

## ARDS AND NORTH DOWN BOROUGH COUNCIL

1<sup>st</sup> February 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, 07 February 2023**, 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 06 December 2022
4. Planning Applications

4.1	LA06/2022/0679/F	<p>Extension of business to include permeable storage yard, new egress, fencing (Retrospective) and proposed landscaping, footpath, vegetation and all associated works</p> <p>Lands approx 10m West of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent, Newtownards</p>
4.2	LA06/2020/0558/F	<p>Development of 4. no detached houses with detached garages and associated landscaping and ancillary works</p> <p>Lands adjacent to and north-east of 3 Warren Avenue, Donaghadee (access via Warren Avenue to Warren Road)</p>
4.3	LA06/2022/0999/LBC	<p>Erection of Plaque on front elevation</p> <p>Ards Arts Centre, Town Hall, Conway Square, Newtownards</p>

5. Update on Planning Appeals (report enclosed)

6. Notices of Motion

6.1 Notice of Motion submitted by Councillor Irwin and Councillor McAlpine

That this Council requests officers bring back a report on the possibility of serving an Urgent Works Notice on the owners of Ballyrolly House, Millisle, in light of its status as a Grade B2 listed building which is in a perilous state.

6.2 Notice of Motion submitted by Councillor McAlpine and Councillor Greer

That this Council agrees to write to the Department for Communities to request confirmation of what action can be taken by their Historic Environment Division to protect Kircubbin Harbour, a listed Historic Monument of Northern Ireland from neglect and lack of maintenance by its private owner and to encourage the Department to utilize those powers to fix Kircubbin Harbour before further collapse and damage occurs to it or the nearby public road.

7. Planning Service Budgetary Control Report – December 2022 (report enclosed)

8. Verbal Update on Planning Portal Replacement

**MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)**

Alderman Gibson (Chair)	Councillor McAlpine
Alderman Keery	Councillor McClean
Alderman McIlveen	Councillor McKee
Councillor Adair	Councillor McRandal (Vice Chair)
Councillor Brooks	Councillor Moore
Councillor Cathcart	Councillor P Smith
Councillor Cooper	Councillor Thompson
Councillor Kennedy	Councillor Walker

## ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held (hybrid) on Tuesday, 6 December 2022 at 7.00 pm via Zoom and at Council Offices on Church Street, Newtownards.

### PRESENT:

**In the Chair:** Alderman Gibson

**Aldermen:** Keery  
McIlveen

<b>Councillors:</b>	Adair	McKee (via Zoom)
	Brooks	McRandal
	Cathcart (via Zoom)	Moore (via Zoom)
	Cooper (via Zoom)	P Smith
	Kennedy	Thompson
	McAlpine (via Zoom)	Walker (via Zoom)
	McClean	

**Officers:** Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough), Principal Planning and Technical Officer (G Kerr) Senior Planning and Technical Officers (Paula Kerr and Andrea Todd), and Democratic Services Officers (M McElveen and S McCrea)

### **1. APOLOGIES**

An apology for lateness was received from Councillor McClean.

### **2. DECLARATIONS OF INTEREST**

Alderman McIlveen declared an interest in Item 4.2: LA06/2021/0817/F – Residential development of 58 No. dwellings and associated works – Lands adjacent to and West of Adara Grove and Adara Elms to the rear and West of No 8 and 9 Swallow Close and South of No 24 to 38 (evens) Heathermount Court and No 20 to 22 Dalton Glen, Comber.

Councillor McRandal declared an interest in Item 4.5: LA06/2022/1000/F – Practice nets with security fencing – Seapark Pavilion, Holywood.

**NOTED.**

### **3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 1<sup>st</sup> November 2022**

PREVIOUSLY CIRCULATED:- Minutes of the meeting held on 1<sup>st</sup> November 2022. RECOMMENDED that the minutes be noted.

**AGREED, on the proposal of Alderman McIlveen, seconded by Councillor McRandal, that the minutes be noted.**

#### 4. PLANNING APPLICATIONS

##### 4.1 LA06/2022/0346/O – INFILL SITE FOR 2 NO. DWELLINGS WITH DOMESTIC GARAGES – BETWEEN 32 AND 34 CASTLE ESPIE ROAD, COMBER

(Appendix I)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Comber

**Committee Interest:** A Local development application 'called-in' from the delegated list w/c 20 June by Alderman McIlveen

**Proposal:** Infill site for 2 No. dwellings with domestic garages

**Site Location:** Between 32 and 34 Castle Espie Road, Comber

**Recommendation:** Refusal

The Senior Planning Officer (Paula Kerr) advised that the application was seeking outline planning permission for an infill site for 2 dwellings between 32 and 34 Castle Espie Rd, Comber. The application had been recommended for refusal on the grounds that it was contrary to policies CTY8, CTY1, CTY13 and CTY14. It was considered that the proposal was not a small gap site within an otherwise substantial and continuously built up frontage, and would result in a prominent feature in landscape, create ribbon development and a suburban style of build-up which would harm the rural character of the area. As the proposal failed to meet the requirements of policy CTY8 it was also contrary to policy CTY1 as no overriding reasons had been demonstrated as to why the development was essential and could not be located within a settlement as it was also contrary to PPS2 Policy NH6 in that the proposal was unsympathetic to the special character of the AONB. The application was being presented to Planning Committee on the evening of 6<sup>th</sup> December 2022 following a call-in request from Alderman McIlveen from August committee which was subsequently taken off the schedule. Alderman McIlveen had asked Committee to consider whether the application met the criteria of CTY8 as a gap site.

In the intervening period, a statement from the agent was received and considered. This was reflected in the case officer report, however, did not result in a change to the recommendation. There were 4 objections received from 4 separate addresses and the issues raised were addressed in the Case officer report. The main issues were impact on rural character, pattern of development and AONB, creation of suburban style build up, gap could fit more than 2 dwellings and loss of important visual break.

The site was located to the rear of 32 Castle Espie Road, Comber and fronted a small lane which served existing dwellings Nos. 34, 36 and 38a Castle Espie Road. The proposed means of access to the site would be from a new private lane which would run from Castle Espie Road adjacent to No.30, through the roadside field and along the rear boundary of No.30a. The topography of the site sloped downwards slightly from south to the north about halfway along the site when it sloped up steeply towards the northern field boundary resulting in land visible from Castle Espie Road.



While hedgerows defined the southern, eastern and western boundaries, the northern boundary cut through the existing field and was undefined.

The site was located within the Strangford and Lecale AONB and the area as a whole had managed to maintain a very dispersed pattern of development with very few examples of ribbon development. It was considered important that the attractive rural character of this particular area should be protected against inappropriate development such as this.

Members were shown the approximate location and size of the proposed dwellings overlaid on an aerial view in the slides. Policy CTY8 stated that planning permission would be refused for a building which created or added to a ribbon of development. However, the policy also set out circumstances under which an exception will be permitted for the development of a small gap site sufficient *only* to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.

The policy defined a substantial and built up frontage as a line of three or more buildings along a road frontage without accompanying development to the rear. The existing buildings relied upon for this application included the garage of No. 32, the dwelling at No. 32, the dwelling at No. 34 and the dwelling at No. 36. All of these buildings had a frontage to the lane.

CTY 8 also required the gap site to be 'small'. In the amplification of CTY8 (Para. 5.34) reference was made to 'gaps between houses or other buildings'. Hence, it was clear the gap was not the width of the application site but rather the distance between the existing buildings and this was widely accepted by the PAC. A small gap was defined in the sense that it should be sufficient only to accommodate up to a maximum of two houses. In relation to this, the policy also required the proposed development to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The gap in this instance was calculated to be 112m measured from the rear of No. 32 to No. 34. The frontage widths of the existing dwellings ranged between 25.6m to 52.5m, equating to an average of approx. 36m. The gap of 112m would allow for two plots each with a width of 58m, which would have significantly exceeded the average plot width of 36m. The gap would actually allow three dwellings each with a frontage width of approximately 38m to be accommodated which would reflect the average plot width of 36m. Furthermore, the average plot area of Nos. 32, 34 and 36 was 1571sqm. The gap between the existing buildings could accommodate three plots each with an area of approximately 1511sqm, entirely in keeping with the existing average plot size. Building on Tradition also advised that when a gap site was more than twice the length of the average plot width it was often unsuitable for infill with 2 new plots. The average plot width in this instance was 36m, therefore the gap of 112m would be significantly more than twice the length of such widths. Taking into consideration the culmination of the abovementioned factors, it was evident that the gap between the buildings would be capable of accommodating 3 dwellings and as such failed the policy test of CTY8 which required the gap to be small enough to accommodate 2 dwellings only.

