the only traffic movements would include the applicant attending the site along with

occasional animal feed deliveries/vet check-ups. The use of the site will be subject to a planning agreement as referred to above.

A comment was also received which stated that any car park or lane through the front field would also constitute development and again should be refused (or appropriate Planning Enforcement Notices served). There is an existing access in place with no new proposed access or parking shown on the plans therefore this does not need to be considered.

Reference to CTY10: One objector stated that the application fails to meet any criteria of CTY10. CTY10 relates to proposals for a dwelling on a farm therefore is not relevant to this application.

Replacement shed: It was stated by objectors that the applicant is trying to gain planning permission through the retrospective shed on site. This shed is immune from enforcement action and therefore it was considered that the replacement of this shed with a new building would be acceptable. This has been considered in detail under 'Principle of Development' in the COR.

Environmental issues: Objectors have stated that the applicant has previously disregarded rules and planning regulations on numerous occasions and has had NIEA enforcement out on the site. The contamination issues have been considered within the report with NIEA consulted on the proposal. Please note that if approved, the development is subject to a number of conditions. If any condition is not complied with, an enforcement case can be opened to investigate any unlawful activity/non-compliance with conditions.

Fencing around Site: Two of the objectors stated that there have been issues with the fencing around the site to keep the horses secure. This is not a planning matter or material to this consideration. The upkeep of the existing paddock is the responsibility of the applicant.

FOI: The objectors have stated that they would also like to apply for a Freedom of Information to disclose how much this particular application has cost the council. This is not material to this planning application and can be done outside of the planning application process. Additionally, the only detail that the Planning Service can record in relation to this case is in respect of the planning fee paid, as the Council does not record hours against application processing.

Planning agreement: One objector asked if the applicant rents the land how will the proposed plans be policed, as this would mean the land/shed will now be business related rather than personal use. The planning permission enures with the land therefore any legal agreement, enforcement action etc. is applicable to the land itself. The domestic use of the stables will be applicable to any land owner/user.


Amended Plans: One objector stated that planning policies should be reviewed and that given the amendments are vastly different from original plans the applicant should be forced to resubmit new plans. Current planning legislation (not policy) enables submission of amendments to a proposal, and the plans have been amended from 3 sheds to 1 shed for stables/workshop use. This was considered as

a more appropriate development and therefore the Council was able to process this application under this one application and the principle of consideration of the policy did not change.

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2023/2000/LBC
Proposal	Replacement of ground floor windows to front elevation
Location	Ards Art Centre, Town Hall Conway Square, Newtownards,
Committee Interest	An application relating to land in which the Council has an interest.
Validated	17/08/2023
Summary	<ul style="list-style-type: none"> • The building is a Grade B+ Listed Building (HB24/13/001). • Initially Historic Environment Division (HED) sought firstly the windows should be repaired; and where beyond repair any new windows should be like-for-like. • Supporting Statement confirmed existing windows in a bad state of decay in critical areas which would deem them unfit for use or repair. • Supporting statement further confirmed that existing windows are double glazed and not single glazed as HED advised in its consultation response. • Following re-consultation, HED accepted that single glazing cannot be required as previously indicated. Replacement windows however will comprise the following, which will be conditioned – <ul style="list-style-type: none"> ○ Windows shall be finished in hardwood/exterior timber, traditionally detailed. ○ Timber sections (frame, astragal bars, mouldings/horns) shall match the appropriate period historic detailing/profile. ○ Glazing type shall be slim profile double glazing (SPDG).
Recommendation	Grant Listed Building Consent
Attachment	Case Officer Report – Item 4.4a

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2023/2000/LBC	DEA: Newtownards	
Proposal:	Replacement of ground floor windows to front elevation.		
Location:	Ards Art Centre, Town Hall Conway Square, Newtownards, BT23 4NP.		
Applicant:	Ards & North Down Borough Council		
Date valid:	17/08/2023	EIA Screening Required:	N/A
Date last advertised:	18/08/2023	Date last neighbour notified:	N/A
Letters of Support : 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Historic Environment Division		No objection, subject to conditions.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Impact of proposal on the listed building; • Impact of proposal on the setting of listed building. 			
Recommendation: Grant Consent			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://submissions.planningssystemni.gov.uk/app/applications			

1. Description of Site and Surrounding Area

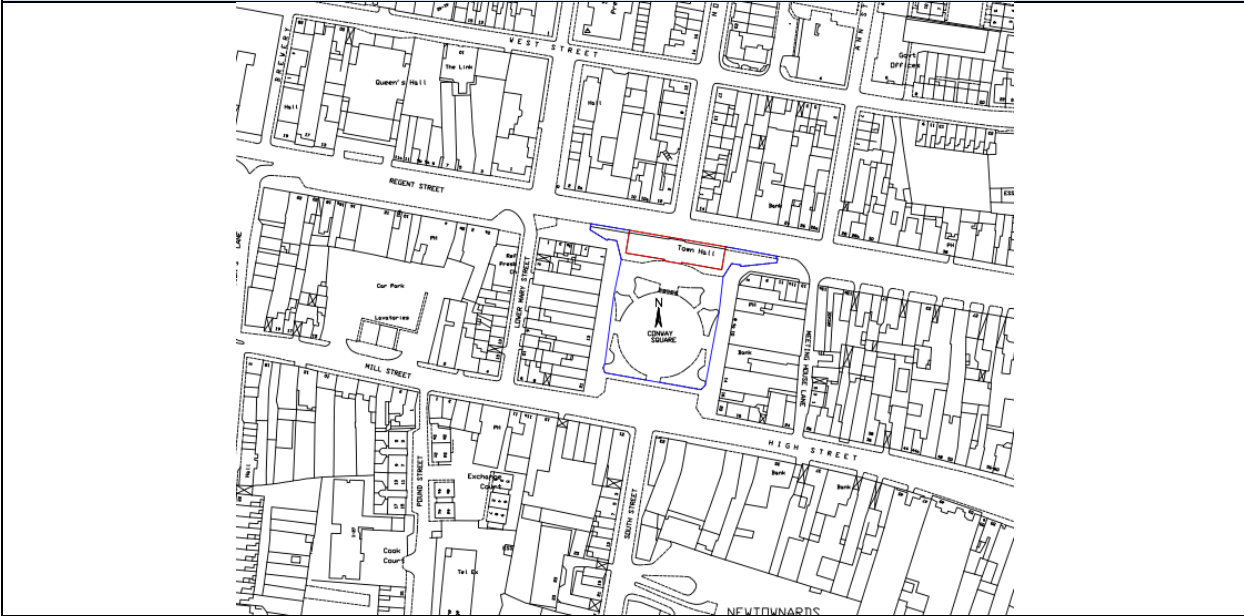
The application site is Ards Art Centre, located at the Town Hall Conway Square, within the Primary Retail Core, Town Centre and settlement limit of Newtownards. The site is also located within an Area of Archaeological Potential, with a number of listed buildings in close proximity to the application site.



The application site consists of a substantial two-storey stone Town Hall, with a clocktower projecting from the centre, with the building a Grade B+ Listed Building.

To the south of the site is Conway square, which is a large open paved area with planting and public seating around the perimeter. There are a mix of uses in the surrounding area, including residential and commercial.

2. Site Location Plan



3. Relevant Planning History

Whilst the application site has a long-established planning history, no elements of planning history are pertinent to the assessment of this application aside from X/1998/0161. As per the consultation response provided by Historic Environment Division (25th October 2023), X/1998/0161 is considered to be when the existing double

glazed windows were approved, with this integral to the positive response from HED recommending Listed Building Consent is granted:

Planning Ref: X/1998/0161

Location: Town Hall, Conway Square, Newtownards.

Proposal: Refurbishment and repairs to town hall.

4. Planning Policy Framework

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

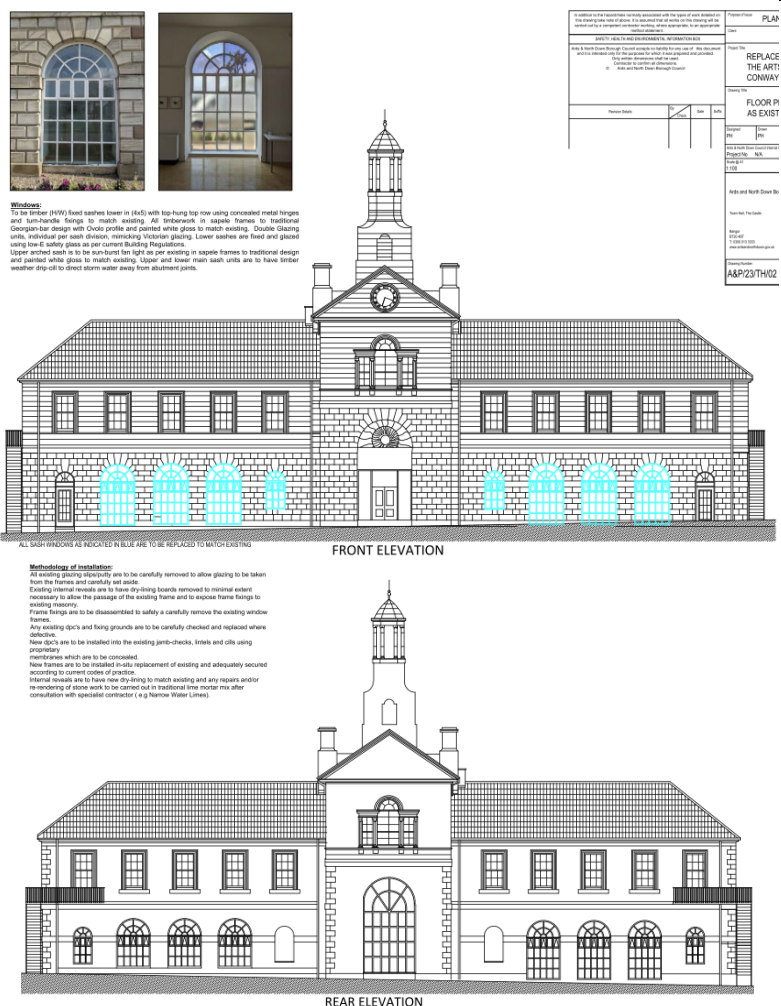
- Ards and Down Area Plan 2015 ('ADAP')
- Strategic Planning Policy Statement for Northern Ireland:
Paragraphs 6.12 (setting) and 6.13 (Listed Buildings)
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage:
Policy BH 8: Extension or Alteration of a Listed Building
Policy BH 11: Development affecting the Setting of a Listed Building.

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

The ADAP currently acts as the LDP for this area. The site is located within Newtownards Town Centre and in an Area of Archaeological Potential. 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.

Existing policy provisions that have not been cancelled by the SPPS are to remain a material consideration and are considered below.

The application site, Town Hall, Conway Square, Newtownards is a Grade B+ listed building (HB24/13/001) of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. The application seeks to attain Listed Building Consent for the replacement of ground floor windows to front elevation.



As per the initial consultation response that HED (Historic Buildings) provided, dated 25th August 2023, HED reviewed the information submitted to the planning portal and provided the following advice:

- HED welcomes proposed maintenance to this building to ensure its continued use, however any proposals must be sympathetic. In the first instance HED requests that existing windows are repaired. If deemed beyond repair, any assessment of proposed new windows must be based on comparison with the existing windows that the new ones are replacing and their appearance alongside other windows to be retained. Any new windows should be like for like (in relation to any existing historic or original windows) i.e., hardwood/exterior timber, traditionally detailed. Timber sections (frame, astragal bars, mouldings) to match the appropriate period historic detailing/profile. Glazing type to be single glazing. The unit putty fronted and without trickle vents.
- Under essential character - PPS6 BH8, HED does not ordinarily approve the following:
 - a) Laminated/ safety glass, due to the reflectivity in comparison to float glass.
 - b) Low emissivity glazing under essential character due to the tinted appearance in comparison to float glass.

- c) Double glazing to multipane windows due to its cruder appearance in comparison to single glazing and possible loss of historic fabric. Double glazing can be problematic for traditional type windows. Its weight and depth often require substantially modified frames. Double glazing almost always requires an exterior glazing bead to secure the glass to the frame and cannot rely upon putty. The weight of the glass often dictates that glazing bars within the window have to be thickened to support the glass. The result is a window that is much cruder in appearance. Sticking on imitation glazing bars to the front of glass is not an acceptable solution. The increase required in thickness to improve thermal performance often requires the depth of the window to be increased as well as causing disruption to internal joinery. The thermal performance achieved from such windows is marginal when compared to properly draught proofed traditional single pane windows. For all these reasons, HED does not recommend double glazing to listed buildings. This position has been long standing in regard to windows with fine glazing bars. Because of the particular rarity of historic glass in Northern Ireland due to bomb damage, windows with historic glass are very important and should be retained.

The agent submitted Drawing No. 04 and provided a supporting statement confirming that the existing windows are in a bad state of decay in critical areas which would deem them unfit for use or repair, and that any new windows will be like for like, with it noted that the existing windows that are to be replaced are not original frame and are double-glazed.

HED (Historic Buildings) was re-consulted and as per the consultation response, provided 25th October 2023, confirmed receipt of the additional Drawing No. 04, published to the planning portal on 9th October 2023 which shows that both the existing and proposed multipaned windows to the ground floor are double glazed.