The gap had been taken from the rear of 32 to the end of no 34. as the corrugated ancillary structure which had frontage to the road within the curtilage of No 34, very much appeared as a minor outhouse type store subordinate to the property as explored in appeal 2016/A0005 where the appeal was dismissed as the building was considered subordinate to the property rather than appearing as a building in its own merits. If the gap were taken from the minor outhouse at number 34 it would be approximately 100m which would also be too big to accommodate two dwellings in line with local development pattern and average plot widths in accordance with Building on Tradition.

It was considered that the site, at the time of writing, provided a very important visual break in built development and the erection of two dwellings would create a ribbon of development contrary to policy CTY8. This ribbon would be perceived from both the lane and from longer distance views along the Castle Espie Road itself. Due to the topography of the land, these views were significant when travelling North along the Castle Espie road and any buildings on this site would be prominent and create a ribboning effect as the views with incorporate no 32 and no 34 and would visually tie two groups of buildings which, at the time of writing, enjoyed a significant visual break which had a significant contribution to the local area and AONB.

The proposal had also been recommended for refusal on the grounds as it was contrary to policies CTY13 (Integration and Design of Buildings in the Countryside) & CTY14 (Rural Character) by reason of undue prominence, an unacceptable build-up of development and the adverse impact of the ancillary works as a result of the proposed access. Due to what is considered a visual break, any dwellings on this site would appear prominent. It should be noted that even if the proposal was found to be acceptable under policy CTY8, it would have still needed to meet the policies contained within CTY13 and CTY14. The view of the site from the Castle Espie Road was shown on the slides to those present who were advised to note that it is a sustained view over approximately 800m along the Castle Espie Road on approach from the north and as such, the dwellings on this elevated site would appear very visible and prominent in what was a very rural setting over a long distance. In addition, the cutting into the site to attempt to visually integrate had the potential to look out of context and character for the area as the natural landform has been altered. The two dwellings if permitted would have also resulted in an unacceptable build-up of development when viewed alongside the existing buildings, something that would have harmed the rural character of the area. The extensive access lane would also further erode the rural character of the area as well as being very visible over a long distance. This access arrangement directly off the Castle Espie Road leading to the rear of the properties was not characteristic of the existing pattern of development along the lane.

In summary, The Planning Manager advised that the proposal failed to meet the policy requirements of CTY8. The gap between the buildings was not small enough to accommodate only up to 2 dwellings. The gap of 112m could accommodate 3 dwellings with similar plot widths and areas to the existing dwellings. Both the policy and numerous planning appeal decisions made it very clear that it was the gap between the buildings rather than the site area/width that must be assessed when considering how many dwellings could be accommodated within the gap.

The site provided an important visual relief from development and the erection of two dwellings on the site would result in ribbon development contrary to CTY8. As the proposal failed to meet the provisions of policy CTY8 and no overriding reasons had been demonstrated as to why the development was essential in the countryside, it was also contrary to policy CTY1. The erection of two dwellings would have resulted in undue prominence and the extensive access lane would result in an unacceptable visual impact on the landscape contrary to CTY13 as it was deemed an important visual break.

The development would not be in keeping with the established pattern of development and would also result in an unacceptable build-up of development which would have an adverse impact on the rural character of the area contrary to CTY14. The site would have an urbanising effect as well as having a significant negative impact on AONB. Lastly, the value of the visual break was of great importance to the AONB and local area and the proposal would create a material change in the developed appearance of the local area.

RECOMMENDED that planning permission should be refused.

Members were given the opportunity to clarify any points they wished to make following the presentation. Alderman McIlveen referenced visual break and asked if it was being considered as a visual break along the laneway itself and if it was a through-lane. The officer explained that visual break had been considered from vantage points including the Castle Espie Road and from the lane meaning that those passing the area or visiting houses would experience an effect on visual break. There was no constant flow of traffic on the laneway as it was not a through-lane and that building in the proposed area would create an urbanising effect as it would bring dwellings 32 to 34 together which would be of visual prominence. Though there would be a greater impact from the laneway, it would still be of significance on the view from Castle Espie Road and, given the ribboning effect, would impact on the AONB. In surrounding areas, there were not any examples of ribbons of development, meaning a change to the specified area would not be a common site.

Alderman McIlveen, in relation to plot sizes asked whether there would be any comparable plot sizes in the surrounding area, referencing potentially significant differences in plots that could be seen from the google-earth imagery on slide 3 of the presentation. The officer explained that calculations had been taken from continual built-up frontage which had been where the applicant had taken their measurements from. In addition, given the AONB status and lack of evidence of ribbons of development, dwellings tended to be quite dispersed. Alderman McIlveen suggested that using average plot sizes would fail to take into consideration some of the differences in plot sizes that could be found nearby, though the officer explained that the policy required average plot sizes to be used in situations where areas where continual built-up frontage could exist.

Councillor P Smith recalled situations where other gap sites had been approved, specifically citing a recent planning application in the Killinchy area and, in the interests of consistency, asked the officer to remind Members as to the criteria for gap sites. The officer explained that each proposed site would be different with a range of attributes that would be taken into consideration. With this proposal, it had been the AONB and visual relief afforded by the site that had to be taken into

account. In relation to the Killinchy case that Councillor P Smith referenced, the officer explained the circumstances that led to the conclusion that the site was not deemed to be a significant visual break and that conditions existed for thick hedging to be retained which would not impact views upon the road in question.

(At 19:29, Mr Burgess entered the discussion via Zoom and presented their case)

Mr Burgess thanked Members for the opportunity to present and discuss the proposal. In conjunction with the planning statement, he described the approach to the application in regard to CTY 8 and the infill opportunity on the laneway between 32 and 34 Castle Espie Road. The final design would be decided and agreed upon at reserved matter. CTY1, CPS21 were referenced as change of character and natural beauty whilst CTY8 was the main policy with the main comparison between sites being frontages and area. In regard to plot sizes, Mr Burgess disagreed that the ancillary building should have been discluded from the Planning department, citing 2021/A 0096 that stated all buildings within a curtilage should be taken into consideration regardless of size, being seen from a public road or frontage and as such, contended that it should be considered. In terms of statistics and plot sizes, he believed average plot width was the most important dimension, comparing an average 1587sqm and numbers 15 and 19, 16 and 17 being within the largest range with the largest being number 34 with 1920sqm. As such, he stated an important part of the policy was met. The distance referenced of 112m between number 32 and 34, he argued, should be reduced as it was only 98m from the rear of number 32 to the ancillary building at number 34.

Mr Burgess discussed how the plot proposal could be integrated with new hedging as well as existing hedging from the South-west and East with excavation of the rising land behind. In relation to the Killinchy case abovementioned by Councillor P Smith, Mr Burgess cited a 120m plot width distance from that case whilst this was either to be 98m or 112m.

(Time was called for the end of the presentation)

Alderman McIlveen referenced a plot toward the end of the lane that appeared to be of a substantial size and asked why it had not been taken into consideration. Furthermore, he believed that although the lane included a bend beyond which this plot existed, it should have been considered as part of the same consideration. He recalled Mr Burgess speaking of the ancillary building and asked for further information on why it should be included given the apparent temporary appearance. He asked if there was any case law to highlight such a consideration.

Mr Burgess advised that the plot at the end of the lane was numbered as 38a and was of a 1840sqm plot size. In regard to the ancillary building, Mr Burgess explained that policy advised all buildings should be taken into account and did not define buildings under any specific guise or state. In addition, the case he had referenced earlier, 2021/A0096 stated that in referring to definition of substantial and built up frontage which includes a line of buildings or more along a road frontage which would not exclude any buildings. Regardless of the policy, Mr Burgess explained that no reference was made to the size of a building or whether it was the main building which led him to believe that the ancillary building should not be excluded. With plot sizes, he disagreed with taking the 112m distance between numbers 32 and 34 and



dividing it by an average plot width, believing it to be two different mathematical issues. He suggested the main issue was how the plot fronted onto the lane and advised Members to review the diagram from his presentation to see how the proposition would fit in with the local pattern of development.

Councillor McRandal asked what Mr Burgess thought in relation to AONB, CTY13 and visual impact, especially when looking at the photograph showing a prominent location from the road approaching alongside CTY14 relating to suburban development.

Mr Burgess explained that integration expected a building to sit neatly in a landscape but that it did not suggest a building be invisible or not seen from any point of view. He believed detail had been provided to show the house would look natural in the location and that there were three mature boundaries already on the south, west and east between the road and the site. With four different hedges and on each side of the lane as well as a short driveway. As the location was not on the roadside, when access would be formed with minimal hedge work, it would not mean that the site would be completely opened up to the road as the site was set far back to be in line with other buildings in the same location. In addition, as buildings were already on the same road and could all be viewed together, this proposal was not a new instance of a dwelling being constructed where no others existed. He explained that CTY8 applied to all of Northern Ireland and, in regard to integration or change of character, he believed that if the proposal was CTY8 compliant, then CTY14 Change of Character would not apply as infilling due to being covered by CTY8; something believed should have resulted in an approval.

Councillor Cathcart asked what materials were planned for use in the construction of access and would they be visually impacting. Mr Burgess explained that a natural thorn hedge existed at the moment with a hardcore access with a track across the field, though when complete, this would be a gravel laneway with natural species hedging. A 5m radius would require removing for construction access though this would be replaced upon completion.

Councillor P Smith queried the CTY policies quoted and asked why CTY1 had not been addressed given it being the overriding reason for essential development. Mr Burgess advised that CTY1 would allow for overarching refusal if no other reasons existed for approval, though if CTY8 applied as he believed it did in this case, CTY1 would be removed automatically.

(Mr Burgess returned to the public gallery at 19:48)

Alderman McIlveen asked why 38A had not been included in measurements nor frontage. In being told that it had not been included due to positioning, Alderman McIlveen professed the belief that it was a continuation of where the laneway ended and though the lane was in an L shape, it was still the same lane and from a visual perspective would look to be in line with the rest. The officer advised that it was not just because of a turn in the laneway but also because 38A was set back and was not deemed as a frontage to the road, thence it was not part of a continuously built-up frontage.

Alderman McIlveen asked if any guidance existed or if it had been a subjective decision by Officers. The officer advised again that, as the house was at the end of the laneway and set back that it was not considered as part of a continuously built-up frontage.

Councillor McRandal reiterated Mr Burgess' thoughts upon the CTY8 subverting the need for the likes of CTY14 and CTY1 and whether this was the case. The Planning Manager explained that the CTYs needed fulfilling and if criteria were met for one policy, it would not make the other policies a given as suggested. Given that the proposal did not meet CTY8, it also failed CTY1.

Councillor Walker asked why the ancillary building had not been considered when other proposal cases had included unusual buildings that were of smaller stature. The officer indicated that measurements were also taken to include the ancillary building but that the gap was still too large. It had not been included however due to its temporary nature.

Alderman McIlveen posed an alternative proposal, seconded by Councillor Adair to grant planning permission subject to conditions made by Planning Officers.

Alderman McIlveen believed the proposal could have, due to the merit of balance, been just as easily a recommendation for approval given that it met the policy if measurements were taken from the edge of no. 32 to the ancillary building. He believed there could not be more than two plot sizes and that they would not be of a significant size when compared directly to those surrounding plots of the area. He did not accept the visual break comments and believed that sufficient mitigations existed in the building of houses to integrate them sufficiently whilst taking into consideration views from the laneway and Castle Espie Road.

Councillor P Smith accepted the point that Alderman McIlveen was trying to make but struggled to understand how one could not consider an approval in the location to be overdevelopment. He believed the gap was critical and a key point seemed to be the number of ways a gap could be measured. On this occasion, the gap was overly large for the proposal.

Councillor Walker mirrored the thoughts of his colleague in regard to consistency in measurements, He was also concerned with the implications to the environment if that visual break was removed. He appreciated Alderman McIlveen's view of the proposal being able to go either way in terms of balance but could not support the proposal.

Councillor Cathcart sympathised with the argument in regard to the gap site but believed, in conjunction with CTY13 and 14 that the proposal would be unduly prominent which would impact on the local area, and so too could not back the proposal.

A recorded vote was taken with 6 FOR, 8 AGAINST, 1 ABSTAINING and 1, (Councillor McClean) unable to vote due to late attendance. The results could be found below. As such, the proposal fell.

<p><b>FOR (6)</b>  <b>Aldermen</b>                  Gibson                  McIlveen</p>	<p><b>AGAINST (8)</b>  <b>Alderman</b></p>	<p><b>ABSTAIN (1)</b>  <b>Alderman</b>                  Keery</p>	<p><b>ABSENT(0)</b>  <b>Aldermen</b></p>
<p><b>Councillors</b>                  Adair                  Cooper                  Kennedy                  Thompson</p>	<p><b>Councillors</b>                  Brooks                  Cathcart                  McAlpine                  McKee                  McRandal                  Moore                  P Smith                  Walker</p>		<p><b>Councillor</b></p>

With 6 voting FOR, 8 AGAINST, and 1 ABSTAINING, the proposal fell.

Councillor P Smith proposed, seconded by Councillor McAlpine that the original recommendation be adopted, and approval be refused.

A recorded vote was called with 8 FOR, 6 AGAINST, 1 ABSTAINING and 1 (Councillor McClean) unable to vote due to late attendance. The results can be found below. As such, the recommendation to refuse planning approval passed.

<p><b>FOR (8)</b>  <b>Alderman</b></p>	<p><b>AGAINST (6)</b>  <b>Aldermen</b>                  Gibson                  McIlveen</p>	<p><b>ABSTAIN (1)</b>  <b>Alderman</b>                  Keery</p>	<p><b>ABSENT(0)</b>  <b>Alderman</b></p>
<p><b>Councillor</b>                  Brooks                  Cathcart                  McAlpine                  McKee                  McRandal                  Moore                  P Smith                  Walker</p>	<p><b>Councillor</b>                  Adair                  Cooper                  Kennedy                  Thompson</p>	<p><b>Councillor</b></p>	<p><b>Councillor</b></p>

With 8 voting FOR, 6 AGAINST, and 1 ABSTAINING, the proposal was declared carried.

**RESOLVED, on the proposal of Councillor P Smith, seconded by Councillor McAlpine, that the recommendation be adopted and that planning permission be refused.**

**4.2 LA06/2021/0817/F – RESIDENTIAL DEVELOPMENT OF 58 NO. DWELLINGS AND ASSOCIATED WORKS – LANDS ADJACENT TO AND WEST OF ADARA GROVE AND ADARA ELMS TO THE REAR AND WEST OF NO 8 AND 9 SWALLOW CLOSE AND SOUTH OF NO 24 TO 38 (EVENS) HEATHERMOUNT COURT AND NO 20 TO 22 DALTON GLEN, COMBER**  
(Appendix II)

(Alderman McIlveen left the meeting at 20:07 due to a Declaration of Interest)  
(Councillor Cooper left the meeting at 20:07)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Comber

**Committee Interest:** development within the Major category of development

**Proposal:** Residential development of 58 no. dwellings comprising of 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.

**Site Location:** 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

**Recommendation:** Approval

The Principal Planning and Technical Officer (Gail Kerr) explained that the proposal was for a residential Development of 58 No. dwellings (which were to comprise of detached and semi-detached dwellings), garages, landscaping, open space, internal road network, a right hand turn lane at Ballygowan Road and all other associated site works. The agent for the proposal was present at the meeting as well as a transport consultant and had indicated that they were happy to answer any queries Members may have had.

The site was located at 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 site was, at the time of writing, part of a grass field. The northern boundary lay adjacent to rear boundaries of properties in Heathermount Court with some trees within the site. The eastern boundary had a mix of trees, hedging and fencing along the residential properties in Ardara Grove, Ardara Elms and Swallow Close. The western boundary was undefined as it was part of a larger field. The southern boundary had an area of dense trees. The general area was predominantly residential with a mix of house types and designs. There were two listed buildings to the south of the site at Maxwell Court and Ardara House. Pictures of the site and general area were shown to the Committee. The application site was located within the settlement limit of Comber as designated in the Ards and Down Area Plan 2015.



The site was also zoned (CR05 - 3.14 Hectares at Land to the west of Ardara Grove).

As the site lay within a development limit, there was a presumption in favour of development unless there was demonstrable harm. In addition to this, as the site was zoned for housing and as the proposal was residential and was set amongst residential surroundings, it was considered acceptable providing certain criteria in relevant policies were satisfied. The plan had set out certain key site requirements for the site:

- Density, (A minimum development density of 20 dwellings per hectare and a maximum gross site density of 25 dwellings per hectare)
- Access arrangements with provision of an access through Ardara Grove housing estate,
- a right turn facility would also be required at the junction of Ardara Grove housing estate onto Ballygowan Road.
- buffer planting along the western and southern boundary to assist integration with existing trees and vegetation retained and enhanced throughout the site.