HED (Historic Buildings) Area Architects discussed the revised information on 17th October and followed this up by conducting a site visit on 18th October 2023, where HED confirmed that the existing windows to the ground floor of the building are indeed double glazed, opposed to single glazed as first suspected.

HED notes that it has insufficient evidence of when the windows were installed but suspects that the extant double-glazed windows were approved in 1998 under application reference, 'X/1998/0161', titled, '*Refurbishment and repair to town hall*'. This would suggest the windows were likely approved prior to current planning legislation. Consequently, HED accepts that the extant windows are double glazed and have no historic merit.

Given the extant double glazed windows, HED considers that single-glazed windows as replacements cannot be requested, despite this being the preferred option as to do so would be overburdensome on the applicant, but have stipulated two conditions to the finishes of the double glazing windows to ensure that the proposal does not affect the essential character of the setting of the listed building, with the comments made in relation to the requirements of the SPPS (NI) paragraph 6.12 (setting) and PPS 6: Planning, Archaeology and the Built Heritage, Policy BH11: Development affecting the Setting of a Listed Building.

As per Policy BH 8: Extension or Alteration of a Listed Building, the proposal is considered sufficiently minor to have no detrimental impact upon the character and appearance of the Grade B+ listed Town Hall building. The proposed replacement of the existing double-glazed windows shall not detract from the essential character of the town hall building, with the proposed replacement windows in keeping with the architectural detailing of the building.

There are four listed buildings within close proximity of the application building, including the Bank of Ireland building at No. 12 Conway Square, the original post office building at No. 8 Francis Street and the buildings at Nos. 22A Frances Street, 12 Frances Street and 2-6 North Street. Consequently, the proposal has the potential to have an impact upon the setting of a listed building; however it is not considered to impact adversely.

The proposal is also considered to be in general compliance with Policy BH 11: Development affecting the Setting of a Listed Building as the detailed design respects the listed building in terms of design and appearance. The existing double-glazed windows are acknowledged as not being of historic merit. Whilst the single glazed windows would be desirable to ensure the setting of the listed building, it is deemed that it would be overburdensome to refuse the replacement double glazing windows in favour of single glazed windows. The proposal shall not alter the use of the building, nor have any visual discrepancy from the appearance of the existing building and is subsequently considered acceptable.

5. Consideration of Representations

No letters of representation have been received.

6. Recommendation

Grant Consent

7. Conditions

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

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

2. Windows shall be finished in hardwood/exterior timber, traditionally detailed. Timber sections (frame, astragal bars, mouldings/horns) shall match the appropriate period historic detailing/profile. Glazing type shall be slim profile double glazing (SPDG). The SPDG unit shall be 12mm (max) overall thickness with a black or white metal edge seal. The SPDG unit shall be putty fronted. If background ventilation is required within the sash units they shall be located within the frame stiles.

Reason: In order to safeguard the special architectural or historic interest of the listed building and its setting.

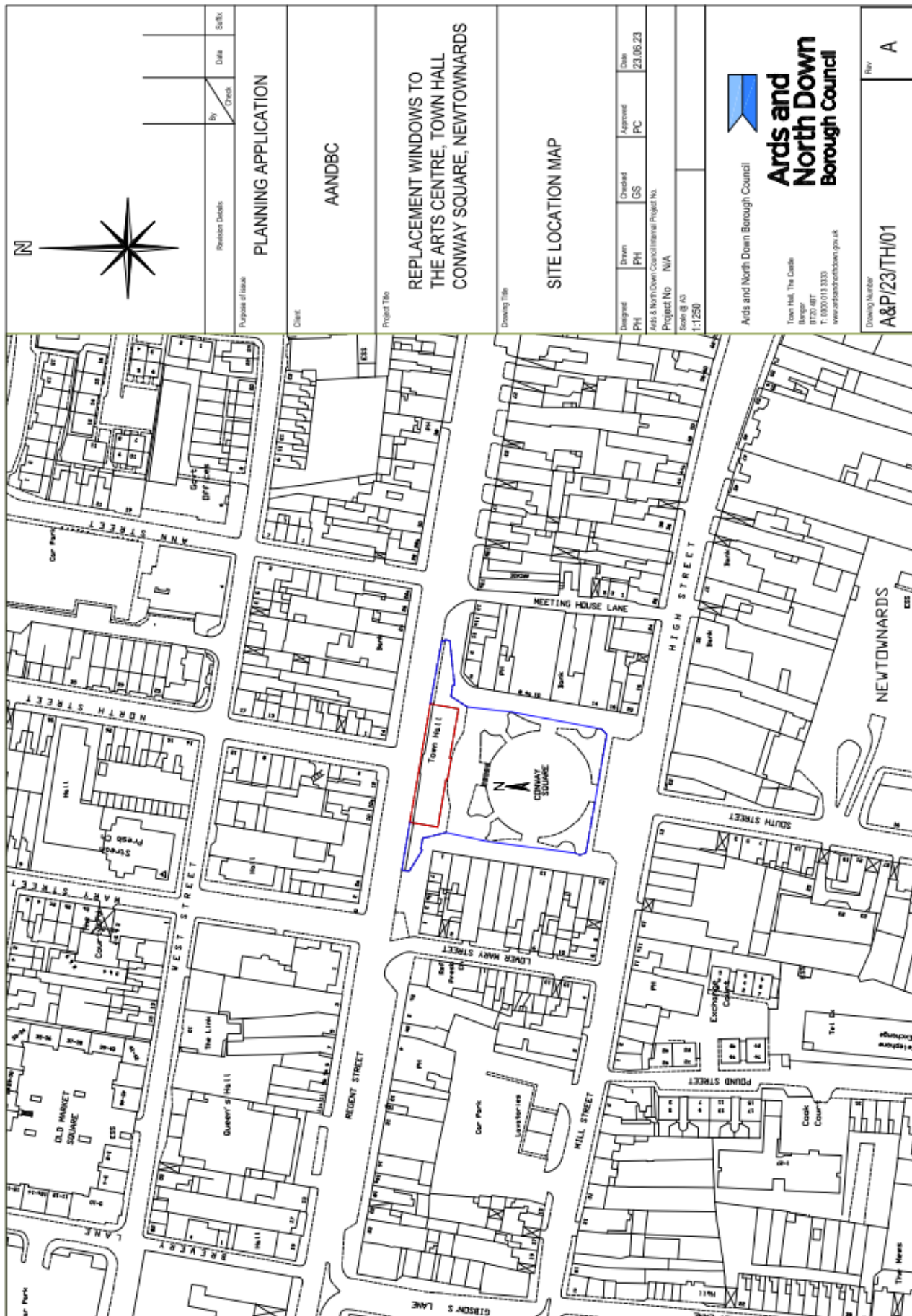
3. Sample windows shall be agreed in writing with HED (Historic Buildings) and the council prior to works commencing on site.

Reason: To ensure the architectural details are in keeping with the building.

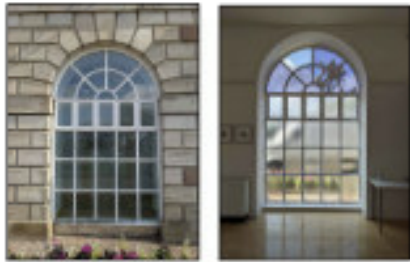
Informative

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.

Drawing No. 01: Site Location Plan



Drawing No. 02: Existing and proposed floor plans and elevations



Windows
 To be fitted in situ (best possible) in situ with top-hung 100/10w using concealed metal finger and turn-handle fittings to match existing. All timberwork in sash frames to traditional Georgian/era design with Chisel profile and painted white glass to match existing. Double Glazing units, individual per sash division, minimum 16mm glazing. Lower sashes in lead and glass using low-E safety glass as per current Building Regulations. Upper sashes set in to be sun-funnel for light as per existing in sash frames to traditional design and painted white glass to match existing. Upper and lower main sash only are to have timber weather stop-off to direct rain-water away from adjustment points.

<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p> <p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>PLANNING APPLICATION</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>ANNEX</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>REPLACEMENT WINDOWS TO THE ARTS CENTRE, TOWN-HALL CONWAY SQUARE, NEWTOWNARDS</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>FLOOR PLANS & ELEVATIONS AS EXISTING & PROPOSED</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>Site and North Down Borough Council</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>Ards and North Down Borough Council</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>MP/23/14/02</p>	
<p>Application for Listed Building Consent, submitted with the plans and drawings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2017.</p>		<p>A</p>	

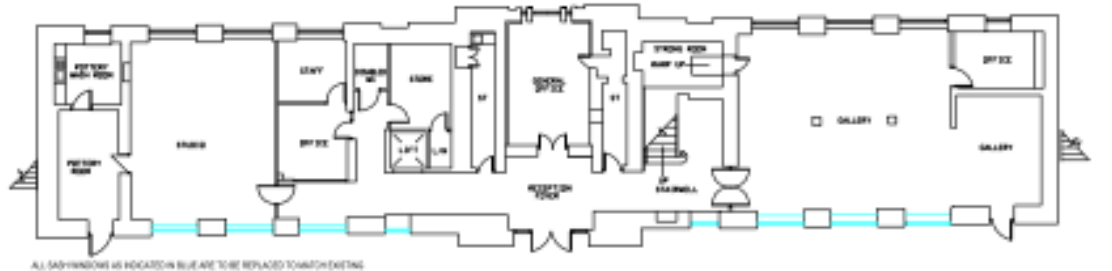


FRONT ELEVATION

Methodology of installation
 All existing glazing (especially) are to be carefully removed to allow glazing to be clear from the frames and carefully set aside. Existing internal reveals are to have dry-lining boards removed to minimal extent necessary to allow the passage of the existing frame and to expose frame fittings to existing masonry. Frame fittings are to be disassembled to safely and carefully remove the existing window frames. Any existing gaps and hang-grounds are to be carefully checked and replaced where defective. New sills are to be installed into the existing jambs, levels and fills using DPM/DRY MIX CHARACTER WHICH ARE TO BE CONCEALED. New frames are to be installed in situ replacement of existing and adequately secured according to current codes of practice. Internal reveals are to have new dry-lining to match existing and any repairs and/or re-rendering of stone-work to be carried out in traditional lime mortar mix after consultation with specialist contractor (e.g. Narrow Water Lime).



REAR ELEVATION



GROUND FLOOR PLAN TOWN HALL, NEWTOWNARDS.

Drawing No. 03: Town Hall Window Profile

Existing Windows:
The existing windows are timber (assumed H/W) fixed sashes lower in (4x5) with top-hung top row using concealed metal hinges and turn-handle fixings. They are Georgian-bar design with Ovolo profile and painted white gloss. They have individual Double Glazing units per sash division in a Victorian mimic.

Upper arched sashes have a fixed sun-burst fan light, Double Glazed in timber frame to traditional design and painted white gloss. These upper sash units have a timber weather drip-cill to direct storm water away from abutment joints with main sash frame.


The existing glass is held in place via chamfered putty line. There are no trickle vents in place.

Proposed Windows:
To be timber (H/W) fixed sashes lower in (4x5) with top-hung top row using concealed metal hinges and turn-handle fixings to match existing. All timberwork in sashie frames to traditional Georgian-bar design with Ovolo profile and painted white gloss to match existing. Double Glazing units, individual per sash division, mimicking Victorian glazing. All glazing is to be float glass.

Lower sashes are fixed and glazed using 4mm Toughened float glass in critical areas as defined within Building Regulations current Technical Booklet V.

Upper arched sash is to be sun-burst fan light as per existing in sashie frames to traditional design and painted white gloss to match existing. Upper and lower main sash units are to have timber weather drip-cill to direct storm water away from abutment joints.

All new glazing is to be fitted using chamfered putty line to match existing and the installation of any trickle vents are not permitted.



Revision Details	
By	Date
Checked	Date
Sd/Rx	Date

PLANNING APPLICATION


Client: **AAANDBC**

Project Title: **REPLACEMENT WINDOWS TO THE ARTS CENTRE, TOWN HALL CONWAY SQUARE, NEWTOWNARDS**

Drawing Title: **WINDOW FRAME PROFILE AND FINISH DETAILS**

Designed	Drawn	Checked	Approved	Date
PH	PH	GS	PC	23.06.23

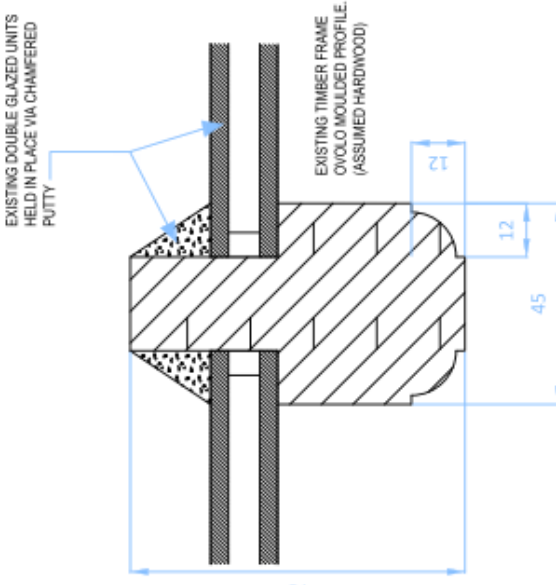
Project No: N/A
Scale: 1:1
Arts & North Down Council Internal Project No.