The proposed density in this application for the zoned site was 18 dwellings per hectare which was lower than the minimum density detailed in the ADAP. The supporting statement submitted as part of the proposal stated that although the proposed density was lower than the Plan, the proposal allowed for a spacious layout which responded to the sloping topography of the site, retained existing TPO trees and provided landscape buffers to the site boundaries including adjacent to listed buildings.

The proposal complied with the zoning and all of the Key Design Considerations set out in the plan except for one that relating to the min/max density of the site. However, in attributing determining weight to the factors which outlined the reason for the reduced density and, in considering the reduced density as acceptable for this site and area. It was therefore considered that the proposal was in conformity with the plan and the principle of development was acceptable.

The dwellings would be two-storey which respected the scale and massing of the area and would provide a mix of detached and semi-detached dwellings with 3-4 bedrooms which would provide choice and variety within the development. The dwellings were be finished in a mix of white and buff render and buff brick with grey roof tiles which reflected the variety of finishes that was expected within the urban area and within the wider area of Comber where there were many examples of different styles of housing and finishes displayed,

All dwellings would front onto the internal road layout and would have in-curtilage parking spaces which respected the pattern of development in the area. Garages were also to be provided. Landscaping would be provided within the site to soften the visual impact of the proposal. An 8-10m planted buffer would be added along the northern and western boundary which would provide screening and aid integration with the surrounding landscape. Within the site landscaped embankments would also be added to soften the changes in levels throughout the site.

The TPO trees within the site would be retained and protected during the construction phase with sufficient separation distance between them and any new development which would ensure their protection and maintain the existing character of the area. The Council's tree officer was consulted throughout the processing of the application and was content with the proposal. An area of useable open space had been provided in the middle of the site. The open space had been designed as an integral part of the development. The dwellings adjacent to the open space were designed to overlook it to provide an attractive outlook and security. The provision of public open space would contribute to creating a quality residential environment.

A Transport Assessment and Transport Statement were submitted as part of the proposal which detailed that the right turn lane would ensure free flowing traffic on Ballygowan Road was not impacted upon by turning traffic. The Transport Statement report concluded that the existing infrastructure could accommodate the trip generation associated with the proposed development without the requirement for additional mitigation measures outside of the right turn facility at the A21/ Ardara wood junction. The Transport Assessment and Statement also detailed that the site was well served for pedestrians with footpaths, for cyclists with the Comber Greenway nearby, there were public transport links on Railway Street approximately 450m from the site and the proposed development site was well served by variety of sustainable modes of transport.

During the processing of the application relevant assessments were submitted by the applicant and consultation was carried out with a range of consultees including DFI Roads, Environmental Health, Water Management Unit, Natural Environment, NI Water, HED and the Council's Tree Officer. All consultees expressed no objection to the proposal with some requesting conditions to be added to any permission granted.

It was acknowledged that this proposal had generated a high level of interest locally. All material concerns raised for example covered areas such as traffic impact and safety, visual amenity, water and drainage, residential amenity, noise and pressure on additional services All material objections raised had been assessed and detailed in the COR.

The Principal Planner summarised, advising that the material considerations such as the development plan, policies and comments from consultees and 3rd parties had been assessed with regard to the proposal. The case officer had set out a detailed assessment of the proposal in the case officer report. was a presumption in favour of development within development limits providing relevant policies were satisfied and a key consideration was the site being zoned for housing in the local area plan. The supporting information submitted with the application demonstrated that there was a high demand for quality residential development in Comber and the recommendation is to grant planning permission.

**RECOMMENDED** that planning permission be approved.

Councillor Adair noted the high level of objections but his main concern had been sewage and general infrastructure and whether these elements had been taken into consideration. Next, he believed that traffic was already a large issue across the

Comber area and was worried that speeding cars coming into the Comber area could pose a danger which may require a decreased speed limit on the main road to make entry and exit safer to the proposed development. In addition, he queried if the development would mean those houses on a lower plane would have their gardens overlooked and finally, asked if the area plan could meet current and future demands on said infrastructure in Comber.

The Principal Planner explained that, in regard to sewage, as with any major application, a wide-arching consultation had taken place which included NI Water who had no objections. There was capacity for the project at the local water treatment works, though no sewer connection existed. The developer and agent were working with NI water to address this as the connection point was outside of the lands of ownership. A legal agreement was being drafted and delegated powers were being sought for that process. With traffic, The Principal Planner accepted that there would always be objections regarding traffic with housing applications, however, the problem of traffic was a wider issue beyond the scope of the application. DfI Roads had also approved the application, showing that there had not been any significant increased traffic flows from the time of the Pirie Manor project. The road was to be adopted through the development site. For those existing properties and concerns of overlooking, a detailed assessment had been carried out in order to ensure any new builds would not affect those already in situ. As examples, the Principal Planner, in conjunction with the site overlay, explained the following considerations in terms of potential overlooking:

- plot 1 houses would be built gable to gable with 20 metres of separation between with existing vegetation maintained,
- At Ardara Grove from numbers 57 to 58, an impact assessment had taken place of how these would back onto the gable of number 9 and though elevation existed, there was sufficient separation distance of 23 metres as well as trees and vegetation being maintained with the addition of new fencing.
- Where the project would back onto numbers 9 and 10 of Swallow Close, though there were higher elevations, a separation distance of 30 metres would exist with trees maintained and a buffer to avoid adverse impacts.
- Plot 55 would be built with the gable facing existing dwellings of 8 and 9 Swallow Close with a distance of over 23 metres, both of which would ensure no overlooking toward said dwellings.
- Heathmount Court was of a higher elevation than the project and as such, no issues would arise, plus a 30 metre separation.
- Numbers 21 and 22 Dalton Green would have houses built at a lower level with 20 metres separation, a planted buffer and fencing.
- A major benefit had been that trees within the site were subject to TPOs and would continue to be retained.

The Principal Planner believed such examples provided an excellent example as to the sensitive design of the application. The department were not in possession of the new development plan for the area. The Principal Planner appreciated Councillor Adair's concerns regarding speeding from a Ballygowan direction but advised such was a wider issue outside the realms of the application as Officers could only assess matters within the red line.

Councillor Adair believed more houses would only contribute to current problems and cited NI water appearing to object to other communal plans such as Ashbury and a 3G pitch. Alderman Keery asked if any play provision would be provided during the build. The Principal Planner advised that there was no requirement for a play area within the development under the policy but that it did include an area of open space that would be accessible to everyone. However, within the wider Comber area, play provision existed in the Lower Crescent area. When asked of the distance to this area, Councillor P Smith was able to say that the closest play provision would be over a mile away.

Councillor P Smith had concerns over increased traffic through Ardara Grove as it was the main entrance and exit point for the project and how access for the development could be constrictive given on-street parking and wondered if it was normal practice to have development access through a small housing area. The Principal Planner was able to show that this access point had always been the intended access. When comparing the finish of the cul-de-sac to others, it was easily identified as unfinished due to its intended future purpose. Though she fully appreciated the concerns of residents, she stated that change is often disliked and that the area had been zoned for housing with several external agencies in support of the proposal and layout. A transport consultant had been engaged to work alongside DfI roads with positive outcomes in terms of agreement.

Councillor P Smith welcomed the news of an open space being central to the proposed development and asked what plans existed for its management. The Principal Planner explained that a management company was already prepared to take over management of this area, as they did with open spaces in other areas, plus, it had been a condition on the proposal.

Councillor P Smith understood that residents of Ardara Grove were unhappy with the thought of increased traffic and though he appreciated that things change, it was one that would affect residents substantially and asked if site traffic would be using an alternative entrance. The Principal Planner had heard of discussions taking place between the landowner and developer with an alternative entrance for site traffic to reduce disruption to those living locally. However, this was something that could not be conditioned as part of the planning application as it was outside of the red line. It would also be difficult to enforce this alternative entrance as the only entry point for construction vehicles as it would require someone on site at all times which was not cost-effective. In regard to play provisions, The Principal Planner reminded Members that such would only occur in the event of 100+ plot developments. Alderman Keery was concerned that the development would be completed in two stages of fifty houses which would equate to 100 total whilst avoiding the play park policy.

Councillor Thompson asked if the Environmental Health's note of a condition for noise was relating only to construction works or other issues. The Principal Planner confirmed that it was in relation to construction works and that similar conditions had been placed for the housing development at Killinchy Road for the same developer.

Councillor McClean apologised for his lateness to the meeting before querying construction vehicles entering the site via Ardara Grove. He was curious as to whether conditions could only be placed were absolutely enforceable, as in this



instance, he felt it was possible that a condition could be placed. In its absence however, he asked if it was possible to have it in writing that vehicles would use the alternate entrance. The Planning Principal explained that from a planning perspective, there would be many additional conditions that would be wanted but that every condition was subject to the six legal tests and as such, many were not enforceable and could not be applied.

Alderman Gibson referenced NI Water's sewage capacity and whether it could cope as well as if the connection being outside of the development site required planning to be amended. The Principal Planner pointed out that the local treatment works had capacity for the development. As for the sewage connection, she explained that a developer could only apply for planning on lands that were within their own control which had meant that a legal agreement would be required in the first instance between the applicant and the owner of the land where the connection would be.

(Mr Stokes, Mr Murdock, Mr O'Rourke and Conor O'Hara were brought into the meeting at 20:40 to speak on the item).

Mr Stokes thanked Members for the opportunity to speak on the issue and that he and his affiliates would be happy to answer any questions. Mr Stokes spoke of Pirie Manor having been shortlisted for residential scheme of the year and how the company had won it for three years running. The proposal before Members was for development on residential zoning in line with CRO5 and included three site requirements; two of which were met by the proposal save one, that of density. Whereas the requirement would mean 79 dwellings, the applicant sought a low density development of 58 houses. This was to include a right-hand turn entrance to improve traffic in the area to which DfI Roads had agreed. The applicant had met with a number of elected representatives and residents as well as having negotiated alternative access for construction vehicles. Mr Stokes et al were content to put on record that no construction traffic would pass through Ardara Grove. With regard to the zoned area, Mr Stokes believed many other housing developers would seek to achieve the maximum housing number by comparison. The project would equate to a £50m investment to the local area and, subject to approval, it was hoped for works to start in 2023.

Councillor P Smith commended the developer on their Pirie Manor work that had integrated well and was positive that the new development would be of a similarly high quality. He was still concerned as to the impact of the development upon the local town such as with traffic but was happy to hear of the agreement to stop construction vehicles passing through Ardara. Councillor P Smith asked how the open space at the centre of the development would be managed in the longer term and how access via Ardara Grove was hoped to work as that was where the biggest impact would be for local residents. Furthermore, he was curious as to the methods used by the developer to identify the project's impact on the roads. Mr Stokes et al informed him that the same management company that was used for other sites such as Pirie Manor would be looking after the open space whilst the 5.5 metre road width was capable of managing traffic of 200-400 whilst they had proposed 155 in total which meant the local network was capable of accommodating the additional level of traffic. In a detailed transport statement, the culminative impacts were addressed. The right-hand lane would provide additional safety which would improve

traffic movements it should be noted that the proposal did not require a transport statement but the applicant had done so to provide reassurance. In response to Alderman Gibson, it was stated that the road would require some widening on both sides at the turn from 7 metres to potentially nine metres, though it was considered necessary to provide a safe junction by comparison to not having any.

Alderman Gibson asked what the status was regarding the land outside of ownership. Mr Stokes advised that the Andrews family controlled the adjacent land, that they were signatories and all had been agreed.

(Mr Stokes et al were returned to the public gallery at 20:54.)

Councillor Cathcart proposed, seconded by Councillor McRandal that the recommendation be adopted, and approval be granted.

Councillor Cathcart appreciated the enlightening discussion from all parties and was satisfied that the area had been zoned for housing with all statutory agencies content. He also commended the developers for the less-density approach of the proposed development.

Councillor Adair was still concerned with how infrastructure and traffic might be affected and again referenced NI Water not objecting to residential developments by comparison to a 3G pitch and Ashbury Play Park. He cited the busy road with a school, issues regarding the speeding limit, congestion of traffic and parking on pavements all being reasons for cautiousness and as such could not support the recommendation.

Councillor P Smith commended the developers for what they had delivered and agreed it would be of a high standard. However, he too was concerned given another housing development had been approved on the opposite side of Comber and that the culminative effects of that development and this proposal would cause capacity issues for the infrastructure.

A recorded vote was called with 6 FOR, 7 AGAINST, 1 ABSTAINING and 2 ABSENT. The results can be found below. As such, the proposal fell.

<b>FOR (6)</b>	<b>AGAINST (7)</b>	<b>ABSTAIN (1)</b>	<b>ABSENT (2)</b>
<b>Aldermen</b>	<b>Aldermen</b>	<b>Aldermen</b>	<b>Aldermen</b>
	Keery		McIlveen
	Gibson		
<b>Councillor</b>	<b>Councillor</b>	<b>Councillor</b>	<b>Councillor</b>
Cathcart	Adair	McKee	Cooper
McAlpine	Brooks		
McClellan	Kennedy		
McRandal	P Smith		
Moore	Thompson		
Walker			

With 6 voting FOR, 7 AGAINST, and 1 ABSTAINING and 2 ABSENT, the proposal fell.

Councillor P Smith proposed an alternative, seconded by Alderman Keery; that planning permission be refused due to the culminative negative impact on Comber. The Head of Planning advised that the reason for refusal was not acceptable as it was not based on any policy. Any proposal in that regard would need to be based on planning policy.

**(A recess was called at 21:05 with the meeting resuming at 21:20)**

Alderman Gibson reminded Members that a valid reason was required for refusing planning permission and, given how the land was zoned for housing, what policy would prevent approval. Councillor P Smith believed he had been clear in previous comments as to why the development should not proceed but understood the need to provide a clear policy indication and as such withdrew his proposal on that basis with Alderman Keery as seconder agreeing with the withdrawal.

Councillor McAlpine proposed, seconded by Councillor McRandal that the original recommendation be adopted, and approval be granted.

Councillor McAlpine believed local facilities were not over-capacity and could not see issues for refusing planning permission. Councillor McRandal agreed with the sentiments of his colleague.

Councillor Cathcart believed there was sound reason for approving planning and called on those who proposed to refuse planning to remember they had to make judgements based on planning policies. He welcomed the opportunity to vote on the proposal again to reach an approval.

Alderman Keery advised that he still could not support an approval as the area was already built-up and that the lack of play provision in a development was of concern.

Councillor Adair agreed with Alderman Keery, adding that his main concern was that of a lack in infrastructure investment which would lead to congestion on roads that were already struggling. He explained that most family houses had more than two cars and with the narrow entrance, further issues would arise in the future.

Councillor McClean asked if officers would require delegated powers in the event of approval and asked if there was any way that policies could be addressed to alleviate organise growth and decision making in the committee. The Head of Planning advised that Officers had provided information on how the development met policy requirements and that such policies were made by central government in an overarching regional framework that followed through PPS and SPPS. To go against such policies without adequate refusal reasons would lead to future legal issues including dealings with the Planning Appeals Commission. The area had already been zoned for dwellings whilst infrastructure and Roads were dealt with under the Regional Strategic Network Plan. As for the impacts on roads, the Head of Service understood concerns of Members but advised meetings had taken place with various stakeholders including DfI Roads and it had been decided that there was no need for additional facilities such as a GP which was why no land had been zoned for those purposes within Comber. Delegated powers were required for finalising the legal agreement to provide, at the developer's expense, infrastructure

for sewage. The wastewater treatment works had the needed capacity and that the decision to approve was based on planning policy and considerations that were all taken into account.

A recorded vote was called with 7 FOR, 3 AGAINST, 4 ABSTAINING and 2 ABSENT. The results could be found below and as such, the proposal was declared carried.

<b>FOR (7)</b>	<b>AGAINST (3)</b>	<b>ABSTAIN (4)</b>	<b>ABSENT (2)</b>
<b>Alderman</b>	<b>Alderman</b>	<b>Alderman</b>	<b>Alderman</b>
	Keery	Gibson	McIlveen
<b>Councillors</b>	<b>Councillors</b>	<b>Councillors</b>	<b>Councillor</b>
Cathcart	Adair	Brooks	Cooper
McAlpine	P Smith	Kennedy	
McClellan		Thompson	
McKee			
McRandal			
Moore			
Walker			

With 7 voting FOR, 3 AGAINST, and 4 ABSTAINING and 2 ABSENT, the proposal carried.