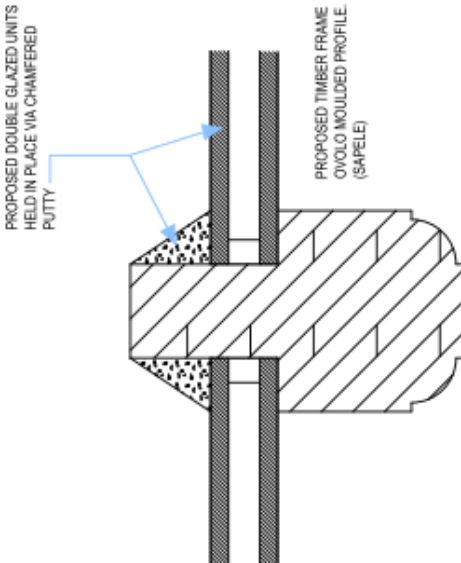
Ards and North Down Borough Council

Town Hall, The Castle
Bangor
BT20 4BT
T: 0300 013 3333
www.ardsandnorthdown.gov.uk

EXISTING FRAME PROFILE



PROPOSED FRAME PROFILE




Photos:



ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2023/1751/F
Proposal	1st floor roof terrace with railings
Location	Hollywood Rugby Football Club, Belfast Road, Hollywood
Committee Interest	An application relating to land in which the Council has an interest.
Validated	02/05/2023
Summary	<ul style="list-style-type: none"> • There is a presumption in favour of development within the SPPS so long as development is in the public interest and does not compromise environmental standards. There is no conflict between the proposal and the SPPS. • The proposed first floor roof terrace will overlook the existing pitches and is acceptable in design. • The roof terrace will be approx. 40m away from the apartments at 5 Belfast Road, which are on higher ground and therefore the proposal will not result in overlooking or loss of private amenity space. • Environmental Health consulted and has no objections subject to conditions which restrict the times that the proposed terrace can be used (closed between 11pm and 10am); no TV, music of any kind or amplified sound shall be played in the roof terrace area; and the double doors to the terrace area hereby permitted shall remain closed when entertainment is in progress in the 1st floor area, except for access and egress.
Recommendation	Approval
Attachment	Case Officer Report Item 4.5a

Development Management Case Officer Report			
Reference:	LA06/2023/1751/F	DEA: Holywood & Clandeboye	
Proposal:	1st floor roof terrace with railings.		
Location:	Holywood Rugby Football Club, Belfast Road, Holywood, BT18 9EL.		
Applicant:	Adam Rodgers		
Date valid:	02.05.2023	EIA Screening Required:	No
Date last advertised:	23.11.2023	Date last neighbour notified:	14.11.2023
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Ards and North Down Borough Council Environmental Health Officer		No objection with conditions stipulated to protect residential amenity.	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Visual impact • Impact on residential amenity 			
Recommendation: Approve Planning Permission			
Report Agreed by Authorised Officer			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)</p>			

1. Site and Surrounding Area

The application site is located at Holywood Rugby Football Club (Club), Belfast Road, Holywood, with the proposal pertaining only to the first floor of the existing building serving the Club. The Club building assumes an L-shape with both two-story and single storey portions. The building is finished in pebbledash render painted cream, black window frames with part flat roof, part mono-pitched roof (Figure 1).

The Club is accessed from Belfast Road with the lane leading to the Clubs parking area and playing field. Holywood Bypass is located northwest of the application site. Residential properties are located to the east and south of the application site.

Figure 1: Existing Building



The surrounding area is urban consisting mainly of recreational open space and residential properties.

2. Site Location

Figure 2: Extract from Site Location Plan

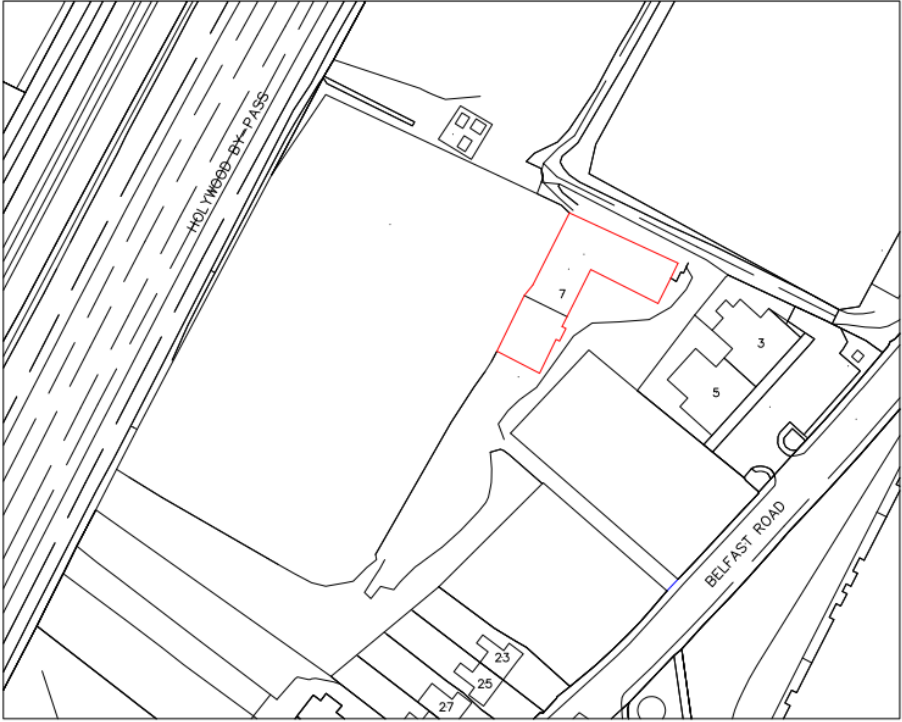


Figure 3: Aerial View of Application Building



3. Relevant Planning History

There 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
- Planning Policy Statement 3: Access, Movement and Parking

4.1 Principle of Development

The site currently contains Hollywood Rugby Football Club. The proposed first floor roof terrace would be developed on the existing authorised building serving the club. The proposal can therefore be considered an extension of the existing facilities. Due to the nature of the proposal, there would be no loss of open space or reduction in the amount of existing recreational space.

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. The LDP designates the application site as within Hollywood Settlement Limit. No further special designations

pertain to the application site. The proposal does not conflict with the LDP and is acceptable in this regard.

Figure 4: Extract from Draft BMAP



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 proposal does not conflict with the SPPS and so is acceptable in this regard.

As the proposal pertains to an existing authorised recreational facility, the principle of development is accepted. The main issues for assessment are the impact of the proposal on residential amenity and, the impact of the proposal on the appearance of the existing building and surrounding area. These material planning considerations are assessed in the subsequent sections of this report.

4.2 Impact on Visual Amenity

The proposal incorporates developing a first-floor roof terrace on the flat roof located on the southwest side of the existing building (Figures 5 and 6). The works proposed include fitting grey composite decking and black handrails (Figures 7 and 8). The visual impact of these works is considered minimal with it not considered that they would detrimentally impact upon the appearance or character of the existing building or surrounding area. Rather, the proposed works are considered appropriate to the use of the existing building and of a quality design.

Figure 5: Proposed Location of Roof Terrace on Existing Building

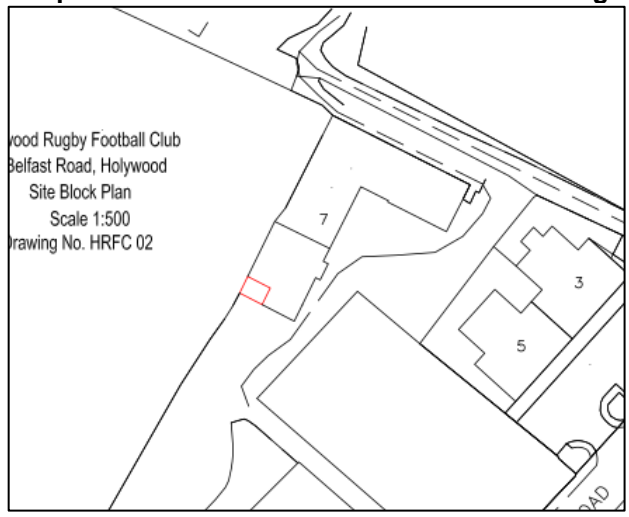


Figure 6: Existing Side and Front Elevation

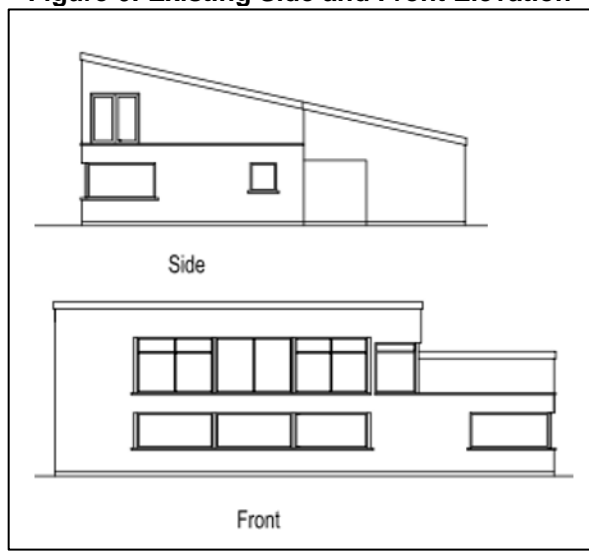
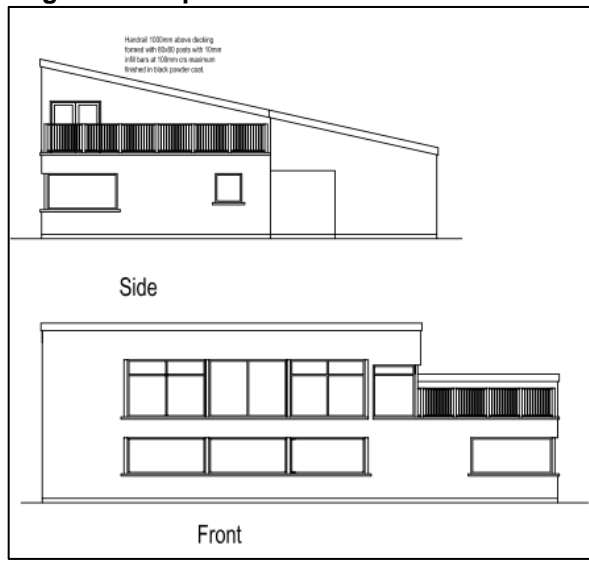
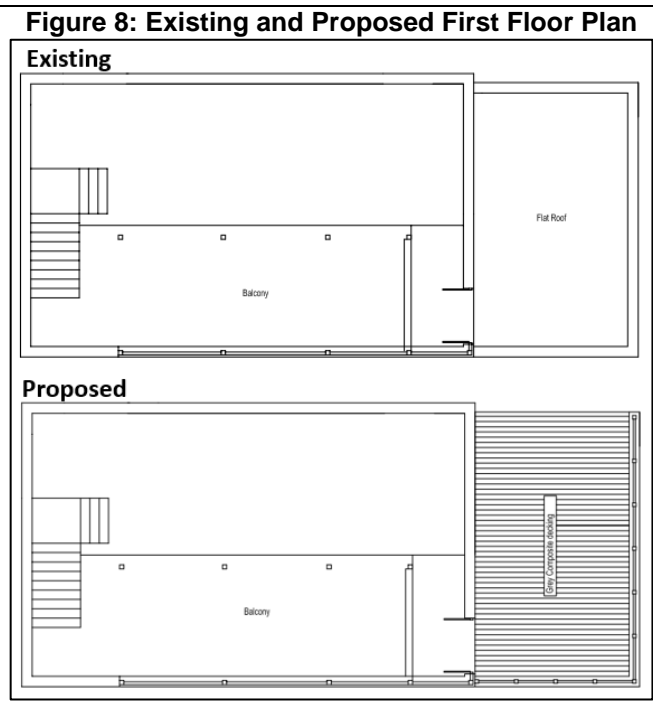


Figure 7: Proposed Side and Front Elevation





It is my professional planning judgement that the proposal is in keeping with the existing approved use and will visually integrate with the design of the existing building. Consequently, the proposal will not adversely impact the appearance or character of the surrounding area. The proposal is therefore considered policy compliant and acceptable with regards to its visual impact.

4.3 Impact on Residential Amenity

The proposal will be developed on an existing building which is sited on lower ground than the closest neighbouring properties (Apartments 1-10, 5 Belfast Road) which are located behind the application building (Figures 9 and 10). The location of the proposed roof terrace is approx. 40m away from the apartments at 5 Belfast Road.

The Council's Environmental Health Officer was consulted on the proposal and responded with three conditions deemed necessary to protect the residential amenity of the occupants of the apartments at 5 Belfast Road. The conditions restrict use of the proposed roof terrace until 11pm, prohibit amplified sound being playing on the proposed terrace and stipulate that the doors onto the terrace remain closed except for access and egress. It is considered that these conditions will adequately protect residential amenity from noise disturbance.