**RESOLVED, on the proposal of Councillor McAlpine, seconded by Councillor McRandal that the recommendation be adopted and that approval be granted.**

(Alderman McIlveen returned to the meeting at 21:36. Councillors Adair and Brooks left the meeting)

**4.3 LA06/2019/1028/O – DWELLING WITH ASSOCIATED LANDSCAPING AND PARKING – ADJACENT TO 7 SEAPARK TERRACE, HOLYWOOD**

(Appendix III-IV)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Hollywood & Clandeboye

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

**Proposal:** New dwelling with associated landscaping and parking

**Site Location:** Adjacent to 7 Seapark Terrace, Hollywood

**Recommendation:** Approval

The Senior Planning officer (Andrea Todd) explained that the application sought outline planning permission for a dwelling adjacent to 7 Seapark Terrace, Hollywood. The application had been brought before Planning Committee as six or more individual objections contrary to the officer’s recommendation to approve had been received.

The site was located at the end of Seapark Terrace, to the immediate south-west of the existing detached dwelling at No. 7. Seapark Terrace itself was characterised



mainly by two and three storey terraces with two storey semi-detached dwellings also located on the adjacent Seapark Avenue. Members were shown a photograph of the point of access into the site and where the proposed dwelling would be located behind the existing row of dwellings out of view from the road.

In terms of the wider context, the coast lay just under 100m to the north-west with the railway line and main Belfast/Bangor carriageway to the south. To the west of the site was the existing area of open space at Seapark.

With regard to a development plan context, the site was located within the settlement limit of Holywood and within the proposed Marino, Cultra and Craigavad Area of Townscape Character as identified in draft BMAP. A portion of the site was also located within the existing open space zoning known as Holywood Esplanade and the Seapark Local Landscape Policy Area.. The site was also partially within the Croft Burn Site of Local Nature Conservation Importance.

The outline application was accompanied by a proposed site layout plan. The Planning Department raised concerns in relation to the original proposed layout plan as while the dwelling itself was located outside of the existing open space, its parking and turning area occupied the majority of the open space zoning within the site. While the zoned area within the application site was privately owned in comparison to the adjacent Council maintained land, it nevertheless still formed part of the overall open space zoning and therefore Policy OS1 of Planning Policy Statement 8 relating to the Protection of Open Space applied.

Policy OS1 of PPS8 operated a presumption against the loss of existing open space unless any of the exceptions as listed in the policy applied. These included: Substantial community benefit brought by the redevelopment which would outweigh the loss where there was no significant detrimental impact on the amenity, character or biodiversity of the area and where alternative provision was made by the developer which was as accessible to users at the time of writing and equivalent in terms of size, usefulness attractiveness and quality

The area of open space within the red line of the application site equated to approx. 0.38ha. According to draft BMAP the Hollywood Esplanade open space was a maintained grassed area with walkways along the seafront and was 2.96ha in total. The open space within the application site did not form part of these maintained grassed areas or walkways as identified in draft BMAP. However, further to the concerns that had been raised by the Planning Department, an amended plan was submitted by the agent showing a reduction in the overall parking and turning area resulting in a much smaller area of the open space being occupied and allowing the area of mature trees and vegetation bounding the Council maintained land to be retained. It was not considered that the use of this small area for access and parking to serve the proposed dwelling, would result in any material loss of open space of public value nor would it harm the overall character or amenity value of the open space. The area in question was privately owned and inaccessible from the main area of Council maintained open space outside the application site.

The area within the site was also physically separated from the Council maintained land by dense mature trees and vegetation preventing views into and out of the site.

These trees and vegetation were considered to be the main feature of the site which contributed to the amenity value of the open space and would be conditioned to be retained. As a further measure, it was also proposed to include a condition restricting the curtilage of the dwelling to exclude the area of vegetation. On this basis it was considered that there would be no material loss of any open space of public value and therefore the proposal would not contravene the aims and objectives of either the open space zoning or policy OS1.

Objections had been received from 13 separate addresses in relation to the proposal. The main concerns raised included:

- Loss of privacy to No. 7 Seapark Terrace and Nos. 2-8 Seapark Avenue
- Impact on the character of the area
- Loss of open space
- Impact on natural habitat and removal of hedges and trees
- Impact on the watercourse
- Impact on parking within the area
- Traffic impact and congestion within the area
- Impact on the sewage network
- Potential flooding

Following renotification of neighbours upon receipt of the amended site layout plan, only two further objections were received from 7 Seapark Terrace and 2 Seapark Avenue. These residents continued to raise concerns regarding traffic and parking, impact on ecology and impact on privacy.

All of these issues had been considered in detail in the case officer's report in conjunction with the responses received from the various statutory bodies who had all since been content with the proposal having considered all of the supporting information accompanying the application including a Flood Risk Assessment, an outline CEMP, Preliminary Ecological Appraisal and Land Contamination Risk Assessment.

With regard to the potential impact on the character of the area, the plot size was comparable to others in the area. If approved, the permission would be subject to conditions restricting the siting of the dwelling to that shown on the submitted layout plan and restricting the height to a maximum of two storey which was in keeping with existing dwellings. Conditions requiring retention of the existing trees and submission of a detailed landscaping scheme along with a Tree Survey and Tree Protection Plan were also recommended to ensure the screening to the site provided by landscaping is maintained.

With regard to the potential impact on residential amenity, the proposed dwelling would be located 4-5m from the boundary with No. 7 Seapark Terrace and approval would be subject to a condition that no windows to habitable rooms would be located on the side elevation facing No.7 to ensure no loss of privacy was to occur. The dwelling would also be located 21m away from the boundary with 2 Seapark Avenue which would ensure no acceptable impact on this property either. As an added measure, conditions withdrawing permitted development rights were also recommended.

The potential impact of the development on the ecology of the site had also been very carefully considered in consultation with Shared Environmental Service and Natural Environment Division. Having considered all of the supporting information and reports, both bodies were content that subject to the recommended conditions, the proposal would not result in any adverse impact on either the European designated sites or the ecology of the site itself.

In terms of parking, two in curtilage spaces were to be provided for the new dwelling and on street parking to the front of the existing dwellings would remain. DfI Roads had also considered the objections received in relation to traffic impact and were content that the proposal for the single dwelling would not cause any unacceptable impact.

The officer summarised that the proposal for a single dwelling was considered to be acceptable in the context of both the Development Plan and the relevant regional planning policies including Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation and Planning Policy Statement 7 Quality Residential Environments. All of the statutory consultees were content with the proposal and all representations have been carefully considered. On this basis it was recommended that outline planning permission should be granted subject to the conditions set out in the case officer's report.

**RECOMMENDED** that Council approves planning permission.

Councillor Cathcart asked how Members should judge the loss of open space and its impact in terms of planning policy considering that it was not an open space that was readily accessible to the public. The officer explained that the main amenity of the area as an open space was the trees and vegetation; something that the amendments had been sought for to ensure it was maintained.

Councillor McRandal appreciated efforts into maximising retention of open space. With regard to planning history, he referred to 2014's refusal which included reasoning for adversely affecting Croftburn River's flow by a culvert. He appreciated the relevant statutory authority was content with the proposal but from the proposed plans, noted a footbridge and a more substantial car bridge. He asked if there was culverting to take place, what had changed between 2014 and now. The officer explained that the previous refusal had been due to a lack of information and assessments in supporting information. The older plans had also had more of an impact upon the stream whilst on this occasion, the Natural Environment Division were content as a plan had been put forth which included a bottomless culvert that would protect the bed of the stream.

Councillor McRandal was concerned that parking would be affected for neighbours and residents of the area where carparking was already an issue. With access being created to connect the site, two to three spaces could be lost. In reference to QD1, he cited policy outlining adverse effects on residents and that the loss of car parking spaces whether allocated or not would constitute as a damage to residential amenity. The officer explained that no designated spaces existed on the road but that even with provision of access, there would still be space outside the front of each house. Objections had been forwarded to DfI Roads who were content that

there was no significant loss. In a worst case scenario, one to two spaces would be lost with access to the site but the car parking was part of a wider issue in the summer months with congestion. A single house wouldn't significantly impact on that issue.

Councillor McClean referenced QD1 policy, page 17 where it was stated that proposal intensifications were only permitted in exceptional circumstances. He asked if these were exceptional circumstances. The officer advised that the report did acknowledge that the proposal did not meet any exceptions but that it was based on PAC decisions. The policy would not cause an embargo upon the area and it was up to the decision maker to weight up factors on a case by case basis. PAC had advised in previous decisions that the overarching aim of the policy was that no harm should be caused. In the assessment, reasons were provided as to why no harm would be caused to the ATC with efforts to keep vegetation, conditions for landscaping and height with impact of the overall appearance being minimal. Councillor McClean asked if PACs were clear that the policy could be considered as, 'advisory.' The Head of Planning advised that there was case law outlining pointing toward not slavishly applying the policy. In *Tesco V Dundee*, there was no compulsion to apply everything as there were so many conflicting policies to take account of. A weight of balance was taken to mitigate and proposed actions were not considered as harming the overall ATC. The Head of Planning reminded Members that this may be different if the proposal was adopted and planning guidance was received of the ATC but with the overall ATC, harm was not considered.

(Mr Rooney and Mr Menary were brought into the meeting to speak at 21:58)

Mr Rooney spoke of a history of approvals in the area with four apartments on site. There was also approval for a single dwelling. The application had been refused on the basis of NH1 and NH5 which were largely due to the applicant not having submitted relevant information requested. With this application, he advised that they had engaged relevant consultants for reports to mitigate concerns. OS1 of PPS8's reference to a loss of open space would be negated, as Mr Rooney spoke of how the space was closed to the public, had no value and attracted antisocial behaviour. Annex A of PPS8 did not fall neatly into any topographies and they were going to try to retain as many trees as possible to maintain visual amenity. Mr Rooney advised that no other detrimental impacts existed and that any concerns regarding the detail and design of the plot could be discussed at the reserve matter stage. No windows were to be on the North-East gable to maintain privacy of the adjacent property, number 7 whilst objectors concerns regarding parking and turning had also been addressed by the Case Officer and DfI Roads.

Councillor McRandal asked if Mr Rooney could comment on the loss of parking spaces. Mr Rooney explained that spaces were present on the site and that the statutory consultee was DfI Roads who had not provided any issues with the proposal. As for amenities, for the neighbours, Mr Rooney argued would have objections that fell under a civil matter as opposed to planning. Mr Rooney asked if one to two non-designated spaces being lost for access would be detrimental to stop the process. The applicant added that properties had parking to the rear of their houses which residents chose not to use. If this parking had been used, it would make up for any shortfall.

(Mr Rooney et al were returned to the gallery at 22:05.)

Alderman Keery proposed, seconded by Alderman McIlveen that the recommendation be adopted, and approval be granted.

Alderman McIlveen believed a thorough examination of policies had occurred and a good explanation offered and was happy to support.

A recorded vote was called with 10 FOR, 1 AGAINST, 2 ABSTAINING and 3 ABSENT. The results can be found below. As such, the proposal carried.

<b>FOR (10) Aldermen</b>	<b>AGAINST (1) Alderman</b>	<b>ABSTAIN (2) Alderman</b>	<b>ABSENT (3) Alderman</b>
Keery McIlveen		Gibson	
<b>Councillors</b>	<b>Councillor</b>	<b>Councillor</b>	<b>Councillors</b>
Cathcart Kennedy McAlpine McKee Moore P Smith Thompson Walker	McRandal	McClean	Adair Brooks Cooper

With 10 voting FOR, 1 AGAINST, and 2 ABSTAINING and 3 ABSENT, the proposal was declared carried.

**RESOLVED, on the proposal of Alderman Keery, seconded by Alderman McIlveen that the recommendation be adopted and that approval be granted.**

#### **4.4 LA06/2022/0855/F – ELECTRIC VEHICLE CHARGING HUB & CANOPIES – MAXOL SERVICE STATION, 69 BELFAST ROAD, HOLYWOOD**

(Appendix V)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Holywood & Clondeboye

**Committee Interest:** An application on land in which the Council has an interest

**Proposal:** Electric Vehicle Charging Hub & Canopies

**Site Location:** 69 Belfast Road, Holywood (Maxol Service Station)

**Recommendation:** Approval

Item 4.4 was for Electric Vehicle Charging Hub & Canopies 69 Belfast Road, Holywood which was more commonly known as the Maxol Service Station.

The Principal Planner (Gail Kerr) explained that the application was before members as the proposal was to be on land in which the Council had an interest.



There were no objections to the proposal and all consultees were content with some recommending conditions. The site was within the settlement limit of Holywood as designated in North Down and Ards Area Plan (NDAAP) 1984-1995 and draft BMAP 2015. The immediate area was predominantly residential with the A2 carriageway along the western boundary of the site. The land for the EV Hub was on a long lease from ANDBC to the applicants Maxol. As the proposal was within development limits there is a presumption in favour of development. Members were shown photographs of the area and plans of the proposal.

The SPPS stated that Northern Ireland had *"...a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and a significant provider of jobs and benefits across the region."* Also, in paragraph 6.216 that *"Renewable energy reduces our dependence on imported fossil fuels ...It also helps Northern Ireland achieve its targets for reducing carbon emissions and reduces environmental damage..."*

Paragraph 3.1 PPS18 on Renewable Energy sought to facilitate renewable energy facilities in appropriate locations.

The applicant for this proposal was the Maxol who had relayed that they intended for this proposal to be a flagship EV hub on with the capacity to charge 6 EV Cars at any time contributing to their investment in sustainability initiatives. This application marked a positive step for sustainable energy sector development with an ideal location at an existing Service Station.

The EV Hub & Canopies would primarily be located to the side of the existing premises. The proposal was for a free-standing pergola and steel canopy adjacent to the existing shop and a canopy over the EV Charging bays - the frames were contemporary and light comprising powder coated galvanised steel columns and beams with a top layer of Douglas Fir Rafters. The design would complement existing. Existing trees and a grassed area at the front and rear of the site would be retained and additional planting would be added to soften the visual impact and aid integration. An area of grass was to remain at the junction of Belfast Road and the A2 to provide a landscaped wedge at the entrance to Holywood.

The existing retail and petrol station use was well established on the site, the extension to the building and parking area would read with the existing use and would have no adverse impact on the character of the area.

The EV Charging Hub would utilise parking spaces and have the capacity to charge 6 electric vehicle cars at a time as follows:

- one 200kW fast charger dedicated to one single parking space
- two 150kW fast chargers, each servicing two car park spaces
- one 50kW charger dedicated to a single space.
- There will also be 2 outdoor payment terminals (OTP's) to service the six bays

Considering the positive move to sustainable energy and a proposal that complied with planning policy, grant of planning permission is recommended

**RECOMMENDED** that planning permission be granted.

Councillor McClean welcomed this application adding that it was a fantastic asset to the town. Furthermore, no objections had been received and he would be happy to propose.

Councillor McClean proposed, seconded by Councillor McRandal that the recommendation be adopted, and approval be granted.

In concurrence, Councillor McRandal noted that the proposed facility had met all planning tests and the offering of six charging points was a great step forward.

Alderman McIlveen enquired if the charging hubs would be operated by Maxol or become part of the general network. He also wondered if users would be required to pay for this service.

The Principal Planning Officer confirmed that Maxol would indeed be the operator and a payment would be expected. Having said that, she emphasised the fact that they would be fast charging but still allow sufficient time to visit the shops/cafes. Thus, there was a perceivable overall benefit for the town of Holywood.

Although a huge advocate for improving the EV charging infrastructure, Alderman McIlveen mentioned it was in a chronic state given the poor decisions taken in the past by both legacy Councils as they had failed to take part in discussions with the DRD. However, this application would create much better facilities operated by the private sector. He queried if the electricity would be obtained from a sustainable source or from the general grid.

In response, the Principal Planning Officer referred to the drawings highlighting that an NIE hub was situated next to the site in question. She assumed that that would therefore be the case but could not give a definitive confirmation.

**RESOLVED, on the proposal of Councillor McClean, seconded by Councillor McRandal that the recommendation be adopted and that approval be granted.**

(Having declared an interest, Councillor McRandal left the meeting at this stage – 10.14pm)

#### **4.5 LA06/2022/1000/F – PRACTICE NETS WITH SECURITY FENCING – SEAPARK PAVILION, HOLYWOOD**

(Appendix V)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Holywood & Clandeboye

**Committee Interest:** An application on land in which the Council has an interest

**Proposal:** Practice nets with security fencing (max height 4.5m)

**Site Location:** Lands immediately adjacent and SE of the Bowling Green, Seapark Pavillion, Holywood

**Recommendation:** Approval

The Principal Planner (Gail Kerr) explained that there were no objections to the proposal and consultee Environmental Health were content. The application as before members as the proposal was on land in which the Council had an interest. The site was part of a larger park containing a bowling green, tennis courts, cricket and football field. Four metre fencing defined the northern boundary which was shared with the adjacent bowling club. Mobile bowling bays/netting (for cricket) were on the site.