I am satisfied that the application building's position on lower ground, the 40m separation distance and the fact that views would be orientated towards the playing field, away from residential properties, is sufficient to prevent an unacceptable degree of overlooking from occurring. Dominance and loss of light/overshadowing are not possible due to the nature of the proposal.

Figure 9: Application Building and Neighbouring Apartments to the Rear



Figure 10: Application Building with Apartments – Views orientated towards playing field.



No further residential properties could be affected by the proposal as they are located over 75m away from the proposed roof terrace.

The proposal will not adversely impact residential amenity by way of noise disturbance overlooking, overshadowing or dominance and therefore satisfies the relevant policy considerations.

4.4 Designated Sites and Natural Heritage

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

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

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

- 1. The works hereby permitted must be begun within 5 years from the date of this permission.

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

- 2. The roof terrace hereby permitted must not be used between the hours of 11pm and 10am.

Reason: To protect residential amenity.

- 3. No TV, music of any kind or amplified sound shall be played in the roof terrace area hereby permitted.

Reason: To protect residential amenity.

- 4. The double doors to the terrace area hereby permitted shall remain closed when entertainment is in progress in the 1st floor area, except for access and egress.

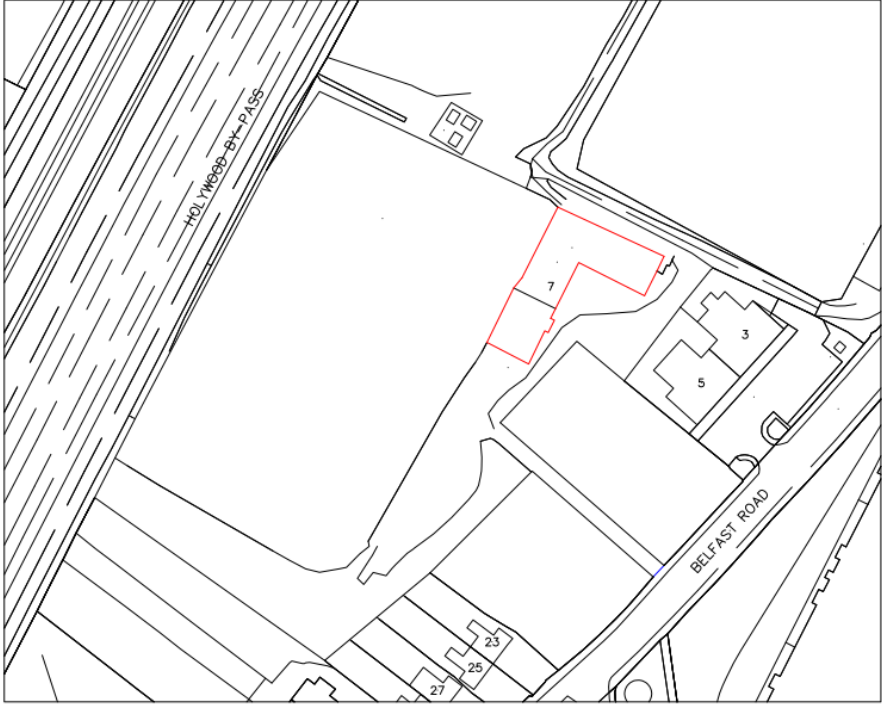
Reason: To protect residential amenity.

Informative

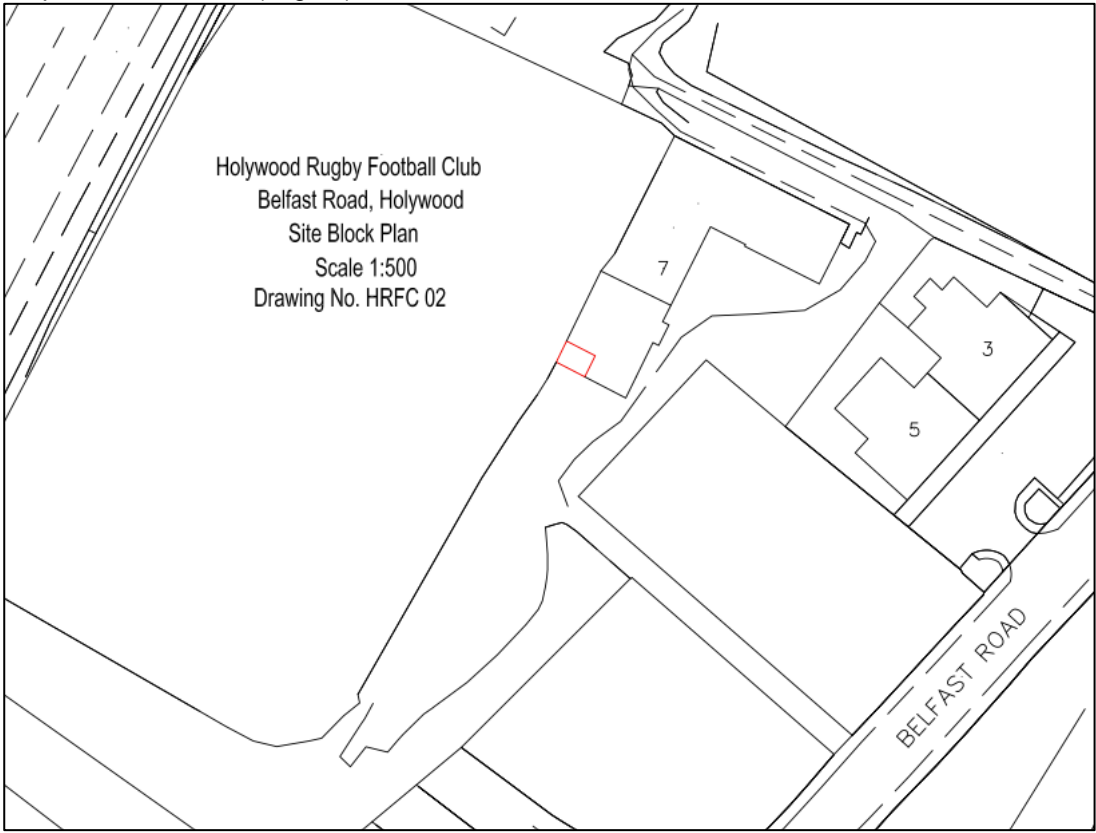
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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

Appendix One: Submitted Plans

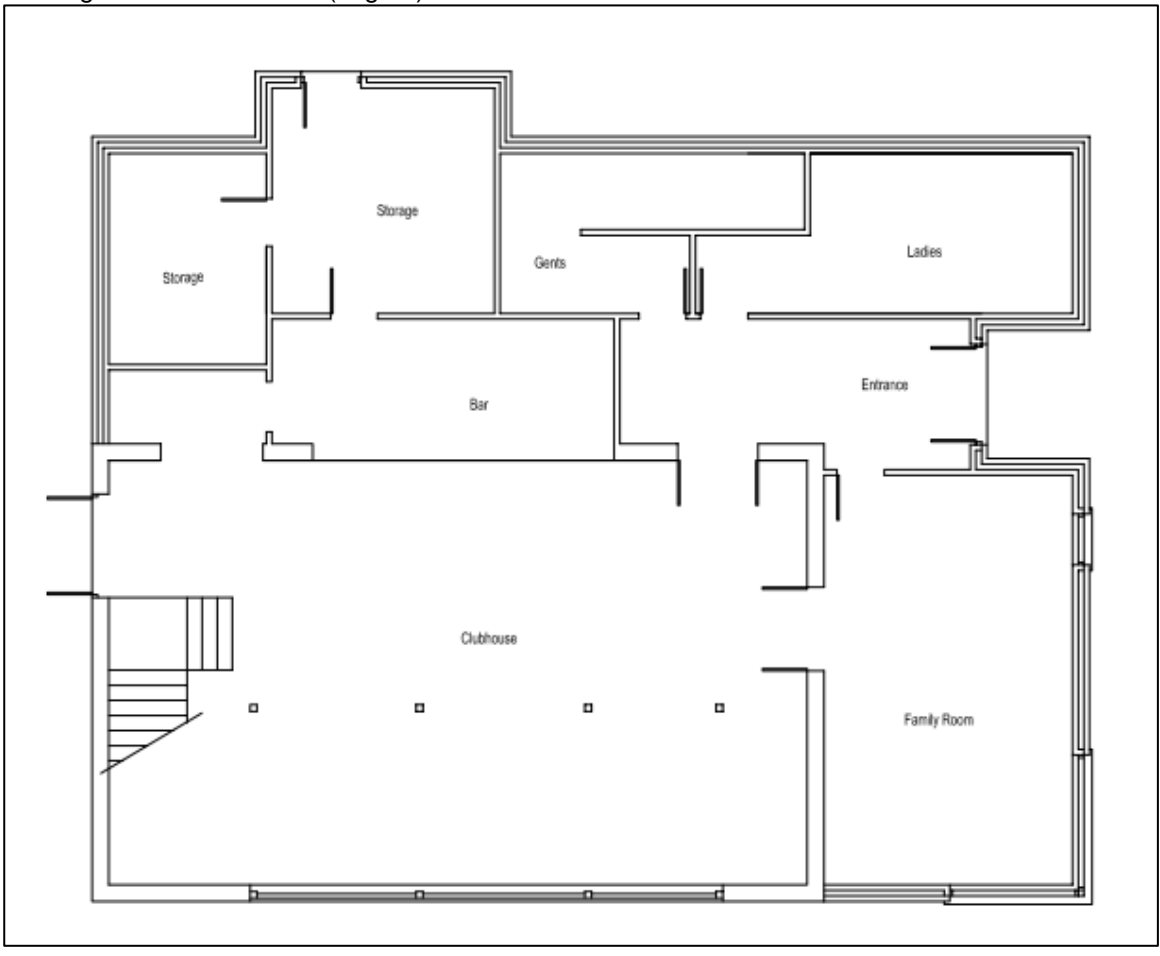
Site Location Plan (Drg 01B)



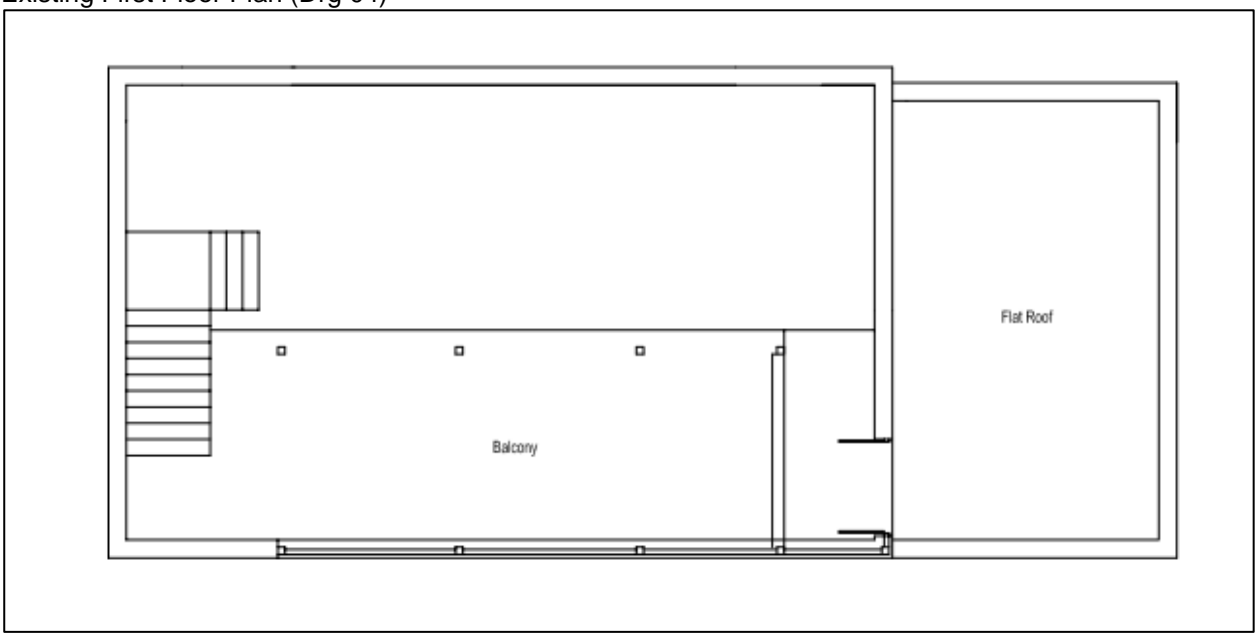
Proposed Block Plan (Drg 02)



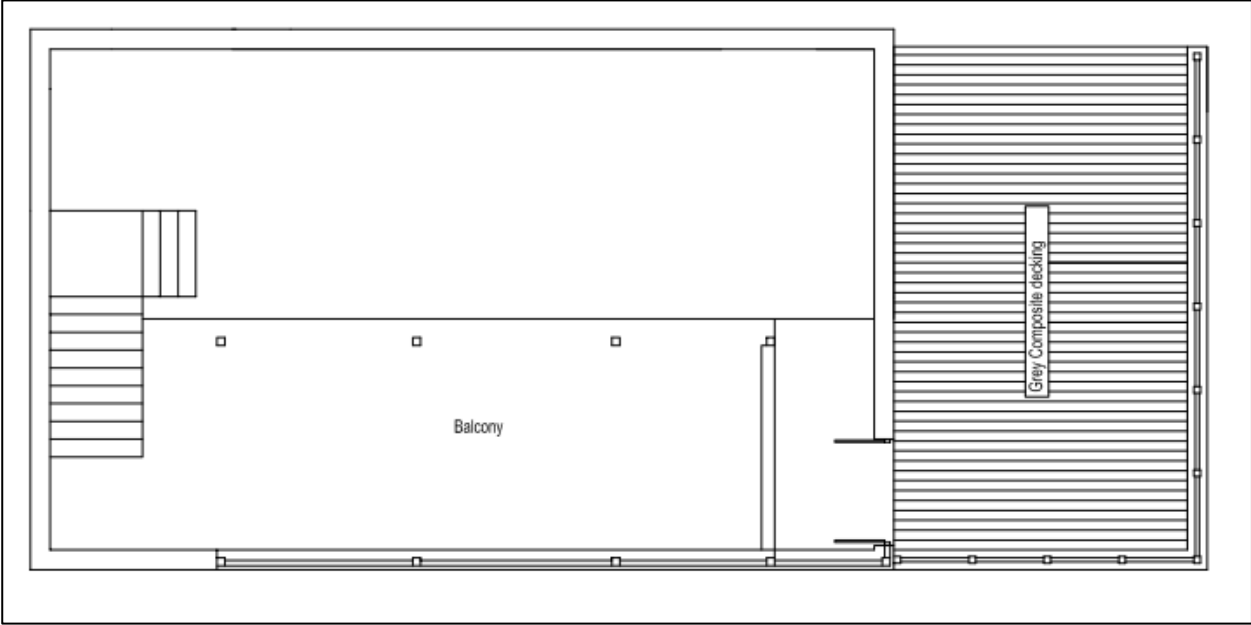
Existing Ground Floor Plan (Drg 03)



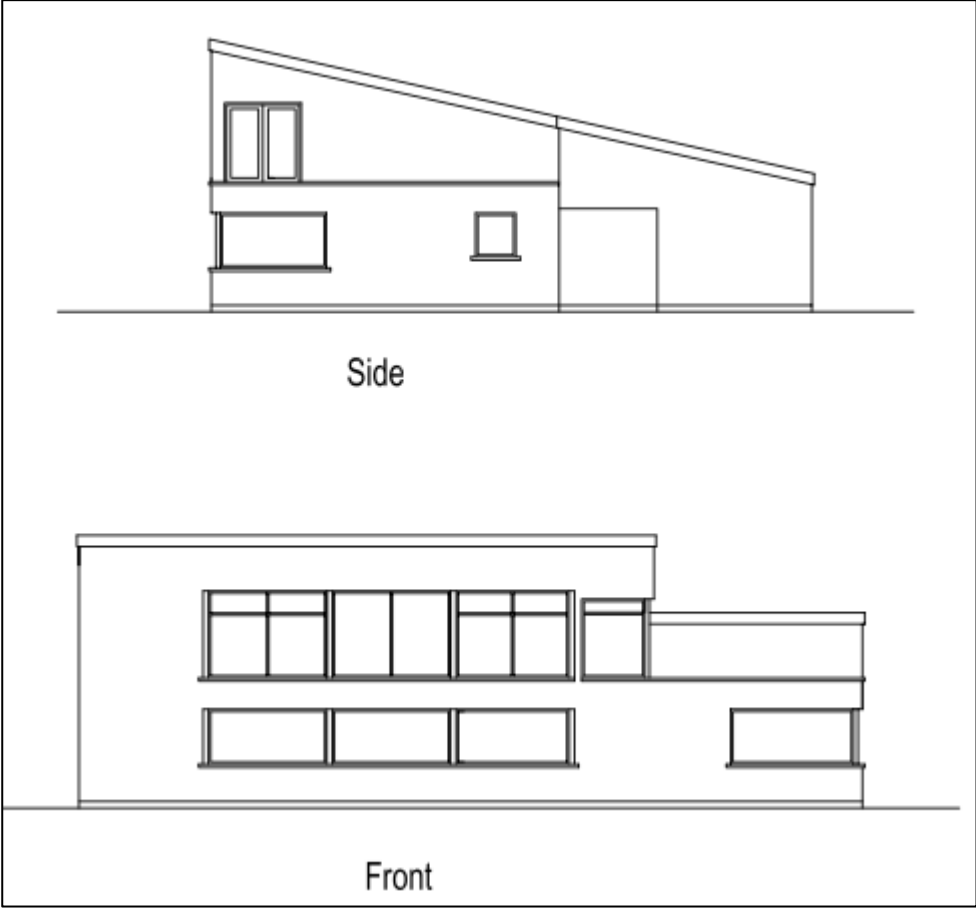
Existing First Floor Plan (Drg 04)



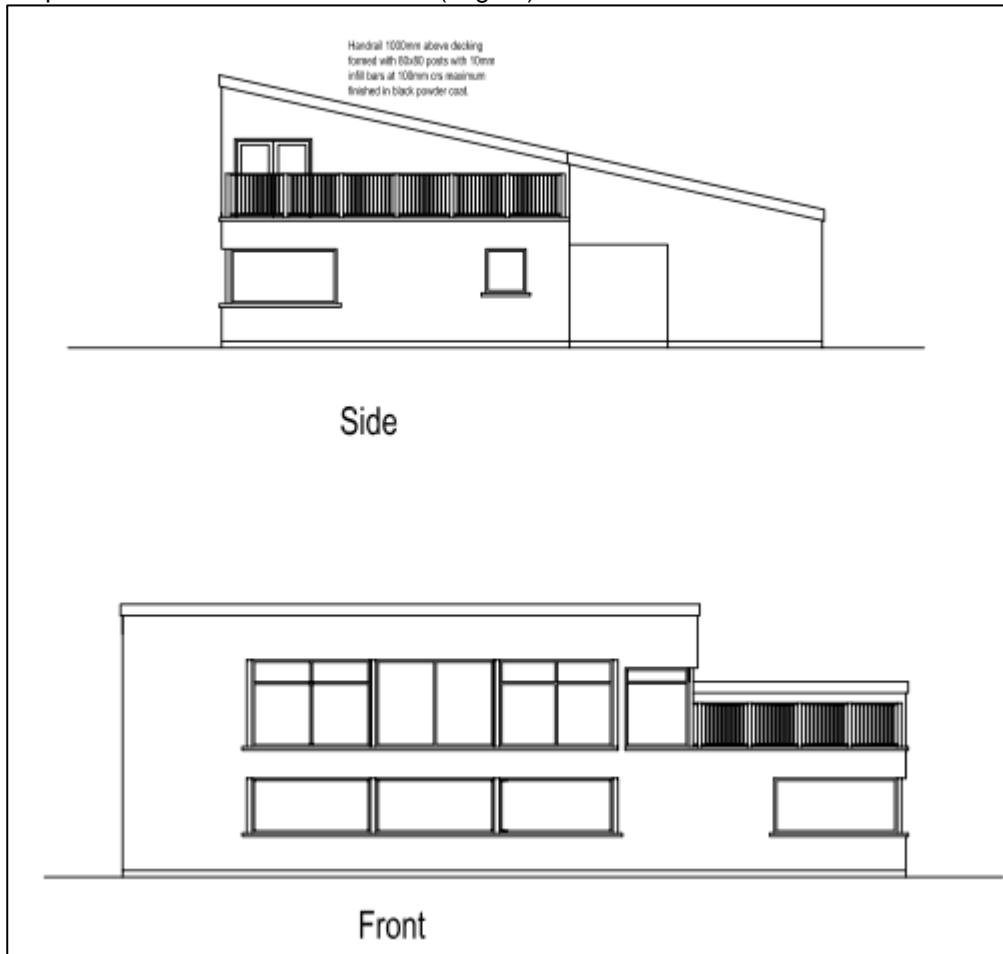
Proposed First Floor Plan (Drg 05)



Existing Side and Front Elevations (Drg 06)



Proposed Side and Front Elevations (Drg 07)



Appendix Two: Site Inspection Photographs

Access Lane leading to Application Building



Application Building beside Residential Apartments (1-10, 5 Belfast Road)



Side Elevation of Application Building – proposed siting for roof terrace



Application Building - Front and Side Elevation



Front Elevation of Application Building



Proposed Siting of Roof Terrace and adjacent Car Park



View from the Front of the Application Building facing Southwest



View from the Front of the Application Building facing Northwest



Unclassified

190

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 December 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 November 2023
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/A0068 Item 5b - 2022/A0170

Appeal Decisions

- (a) The following appeal was allowed on 6 November 2023 and condition 6 was reworded.

PAC Ref	2022/A0068
Application ref	LA06/2018/1264/F
Appellant	CES Quarry Products Ltd.
Subject of Appeal	The conditional grant of planning permission.
Location	163 Moneyreagh Road, Castlereagh

Firstly, in terms of a preliminary matter, the Commissioner was satisfied that the appellant had correctly exercised their right to appeal the conditional grant of

Not Applicable

191

planning permission within four months of the date of notification of the decision under section 58 of the Planning Act (Northern Ireland) 2011. The PAC therefore did not agree with the Council's assertion that the appeal was invalid, which had been on the basis that the café use was not included in the description of the approved development. The PAC considered that the absence of the café is not critical as it is proposed to be ancillary to the main retail use of the premises. Therefore, the appellant is correct that they may try to seek deletion of the word 'café' from the condition 6 text through an appeal.

A CLEUD was certified on this site under LA06/2020/0167/LDE on 30 June 2020 for the sale and storage of concrete products, aggregate and landscape supplies, DIY products and equipment has been ongoing on the site for a period exceeding five years.

Following this, this planning application was subsequently granted on 7 March 2022. Condition 6 of this approval states –

“The café and retail use of the mezzanine floor of the building hereby approved, as shaded blue on drawing no.02 bearing the date stamp 19th November 2018, shall cease and all associated equipment shall be removed within 6 weeks of the date of this decision notice. No retail activity shall be permitted on the mezzanine floor, coloured blue on drawing no.02 bearing the date stamp 19th November 2018, of the building hereby approved without the written consent of the Council. Reason: To control the nature, range and scale of the commercial activity to be carried out at this location.”

The Commissioner did not agree with the Council's view that the CLEUD did not establish any food or drinks activity at the site, and referred to approved drawing No.04 which includes a note stating the existing sales/office building “serves as a customer services facility where customers can meet staff, have a beverage and discuss products and requirements.”

In terms of The Planning (Use Classes) Order (NI) 2015 [‘the UCO’] the PAC confirmed that a café use is sui generis [no class specified] and as such is quite distinct from retail shops, which falls under Part A of the UCO. The Commission therefore found that a café use should be confined to a main town centre use and the sequential test outlined in the SPPS did not need to be applied.

The PAC further noted that the CLEUD certificate established retailing as a stand-alone use with no qualification or restriction to make it a secondary use to the quarry. The Commissioner stated that when he visited the site he observed more traffic attending the retail store than the concrete works and has concluded that the outlet is not functionally dependent on the adjacent quarry and concrete works. The PAC concludes that the effect of the Council's approval is that a second primary use (retail) has been authorised at the site. As such the café is not required to be ancillary to the concrete works but to the retail store, which is a primary use in its own right.

The Commissioner, taking account of paragraph 1.12 of DCAN 4 considers that the café cannot practically or viably operate on its own were the retail use of the

Not Applicable

192

premises to cease. He states that the café is designed to provide refreshments for those who are already shopping for DIY or garden products at the site, and being on a mezzanine floor, it would not change the appearance of the building.

Therefore, the Commission concluded that he is persuaded that the proposed café would be ancillary to the retail outlet store. Additionally, this establishes that there is no conflict with the rural character of the area.

Furthermore, the PAC conclude that there would be no significant intensification in the use of the access. It is noted that the existing access, which is designed for HGV use would become sub-standard and the PAC have been provided with no evidence to the contrary.

Finally, the Commissioner has determined that the retailing use should be confined to the ground floor of the unit. This had not been the case during his site visit when he observed BBQs for sale in the mezzanine area. As part of the Commissioner's decision, condition 6 of the planning approval has been amended to read as follows –

“The mezzanine floor shaded blue on the approved drawing no.02 bearing the date stamp 19 November 2018 shall be used solely as a café and for no other purpose. The café shall remain ancillary to the ground floor retail unit and shall not operate independently of it. No retail sale or display of goods shall be permitted on the mezzanine floor without the prior written consent of the Council.”

(b) The following appeal was dismissed on 23 October 2023

PAC Ref	2022/A0170
Application ref	LA06/
Appellant	BT Group
Subject of Appeal	2 No. Digital 75” LCD screens, one on each side of the Street Hub unit.
Location	Footpath outside the Courthouse, 16 Quay Street, Bangor

The main issues in this appeal are whether the proposed advertisements would:

- respect amenity;
- adversely affect the setting of a listed building; and
- maintain or enhance the overall character and appearance of a proposed Area of Townscape Character.

The site lies within the proposed Bangor Central Area of Townscape Character (ATC) as identified in dBMAP 2015. Notwithstanding that a lawfully adopted final version of BMAP is not in place, the impact of the proposed advertisements on the relevant key features of that part of the proposed Bangor Central ATC are assessed under prevailing planning policy.

Not Applicable

193

There is no conflict or change in policy direction between the SPPS and the retained policies, namely PPS 6 'Planning, Archaeology and the Built Heritage' and PPS 17 'Control of Outdoor Advertisements'.

The appeal site is in front of a Grade B2 listed building that was formerly Belfast Bank, a petty sessions courthouse, and is now a licensed music and arts venue (referred to as the "courthouse") (HB23 05 011).

Policy AD1 of PPS 17 is the appropriate policy to assess the impact of the proposed advertisement on amenity. Policy BH11 of PPS 6 states that development will not normally be permitted which would adversely affect the setting of a listed building.

The Commission considers that the courthouse and its architectural features would be interrupted by the proposed advertising screens and the street hub unit that they would be displayed from. This would be due to the overall proposed height and solid form of the signage. The commissioner determined that the proposed advertising screens would stand out, be obtrusive and dominate the streetscape from critical viewpoints and particularly during periods of low light and adversely contribute to street clutter.

Additionally, the PAC considers the digital 75" LCD screens displaying moving advertisements intermittently, together with the use of bright and dark colours would compete and detract from the listed courthouse, its architectural features and its setting. The Commissioner considered that the Council's first and third reasons for refusal are sustained.

In terms of the Council's second reason for refusal, the Commissioner considered that as each application is considered on its own merits, it cannot be said that the proposed advertisement sets an undesirable precedent. Furthermore, Policy ATC3 of the PPS6 Addendum applies only to designated ATCs and the overall character and appearance of the proposed ATC cannot be assessed due to the absence of a detailed character analysis of the proposed ATC. As such this reason was not sustained.

New Appeals Lodged

2. (a) The following appeal was lodged on 3 November 2023.

PAC Ref	2023/A0072
Application ref	LA06/2018/0673/O
Appellant	Laburnumhill Properties Ltd
Subject of Appeal	Proposed Dwelling and Garage
Location	Lands approx. 51m east of 1 Cardy Road East and approx. 11m south of 10 Cardy Road East, Greyabbey.

Not Applicable

194

(b) The following appeal was lodged on 3 November 2023.

PAC Ref	2023/L0012
Application ref	LA06/2022/0521/LDP
Appellant	Greenbay Apartments Ltd
Subject of Appeal	Commencement of development in the form of construction of foundations and the establishment of sight lines to satisfy conditions 1 and 2 on planning permission X/2008/1064/F.
Location	84 Warren Road, Donaghadee BT21 0PQ

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 attachments.



Appeal Decision

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195

Appeal Reference:	2022/A0068
Appeal by:	CES Quarry Products Ltd.
Appeal against:	The conditional grant of full planning permission
Proposed Development:	Retrospective application for redevelopment of the site to provide a building containing storage, warehousing, builders merchant, trade and retail facilities, sales and display area, entrance wall and ancillary parking
Location:	163 Moneyreagh Road, Castlereagh
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2018/1264/F
Procedure:	Written representations and Commissioner's site visit on 6 th November 2023
Decision by:	Commissioner Gareth Kerr, dated 14 th November 2023

Decision

1. The appeal is allowed and condition 6 is reworded as set out below.

Claim for Costs

2. A claim for costs was made by the appellant, CES Quarry Products Ltd. against the planning authority, Ards and North Down Borough Council. This claim is the subject of a separate decision.

Preliminary Matter

3. The appeal concerns condition 6 of planning approval LA06/2018/1264/F which prohibits the use of a mezzanine floor above the approved retail unit as a café and for retail use. The appeal seeks the deletion of the café element of this condition so that food and drink can be served ancillary to the use of the retail unit.
4. The Council argued that the appeal was invalid because the café use was not included in the description of the approved development and their enforcement team had confirmed that the use had ceased following the grant of planning permission, so it could not therefore be retained.
5. The last P1 application form submitted to the Council during the application (in June 2020) included the café in the project description and the Council advertised it as such. The Council later came to a view that the café element of the development was unacceptable in this location and removed it from the description prior to issuing the decision. Condition 6 was imposed to require this use, along with other retailing

on the mezzanine floor, to cease. The appellant exercised their right to appeal the conditional grant of planning permission within four months of the date of notification of the decision under Section 58 of the Planning Act (Northern Ireland) 2011. While the appeal was being pursued, the appellant in good faith temporarily ceased the use of the café, though the equipment and signage were not removed. The use was not conceded or abandoned. The absence of the café in the approved description of the development is not critical as it is proposed to be ancillary to the main retail use of the premises. I do not accept the Council's contention that the appeal is invalid.

Reasons

6. The main issue in this appeal is whether an ancillary café on the mezzanine floor of the approved building is acceptable.
7. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for this area. In it, the appeal site is located in the countryside and within the green belt. However, the ADAP indicates that the policy content of the final Planning Policy Statement 21 (PPS 21) will take precedence over these provisions. The ADAP contains no specific policies that would assist the determination of the appeal.
8. The appeal site is located in the countryside along the A23 Moneyreagh Road between Ballygowan and Moneyreagh. It rises gently from east to west away from the road. It comprises a large portal framed building in use as a builders' suppliers and including a 350sq.m retail unit called *Urban Quarry Outlet* and associated outside storage and display of products and parking and turning space. The building was erected without planning permission in 2019. To the west of the site is a long-established quarry and concrete works accessed via the same entrance. The business sells a variety of products including hard landscaping supplies, sand and aggregates, decorative stone and paving, plumbing and drainage supplies, timber, fencing, solid fuels, tools, workwear, flooring, garden furniture, barbecues and garden supplies such as bark chippings and compost. There is a mezzanine floor over half of the retail unit. It is fitted out with a kitchen and servery and some tables and chairs. When I visited the site, the café was being used to provide tea and coffee for staff breaks and most of the mezzanine floor was dedicated to the sale and display of barbecues.
9. Following the grant of a Certificate of Lawfulness of Existing Use or Development (CLEUD) which certified that the sale and storage of concrete products, aggregate and landscape supplies, DIY Products and equipment had been ongoing on the site for a period exceeding five years (Ref: LA06/2020/0167/LDE, granted on 30th June 2020), the planning approval now subject to appeal was granted on 7th March 2022. It regularised the uses on the site, subject to a number of conditions including condition 6 which is subject to appeal:

6. *The café and retail use of the mezzanine floor of the building hereby approved, as shaded blue on drawing no.02 bearing the date stamp 19th November 2018, shall cease and all associated equipment shall be removed within 6 weeks of the date of this decision notice. No retail activity shall be permitted on the mezzanine floor, coloured blue on drawing no.02 bearing the date stamp 19th November 2018, of the building hereby approved without the written consent of the Council.*

Reason: To control the nature, range and scale of the commercial activity to be carried out at this location.

10. Other related conditions include a restriction to 'bulky goods' sales in the interests of sustaining the vitality and viability of existing town centres, prevention of subdivision of the retail warehouse into separate units, a requirement for the Council's consent for internal operations including the construction of mezzanine floors and restriction of outdoor storage to a shaded area on the approved drawing not extending beyond the southern gable of the building. When on site, I noted that materials and aggregates were being stored significantly further south than the area permitted under this condition. There are several conditions relating to buildings and landscaping outside the red line boundary of the site.
11. 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. It contains the principal policies in respect of town centres and retailing, advocating a 'town centres first' approach for retailing and other main town centre uses. Footnote 58 indicates that such uses include cultural and community facilities, retail, leisure, entertainment and businesses. A sequential test is to be applied when considering the siting of retail proposals. The SPPS also indicates that certain existing Planning Policy Statements (PPSs) including PPS 21 – Sustainable Development in the Countryside (PPS 21) and supplementary planning guidance including Development Control Advice Note 4 – Restaurants, Cafés and Fast Food Outlets (DCAN 4) are retained.
12. Policy CTY1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development including industry and business uses in accordance with PPS 4 – Planning and Economic Development. The Council stated that the *Urban Quarry Outlet* development was approved under these provisions and that the retail element of the proposal was considered acceptable under the policies of the SPPS. It considered that in light of the retail use of the site established by the CLEUD and the fact that the items for sale were primarily 'bulky goods', there was no need to carry out the sequential test set out in the SPPS. Although it is somewhat surprising that the Council found a retail use of this scale acceptable in the countryside, this decision will confine itself to the matter of the conditions attached to the approval.
13. The Council states that the CLEUD did not establish any food or drinks activity at the site. This is incorrect as the approved Drawing No. 04 contains a note stating that the existing sales / office building "serves as a customer services facility where customers can meet sales staff, have a beverage and discuss products and

requirements". However, this, of itself, would not justify a café of the scale proposed in the appeal.

14. The Council is of the view that a café is a "main town centre use" under the SPPS as it would fall within the ambit of "businesses" under footnote 58. The Planning (Use Classes) Order (Northern Ireland) 2015 (UCO) divides land uses into four categories. Part A in the Schedule covers shopping and financial and professional services. Such uses would normally be found within town centres and are subject to the retail policies of the SPPS. Part B covers industrial and business uses including businesses that do not fall into Class A. Policy for these uses is set out in PPS 4. Part C covers residential uses. Part D covers community, recreation and culture uses which may sometimes be found within town centres.
15. Article 3 of the UCO specifically excludes use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises from any of the above categories. It is a "no class specified" or *sui generis* use. Noting this distinction, paragraph 1.7 of DCAN 4 states that in terms of their uses, cafés are therefore quite distinct from retail shops. While cafés are often found in town centres, they are also found in many other places in support of other uses. In light of this and its exemption from retail classifications in the UCO, I do not accept the Council's contention that a café must be a main town centre use. This accords with the approach taken in appeal decision 2014/A0192 (which concerned a drive-through restaurant in Magherafelt), cited by the appellant.
16. The Council argued that the SPPS requires the sequential test to be applied to the café, despite its failure to apply the sequential test to the large retail store. However, as I have found that the café is not a main town centre use, I consider that the sequential test does not need to be applied in this case.
17. The Council further argued that the retail use of the site was secondary to its primary use as a quarry and concrete works. They argued that the café would not be ancillary to either the primary or secondary uses. It would result in a third use which would render the overall site to have a mixed use.
18. Retailing on the site would originally have been ancillary to the primary use as a quarry. However, ancillary uses can grow to the point where they supplant the former primary use. The CLEUD established retailing as a stand-alone use on the site with no qualification or restriction to make it secondary to the quarry. The Council then approved a significantly larger retail sales use on the site, apparently on the basis of the CLEUD. The scale of the retail use now authorised on the site, with around half of the overall site devoted to the sale and display of products, or their storage for sale through the builders' suppliers means that the *Urban Quarry Outlet* business cannot be reasonably described as secondary to the quarry and concrete works.
19. When I visited the site, I observed more traffic attending the outlet store than the concrete works. The *Urban Quarry Outlet* is not functionally dependent on the adjacent quarry and concrete works. The effect of the Council's approval is that a second primary use has been authorised on the site. It is not ancillary to the quarry. The site as a whole already has a mixed use. The Council accepted this principle elsewhere in its evidence. Therefore I do not accept the Council's assertion that the

retail activities are secondary to the quarry. It follows that the café is not required to be ancillary to the concrete works as suggested by the Council. It can be ancillary to the retail store which has become a primary use in its own right following the Council's approval.

20. Both the Council and the appellant advanced their own floorspace calculations in respect of the proportion of the premises that would be taken up by the café. The Council suggested that use of more than 10% of the space in the planning unit for a subsidiary use would render it independent, but gave no justification for this figure. However, assessing whether the café would be ancillary to the store is not simply a mathematical exercise. Paragraph 1.12 of DCAN 4 rehearses the principle that any test for whether a use is ancillary to another is a matter of fact and degree, and each case has to be determined on its particular merits. It goes on to state that two principal criteria can be employed in such an assessment: severability and outward effects. A use that could practically and viably operate on its own if the primary use of the premises were to cease is unlikely to be ancillary. Likewise, a use that affected the appearance of the premises, the amenity of the surrounding area or the traffic attending it is also unlikely to be ancillary.
21. It appears to me that the café at *Urban Quarry Outlet* could not practically or viably operate on its own were the retail use of the premises to cease. Patrons would have to enter the café via the retail outlet and, prior to temporarily closing, it had similar opening hours. The appellant argues that the café is not intended to attract customers who would not already be visiting the site. While it is possible that some customers may come specifically to use the café, I have no evidence to suggest that there would be high numbers of such trips to this location. The café is designed to provide refreshments for those who are already shopping for DIY or garden products at the site. Being on a mezzanine floor, it would not result in any change to the appearance of the building. No amenity concerns have been raised by the public or consultees. Any induced trips specifically to the café are likely to be dwarfed by the traffic attending the outlet store and concrete works. Accordingly, in the evidential context of the appeal, I am persuaded that the proposed café would be ancillary to the outlet store.
22. The Council is of the view that a café of this size and scale would need to be assessed under a full planning application and not a variation of condition. It is clear from the background papers that the Council did assess it when they considered the full planning application and the café was included in the description of the development on at least one of the occasions when it was advertised. As it then chose to remove this element and to prohibit the café through a planning condition, the appellant is within their rights to seek the variation of the condition to allow the use.
23. The Council further stated that if the café is allowed, it would erode the rural character of the area. I consider that the building and associated works approved by the Council are harmful to the rural character of the surrounding area. However, as the appeal proposal would make no visual change to the approved building, being entirely internal, the Council's argument regarding rural character is misplaced.
24. The Council also argued that further consultation would be required with statutory consultees including DfI Roads because Moneyreagh Road is a protected route and

full and accurate details of vehicles attending the premises daily would need to be considered. An improved access to the site was implemented under planning approval LA06/2017/1259/F. It caters for traffic attending the retail outlet and other vehicles including HGVs attending the concrete works. I have no evidence that an access designed for HGV use would become sub-standard if also used for the café. As the café would be primarily for existing users of the approved retail unit and would remain ancillary to it, I do not consider that there would be any significant intensification in the use of the access the site if the appeal is allowed. The Council's concerns regarding the access are not sustained.

25. The Council stated that allowing a café element of this size and scale at this location could set a dangerous precedent of encouraging other developers to take a similar approach to building in the countryside. Building without the planning permission required is always at the developer's own risk. No building works are proposed in the appeal as the facility would be contained within a building already approved by the Council. Had the Council found that its concerns about the message the development would send out were determining, it was open to it to refuse the application for the building.
26. The appellant referred to a scheme approved by the Council at Ballyreagh Road, Newtownards, for change of use from a church to a garden centre which included an ancillary café (Ref: LA06/2016/0805/F). I visited this site to compare the uses therein. Although the two sites bear some similarities, there are important differences in both use and policy context. The Ballyreagh Road site comprises a garden centre called *Hillmount Ards*. It sells plants and some bulky goods, but much of the retail floorspace is devoted to smaller comparison goods such as clothing, toys, cards, decorations and jewellery. It has a first floor café of similar scale to that proposed at the appeal site. Importantly, the site is within the development limit of Newtownards. Although outside the designated town centre, its policy context is therefore quite different from the countryside location of the appeal site. Given its urban location and lesser reliance on bulky goods, I am not persuaded that it sits on all fours with the appeal proposal. Nevertheless, I have found that the café at the appeal premises would be ancillary to the approved retail facility.
27. The appellant is open to the variation of the condition to make clear that the café is ancillary to and contingent upon the wider site. I consider that this is both necessary (to ensure that the premises cannot be subdivided or the café operate independently of the retail unit) and reasonable (given the appellant's stated intention that it would remain ancillary). The appellant provided an amended floor plan with their rebuttal, however, it is poor practice to introduce this at rebuttal stage when the Council has no further opportunity to comment on it, so it will not form part of my decision. In any case, this plan refers to display of products on the first floor. I consider this to be unacceptable and that retailing should be confined to the ground floor of the unit. The condition will continue to prohibit any retail activity on the mezzanine floor. The barbecues currently displayed there should be removed.
28. As none of the Council's concerns have been sustained, the appeal is allowed and condition 6 is varied as set out below.

Condition

- (6) The mezzanine floor shaded blue on the approved drawing No. 02 bearing the date stamp 19 November 2018 shall be used solely as a café and for no other purpose. The café shall remain ancillary to the ground floor retail unit and shall not operate independently of it. No retail sale or display of goods shall be permitted on the mezzanine floor without the prior written consent of the Council.

This decision is based on the following drawings:-

Drawing No.	Title	Scale	Received by Council
01/B	Site Location, Block Plan & Retaining Wall	1:500	19 Jun 2020
02	Proposed Floor Plans	1:100	19 Nov 2018
03/A	Proposed Elevations	1:100	11 Oct 2019

COMMISSIONER GARETH KERR

List of Documents

- | | | |
|----------------------|---|---|
| Planning Authority:- | A | Statement of Case
Ards and North Down Borough Council |
| | B | Rebuttal Statement
Ards and North Down Borough Council |
| Appellant:- | C | Statement of Case
Clyde Shanks |
| | D | Rebuttal Statement
Clyde Shanks |



Appeal Decision

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Appeal Reference:	2022/A0170
Appeal by:	British Telecom Plc
Appeal against:	The refusal of consent to display an advertisement
Proposed Development:	2 No. digital 75" LCD screens, one on each side of the street hub unit
Location:	Footpath outside the Courthouse, 16 Quay Street, Bangor
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2021/1465/A
Procedure:	Written Representations with Commissioner's Site Visit on 9 th October 2023
Decision by:	Commissioner B Stevenson, dated 23 rd October 2023

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed advertisements would: -
 - respect amenity;
 - adversely affect the setting of a listed building; and
 - maintain or enhance the overall character and appearance of a proposed Area of Townscape Character (ATC).
3. Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the Local Development Plan (LDP), so far as they are material, and any other relevant factors. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18th May 2017. Given its unlawful status, the North Down and Ards Area Plan 1984-1995 (NDAAP) operates as the LDP for the area wherein the appeal site is located. In addition, the draft Belfast Metropolitan Area Plan 2015 (dBMAP), published in November 2004, is a material consideration in the determination of this appeal.
4. In the NDAAP and dBMAP, the appeal site is located within the town centre of Bangor. In dBMAP, the appeal site also lies within the proposed Bangor Central Area of Townscape Character (ATC) and an Area of Archaeological Potential. dBMAP identifies key features of the proposed Bangor Central ATC that must be

considered when assessing development proposals. One of those is the Victorian, Edwardian and inter-war buildings on Quay Street including a former Belfast Bank (1860). The appeal site is to the forefront of this building. dBMAP goes on to say that all proposals will be assessed against key design criteria contained in Policy UE3 of dBMAP. Policy UE3 is entitled "Areas of Townscape Character and Areas of Village Character" and it states that within designated ATCs, planning permission will only be granted to development proposals which protect or enhance the key features of the designated area, including those set out in the District Proposals and which meet the relevant key design criteria. Notwithstanding that a lawfully adopted final version of BMAP is not in place, the impact of the proposed advertisements on the relevant key features of that part of the proposed Bangor Central ATC are assessed under prevailing planning policy.

5. The Strategic Planning Policy Statement 'Planning for Sustainable Development' (SPPS) is material to all appeal decisions. It outlines transitional arrangements that will operate in the absence of an adopted Plan Strategy. During the transitional arrangements, certain retained Planning Policy Statements (PPSs) are pertinent in this appeal namely Planning Policy Statement 6 'Planning, Archaeology and the Built Heritage' (PPS6) and Planning Policy Statement 17 'Control of Outdoor Advertisements' (PPS17). There is no conflict or change in policy direction between the SPPS and those retained policies. The latter therefore provide the policy context for assessing the appeal proposal. In addition, the applicability of the Addendum to Planning Policy Statement 6 'Areas of Townscape Character' (PPS6 Addendum) is considered later in this decision.
6. The appeal site is located at Bangor's seafront. It comprises an existing BT telephone box on the footpath at Quay Street. The telephone box is in front of a Grade B2 listed building that was formerly Belfast Bank, a petty sessions courthouse, and is now a licensed music and arts venue (referred to hereon as the "courthouse") (HB23 05 011). Other street furniture is evident on the wide footpath in front of the courthouse namely, a bin, a seat, a tree, a street lighting column and road signage. The listed courthouse is framed by commercial buildings on either side of it. It has recently undergone significant refurbishment works (Approvals LA06/2019/0220/F and LA06/2019/0221/LBC). On the opposite side of the street is McKee's clock tower, which is Grade B1 listed (HB23 05 010). In accordance with Section 80 of the Planning Act (Northern Ireland) 2011, both listed structures are of special architectural or historic interest.
7. The appellant proposes to replace the existing telephone box with a proposed free-standing 'street hub' phone and web communications structure. Two 75" LCD screens would be positioned back-to-back and facing north-south on the street hub. Advertising would be displayed intermittently on the proposed moving internally illuminated screens. The street hub unit would be approximately 3 metres in height, 1.2 metres in width and 0.35 metres in depth. The moving LCD screens would take up most of the space on the hub. Separate planning permission was sought for the street hub unit. It was also refused permission (LA06/2021/1466/F). This appeal is only for the digital screens that would be used for advertising purposes. No appeal is before me for the street hub unit itself.

8. Policy AD1 of PPS17 is entitled 'Amenity and Public Safety' and it states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety. No grounds of objection have been made in respect of the latter issue. My assessment therefore focuses on amenity only. Paragraph 4.7 of the amplification text of the policy provides direction in assessing the impact of an advertisement on amenity.
9. This paragraph states *inter alia* that (a) the effect the advertisement will have on the general characteristics of the area including the presence of any features of historic, architectural or other special interest are to be taken into account. It also states that in assessing the impact of an advertisement or sign on amenity that the following will also be considered: (c) the cumulative effect of the proposed advertisement when read with other advertisements in the surrounding area and whether it will result in clutter; (d) the size, scale and dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area; and (f) the design and materials of the structure and its impact on the appearance and character of the area of where it is to be located.
10. Policy BH11 of PPS6 is entitled 'Development affecting the Setting of a Listed Building' and it states that development will not normally be permitted which would adversely affect the setting of a listed building. The policy goes on to say that development proposals will normally only be considered appropriate where certain criteria are met. The Council's appeal evidence mentions in passing the setting of McKee's clock tower. However, the Council did not object to the proposed advertisements in terms of any negative impact on its setting in either its refusal reasons or within the Development Management Officers' Report. In dispute is the impact of the appeal proposal on the setting of the courthouse (HB 23 05 011). The Council argue that the proposed advertisements would detract from the setting of it and would individually and cumulatively damage the intrinsic interest, character and appearance of the listed building. During the processing of the advertisement consent application, third parties also expressed concerns regarding the impact on the courthouse. None of them identified criteria that they consider the appeal proposal would offend.
11. The former courthouse is two storeys and of an attractive Italianate feminine design with quoins and two chimney stacks at either end. It has a Tuscan doorcase to the centre, four curved headed vertical windows on the ground floor and five rectangular shaped vertical bay windows above with ornamental detailing. Whilst the Council indicate that there are extensive views of the courthouse, no critical views of it together with the proposed advertisements were identified. I can therefore only rely on my observations from my site visit. I consider the courthouse together with the appeal proposal from the footpath on the opposite side of Quay Street and on the approach to it from Quay Street and Bridge Street in both directions.
12. Despite the proposed advertising screens being slimmer than the telephone kiosk that it would replace, the glass finish of the telephone box together with the other existing street furniture would appear understated from the opposite side of Quay Street in comparison to the appeal proposal. Views of the recently restored

courthouse and its architectural features would be interrupted by the proposed advertising screens and the street hub unit that they would be displayed from. This would be due to the overall proposed height and solid form of the signage. In contrast, the telephone box is much smaller in height and the courthouse building behind remains visible through the glass of it when viewed from the opposite side of the street.

13. On travelling along Quay Street towards the appeal site from the north, road signage before and after the telephone box is in the drivers' line of sight. The telephone box comes fully into view on reaching the Marine Court hotel. Given that the telephone box is located between the signage, and the road signage is the predominant feature, the telephone box appears unobtrusive in the streetscape from this viewpoint. The telephone kiosk is in full view after the traffic lights on Bridge Street and the listed courthouse is partially visible with its elevation partly screened by trees. The eye is drawn to those trees and the road signage in the foreground. Again, the telephone box appears as an inconspicuous feature given its form and with the road signage and trees to the foreground and the Marine Court hotel building providing a backdrop. Notwithstanding this, even with the surrounding context, the proposed illuminated advertising display screens would to my mind stand out and dominate the streetscape from either of these viewpoints, particularly so during periods of low light.
14. On approaching the zebra crossing at Quay Street, most of the courthouse's elevation is visible. The combination of the solid material, its scale and the increased height of the structure that the proposed advertising screens would be on, along with the digital 75" LCD screens displaying moving advertisements intermittently, together with the use of bright and dark colours would, in comparison to the in-situ telephone box, compete and detract from the listed courthouse, its architectural features and its setting. The proposed advertisements would be distracting and unsympathetic to the courthouse and would fail to respect it. The appeal proposal would therefore adversely affect its setting and offend Policy BH11 of PPS6 and Policy AD1 of PPS17 in this regard. The third parties' objections in this regard and the Council's first reason for refusal are sustained.
15. Whilst the proposed advertising screens would replace a telephone kiosk, this would not be like for like, and as pointed out earlier, on this part of the street in front of the listed courthouse are several pieces of street furniture. The proposed advertising screens would result in street clutter due to their overall size and height. They would appear out-of-scale, dominant and obtrusive in the streetscape and when read together with the other existing street furniture. This would harm the character and appearance of this part of the proposed Bangor Central ATC. Given this and that I have found that the appeal proposal would detract from the listed courthouse and its setting, the proposed advertisements would offend Policy AD1 of PPS17. The third parties' objections and the Council's third reason for refusal are sustained.
16. The Council's second reason for refusal states that the proposal would be contrary to Policy ATC3 of the PPS6 Addendum in that it would fail to maintain and respect the overall appearance of the area by reason of its size and location and would set

an undesirable precedent for similar signs within the area. The Council contend that appeal decision 2018/A0093 indicates the weight to be given to a proposed ATC. Policy ATC3 of the PPS6 Addendum is entitled 'The Control of Advertisements in an Area of Townscape Character' (ATC). It states that "consent for the display of an advertisement in an ATC will only be granted where it maintains the *overall* character and appearance of the area and it does not prejudice public safety" (my emphasis). This policy applies to designated ATCs only.

17. Given the lack of a detailed character analysis of the proposed ATC and no lawfully adopted final version of BMAP in place, the overall character and appearance of the proposed ATC is unknown. The impact of the proposed advertisements on the overall character and appearance of the proposed Bangor Central ATC cannot therefore be assessed. However, the impact of the proposed advertisements on the character and appearance of the proposed ATC within its local context remain a material consideration and have been assessed in this appeal. In 2018/A0093, whilst the relevant proposed ATC in that appeal was considered in the context of PPS7, its overall character and appearance was not assessed akin to this appeal.
18. I turn to the Council's concern that the proposed advertisements would set an undesirable precedent for similar signs within the area if this proposal were to be allowed. If similar advertisements were to be proposed within the area, they would be determined against their site context and the relevant planning policy. Given that each case would have its unique site context, I am not persuaded that the proposed advertisements would set an undesirable precedent. Given this and that Policy ATC3 of the PPS6 Addendum applies only to designated ATCs and that the overall character and appearance of the proposed ATC cannot be assessed due to the absence of a detailed character analysis of the proposed ATC, the Council's second reason for refusal is not sustained.
19. The Council refers to the amplification text in Policy BH9 of PPS6. That text relates to policy which is for the control of advertisements on a listed building. Whilst the proposed free-standing hub and its advertisements would be located within the setting of the courthouse, they would not be on any listed building. Policy BH9 and its associated amplification text is therefore not relevant in this appeal. The appellant cites planning legislation and policy from the English planning jurisdiction. However, the appropriate planning framework to assess the proposed advertisements against is Northern Ireland's planning legislation and planning policy set out above.
20. The appellant also quotes extracts from English appeal decisions, mainly at Waterloo Station. Those appeal decisions are not comparable as they were decided within another planning jurisdiction and have a different site context to the appeal proposal. The appellant alludes to the Council having allowed some very obtrusive advertisements on nearby properties and specifically refers to No. 6 Quay Street. The advertisements I saw in the vicinity were either shop or road signs and are therefore different types of signage to the appeal proposal. Again, they are not comparable.

21. The appellant comments on alternative locations that they say HED suggests as potential options for siting the proposal. However, I cannot comment on any alternative locations for the appeal proposal and can only assess the proposed advertisements that are before me in this appeal. The appellant expresses disappointment at the service provided by the Council in the handling of the application. However, that matter is not for this appeal. The appellant alleges that insufficient consideration has been given to the benefits of the electronic communications infrastructure. Whilst the Council support in principle technological advances in the advertising industry, this appeal is seeking consent for the proposed digital screens under the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. This legislation permits the assessment of only amenity and public safety concerns.
22. The third parties' objections and the Council's first and third reasons for refusal are sustained, and this is determining. The appeal must fail.

This decision relates to the following drawings date stamped received by the Council on 16th December 2021:

- Drawing 01: Site Location Plan to scale 1:1250 and the Proposed Site Plan;
- Drawing 02: Proposed Elevations to scale 1:20 @A3; and
- Drawing 03: Existing and Proposed Street Views.

COMMISSIONER B STEVENSON

List of Documents

Planning Authority: -

“A” Written Statement of Case
Ards and North Down Borough Council

“B” Written Rebuttal Statement
Ards and North Down Borough Council

Appellant: -

“C” Written Statement of Case
The Harlequin Group on behalf of the Appellant

Unclassified

210

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 December 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	23 November 2023
File Reference	
Legislation	
Section 75 Compliant	Yes
Subject	Quarter 2 Planning Service Unit Performance
Attachments	N/A

Context

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlines the approach to Performance Planning and Management process as:

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

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

Not Applicable

211

Reporting approach

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

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

The report for Quarter 2 is attached.

Key points to note:

- The first two quarters of this financial year have seen a considerable drop in the number of planning applications received, against previous years. This has a resultant impact on fee income against what had been anticipated.
- Property Certificate income has slightly exceed the year to date budget.
- Data in respect of enforcement cases concluded against statutory performance indicator is still unavailable at present; however, 76 cases were opened during Quarter 2 with 76 cases being closed.

Key achievements:

- Further to achieving the 15 week processing time for Quarter 1, in respect of applications in the local category of development, Quarter 2 is recorded as 13.0 weeks.
- There were no decisions issued in respect of applications in the major category of development during Quarter 2.
- There were 87 decisions issued in the householder category of applications, with 75% issuing within 8 weeks (the internal performance indicator), with 89% issuing within the 15 week target.
- One appeal decision against a refusal of permission was issued during the Quarter whereby the appeal was dismissed by the Planning Appeals Commission.

Emerging issues:

- Due to a number of complex planning applications and enforcement cases requiring legal input/representation. This coupled with the fee income being less than anticipated to date, has resulted in the year to date budget being exceeded.
- Staff attendance has been impacted by one instance of long term absence within the Unit.

RECOMMENDATION










It is recommended that the report is noted.

Not Applicable

Half Yearly Performance Report - Planning

Generated on: 23 November 2023

Last Update H1 2023/24

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Undertake health and condition surveys of all existing historical Tree Preservation Order (TPO) sites	75%	75%
	Number of weeks to process local applications from date valid to decision or withdrawal	13 weeks	15 weeks
	Number of weeks to process major applications from date valid to decision or withdrawal	0	0
	% of householder applications processed to recommendation with 8 weeks	75%	60%
	Appeals against refusal of planning permission dismissed by PAC	100%	60%
	% progress of all enforcement cases to target conclusion within 39 weeks of receipt of complaint (i.e. case closure, date on which Enforcement Notice or Breach of Condition Notice issued, summons to court (date solicitor instructed)	0	0
	% staff attendance	89.37%	93%
	% staff reporting regular/monthly receipt of team briefings	100%	100%
	% spend against budget	110.7%	95%

Unclassified

213

ITEM 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 December 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	15 November 2023
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
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 Tree Preservation Orders & works
Attachments	N/A

Background

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provides information from 21 August (date of previous report) to 15 November 2023.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that the Council notes the content of this report.

Not Applicable

Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
1) Provisional TPO	15/11/2023	Lands at 6 Whinney Hill, Hollywood

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	8	0
	1) 6 Kathleen Avenue, Helens Bay	
	2) 15 Carney Hill, Hollywood	
	3) 27 Clanbrassil Road, Hollywood	
	4) 3b Killinchy Road, Comber	
	5) 1 Mountpleasant Drive, Newtownards	
	6) 17 and 18 Demesne Manor, Hollywood	
	7) 27 New Road, Donaghadee	
	8) 4 Twisel Brae Lane, Hollywood	
Conservation Area	3	0
	1) 4 The Crescent, Hollywood	
	2) The Crescent, Hollywood	
	3) Manor House, 38 High Street, Donaghadee	

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Detail

Tree Preservation Orders (TPO)

- 1) Lands at 6 Whinney Hill, Hollywood - There was active felling on site and therefore a provisional TPO was served to protect the trees remaining. The Council will review the detail of the site and all representations received before deciding whether to confirm the TPO with or without amendments, or not to confirm.

Not Applicable

215

Works to Trees

Tree Preservation Order Protection

- 1. 6 Kathleen Avenue, Helens Bay – felling of 1no. tree**
The tree had movement at the base and a significant lean in the main stem towards the house, therefore works were considered acceptable for safety reasons.
Replacement planting – 1no. heavy standard native tree.
- 2. 15 Carney Hill, Hollywood– felling of 6no. trees and carry out of works to 11no. trees**
Three of the trees for felling had extensive ash dieback and therefore works were required for safety reasons. The remaining three trees for felling would be difficult to manage and maintain in such close proximity to a dwelling and therefore felling was considered acceptable with appropriate replacements. Works to the 11 trees were for management and maintenance reasons.
Replacement planting – 6no. standard native trees.
- 3. 27 Clanbrassil Road, Hollywood – carrying out of works to 3no. trees**
All works were for management and maintenance reasons.
- 4. 3b Killinchy Road, Comber – carrying out of works to 12no. trees**
All works were for management and maintenance reasons.
- 5. 1 Mountpleasant Drive, Newtownards – felling of 2no. trees**
Both trees had outgrown their position given their location and close proximity to the dwelling. One of the trees also showed a significant loss of vigour which raised concerns regarding its condition.
Replacement planting – 2no. standard native trees.
- 6. 17 and 18 Demesne Manor, Hollywood – carrying out of works to 1no. tree**
Works were for management and maintenance reasons.
- 7. 27 New Road, Donaghadee – felling of 1no. tree and carrying out works to 1no. tree**
The tree for felling had a significant loss of vigour, had outgrown its position and the crown was suppressed by the adjacent tree. Works to the second tree were for management and maintenance reasons.
Replacement planting was not considered appropriate given the limited scope within the curtilage.
- 8. 4 Twisel Brae Lane, Hollywood – felling of 2no. trees and carrying out of works to 1no. tree**
Both trees for felling had extensive ash dieback and therefore works were required for safety reasons. Works to the third tree were for management and maintenance reasons.

Not Applicable

216

Replacement planting was not considered necessary given the topography of the site and limited scope for replanting.

Conservation Area Protection

1. **4 The Crescent, Holywood – carrying out of works to 1no. tree**
Works were for management and maintenance reasons.
2. **The Crescent, Holywood – carrying out of works to 5no. trees**
All works were for management and maintenance reasons.
3. **Manor House, 38 High Street, Donaghadee – carrying out of works to a group of 18no. trees**
All works were for management and maintenance reasons.

Unclassified

217

ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 December 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	23 November 2023
File Reference	
Legislation	N/A
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Response from NI Water further to meeting request regarding fence at Seacourt Lane
Attachments	Letter from NIW Chief Executive dated 23 Nov 2023

Background

Members will be aware of the erection of the fence and gate by Northern Ireland Water at its Seacourt Wastewater Pumping Station, Bangor, and the subsequent certifying of the fence under permitted development rights.

Detail

Further to receipt of a letter from NIW's Chief Executive which was reported to the Planning Committee meeting (under Item 6) of 03 October 2023, Members agreed to recommend the following

Not Applicable

218

AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Councillor Wray, that this Council notes the belated response and agrees to write to the Chief Executive of NI Water asking for a meeting to discuss the fence at Seacourt pumping station with a delegation of Councillors, one from each party and independent, plus the Mayor.

The Director wrote to the Chief Executive on 02 November 2023 setting out the above request, and a response declining the request was received on 23 November 2023, which is appended to this report for Members' information.

RECOMMENDATION

It is recommended that the Council notes this report and the attached response from the Chief Executive of Northern Ireland Water.

Northern Ireland Water

PO Box 1026
Belfast
BT1 9DJ
www.niwater.com
Tel: 0345 7440088



Ann.mccullough@ardsandnorthdown.gov.uk

23 November 2023

Dear Ann

Re: NI Water fence at Seacourt Pumping Station, Bangor

Thank you for your letter of 3 November 2023, further to our previous correspondence, regarding the above.

NI Water note the proposal of the Council regarding our fence at Seacourt Pumping Station, Bangor.

Our position remains as outlined in my letter of 13 September 2023.

By way of background; this fence was erected following numerous complaints to NI Water from the Council, in the autumn of 2018, regarding people congregating at the Pumping Station, leading to anti-social behaviour, graffiti, and litter.

The solution of the fence was arrived at, both to prevent access in and around the kiosk, but also because it afforded an additional solution to concerns the site had presented, following a Health & Safety review of similar Pumping Stations across the country.

The fence was initially erected without Planning, as NI Water had believed was appropriate, due to the similarity of its location and requirements to another Pumping Station fence we had erected at Luke's Point, Ballyholme, where the Council Planning Office had confirmed Planning was not required.

It subsequently transpired Planning was required at Seacourt, and as such NI Water applied for retrospective Planning. There was by that stage interest from members of the public and some Elected Representatives in getting the fence taken down.

On the advice of the Council Planning department, it was agreed that all objections pertaining to the fence should be raised directly to the Planning Authority, which is the correct procedure for anyone objecting to a Planning Application. Any concerns that were raised to the Planning Officers were then raised with us for consideration.



NI Water took note of all objections to the existence of the fence, as well as suggestions to alter it or amend its appearance. NI Water representatives then met with the Council Planning Committee, where Council Elected Representatives had the opportunity to ask questions, and at which we outlined our justification for the existence of the fence and our reasoning behind i.e. its height and material; why its current form is the most suitable and why, for example, lowering it would render it non-functional from a Health & Safety perspective, and cladding or screening it could make it a visual obstruction in the landscape.

Retrospective Planning was ultimately refused by the Council; however, NI Water then applied for permitted development which was subsequently granted by the Council.

Given the above, it is clear there has been considerable dialogue with Council members regarding the erection of the fence, and its design. We have explained, at length, the reason why the Seacourt fence is the optimal solution in addressing both the Council complaints we had received, and in upholding our Health & Safety policy of Zero Harm.

I must therefore advise that we unfortunately do not see the merit in taking further meetings on this matter. We do of course acknowledge the dissatisfaction expressed regarding the fence from amongst the local community. However, NI Water does not have plans to reconsider this fence as a solution, for the reasons outlined and previously explained.

I hope you find this response helpful, and it that it can satisfactorily confirm our position.

Yours sincerely



Sara Venning
Chief Executive