Playing fields were bound on two sides by residential properties; the south-eastern boundary defined by the railway; the north-western boundary was defined by a car park and informal open space that gave access to the coastal footpath.

The site was within the settlement limit and within an area of Existing Recreation and Open Space and a Local Landscape Policy Area. In relation to the built environment, the site was within the Marino, Cultra and Craigavad Area of Townscape Character (ATC). There were no archaeological or architectural designations affecting the development. The principle of this type of development was considered acceptable given the existing use of the site.

Members were shown an image of the proposal on the site which was to be a permanent feature rather than the mobile netting that was on site at the time of writing. The nets would be 40m in length, approximately 11m in breadth and would have a maximum height of 4.5m. The nets would back onto the bowling green. There was at the time of writing a 4m fence separating the bowling green from the site.

Given the setting within playing fields and sporting recreation uses, the proposal was acceptable within this area and, considering the distance from properties, the proposal would have no material impact on any listed buildings in the vicinity.

In terms of amenity to residents in the area with the closest neighbour being 33m to the southwest and that there had been a cricket club on the site, the proposal was considered to not cause any adverse effects.

The nets were side on to the housing on Seapark Road and their 'open side' would face out towards the rest of the park. The proposal was seen as being a benefit in ensuring there are less wayward balls which may cause a risk to property.

**RECOMMENDED** that planning permission be granted.

Proposed by Councillor McClean, seconded by Alderman McIlveen that the recommendation be adopted, and approval be granted.

Councillor McClean mentioned the possibility of residents living adjacent to the site becoming aware of the sound of leather on willow. However, given that no objections were received that would appear not to be the case. The structure might not be the most aesthetically pleasing but he noted that it would be completely screened albeit by deciduous trees. With that borne in mind, he had no hesitation in recommending that planning permission be granted.



**RESOLVED, on the proposal of Councillor McClean, seconded by Alderman McIlveen that the recommendation be adopted and that approval be granted.**

## **5. UPDATE ON PLANNING APPEALS**

(Appendix VI - VII)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

### **Appeal Decisions**

1. No appeal decisions had been received between the date of the last report and the date of this report.

### **New Appeals Lodged**

2. The following appeal was lodged on 17 October 2022.

PAC Ref	2022/A0123
Application ref	LA06/2021/1451/F
Appellant	John Furney
Subject of Appeal	Attic conversion to incorporate new dormer window
Location	82 Ward Avenue, Bangor

3. The following appeal was lodged on 20 October 2022.

PAC Ref	2022/A0127
Application ref	LA06/2022/0078/O
Appellant	Adam Clint
Subject of Appeal	1No. dwelling with detached garage using existing site entrance
Location	Site 30m SW of 9a Quarter Road, Cloughey

4. The following appeal was lodged on 16 November 2022.

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

### **Withdrawn appeals**

5. The following appeal against service of an Enforcement Notice was withdrawn on 03 November 2022

PAC Ref	2021/E0045
Application ref	LA06/2017/0374/CA
Appellant	Glen Baxter
Subject of Appeal	Alleged unauthorised construction of earth bund adjacent to front boundary along Gransha Road
Location	431a Gransha Road, Bangor

6. The following appeal was withdrawn on 21 November 2022.

PAC Ref	2022/A0080
Application ref	LA06/2019/0518/O
Appellant	David Bryce
Subject of Appeal	Off-site replacement dwelling and garage (Existing building to be retained for ancillary use to the main house)
Location	25m North of 22 Lisbane Road, Comber

Details of appeal decisions, new appeals and scheduled hearings could be viewed at [www.pacni.gov.uk](http://www.pacni.gov.uk).

RECOMMENDED that Council notes this report.

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

The Head of Planning summarised the monthly update to Members outlining that there were no appeal decisions since the last report, with two new appeals lodged and two withdrawn.

In relation to appeals before the PAC, Councillor Cathcart questioned if Members of the Committee would be permitted to comment by means of correspondence.

The Head of Planning detailed that all appeals would be advertised in the local press, whereby objectors or representees would be contacted. She conveyed to Councillor Cathcart that Members could certainly respond at that time as well as attend the hearing.

**RESOLVED, on the proposal of Alderman Keery, seconded by Councillor Cathcart, that the recommendation be adopted.**

## 6. UPDATE ON TREE PRESERVATION ORDERS

(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

Further to the Notice of Motion debated by Planning Committee at its meeting of 06 September 2022 (Item 10), it was agreed that officers would bring a quarterly report setting out detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees.

The table overleaf provided the figures from April 2022 to date.

RECOMMENDED that the Council notes the content of this report.

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

The Head of Planning articulated that the update had arisen from a previous debate on a Notice of Motion requesting quarterly reports. Following on, she brought attention to the second page of the report highlighting that a provisional TPO had been served on land at 1 Maxwell Drive, Bangor in March. That had since been confirmed with modifications to the original number of trees. In addition, six consents were granted on work applications for trees with one of those sited within a conservation area. She verified that the six consents for work on felling diseased trees or those in a poor state comprised 15 Dunover Road, Ballywalter, 102 Bangor Road, Hollywood, 25a Church Avenue, Hollywood, 5 Tudor Park, Hollywood which was in a conservation area and lastly 2 and 4 Martello Gate, Hollywood.

**RESOLVED, on the proposal of Councillor McKee, seconded by Alderman McIlveen, that the recommendation be adopted.**

**7. RESPONSE TO CONSULTATION ON COMMENCEMENT AND IMPLEMENTATION OF THE RESERVOIRS ACT (NI) 2015**  
(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

Members were asked to recall the Consultation as issued by the Department for Infrastructure (DfI) in late November 2021 in respect of proposed legislation to commence and implement the Reservoirs Act (NI) 2015 and the draft reservoir designation criteria.

Delegated authority was granted by the Council at its meeting of 22 December 2021 to Planning Committee to issue a response, which was agreed at the Committee's meeting of 18 January 2022, and duly submitted to the Department.

DFI had written to the Head of Planning dated 1 November 2022 providing a link to the Consultation Report which provided details of the key issues / comments raised in respect of the consultation and the Department's response.

RECOMMENDED that Council notes the content of this report and the attached letter and Consultation Report.

The Head of Planning recalled the detailed response from the Council previously submitted to the DfI. She wished to bring to Members' attention that the DfI had now published the full Consultation Report.

Proposed by Councillor Thompson, seconded by Councillor McClean that the recommendation be adopted.

Councillor Cathcart regretted that the report contained several frustrating responses from the Department. It posed serious consequences to our Council area and the Committee and it was his viewpoint that the sooner they enacted certain elements the better. On that basis, he hoped it would be implemented and not left to sit on the shelf.

**RESOLVED, on the proposal of Councillor Thompson, seconded by Councillor McClean that the recommendation be adopted.**

## **8. DFI CONSULTATION ON VALIDATION CHECKLISTS**

(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

### **Purpose of Report**

1. To advise the Committee that the Department for Infrastructure had written to the Council informing of a public consultation on proposals to amend the Planning (General Development Procedure) Order (Northern Ireland) 2015 ('GDPO') to introduce validation checklists for planning applications submitted to the regional and local planning authorities.

### **Background**

2. Article 3 of the GDPO set out what was to be contained within an application for planning permission as follows:
  - A written description of the development
  - The postal address of the land which the development related to (or description of the land if no postal address)
  - Name and address of applicant and agent (if applicable)
  - A plan sufficient to identify the land to which it relates and showing the situation in relation to the locality and neighbouring land
  - Such other plans and drawings as necessary to describe the development
  - A plan identifying where any neighbouring land is owned by the applicant
  - An ownership certificate
  - A pre application community report (for proposals in major category of development)
  - A design and access statement (if required)
  - 3 additional copies of plans; and
  - The relevant fee
3. Article 3 (6) set out that the Council may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable the Council to determine any application.
4. The above list was what had been referred to as being the 'validation checklist' and the Council would require to be in receipt of all the above before being able to deem an application 'valid' in order to commence the appropriate processing. However, it had been recognised that the legislation as exists sets an extremely 'low bar' to make a legally valid planning application.
5. The Northern Ireland Audit Office Report into the planning system in Northern Ireland, dated February 2022, reported a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require submission of key supporting documentation (e.g. flood risk assessments, transport assessments, bat surveys) at the point of submission. This meant that potentially 'incomplete'

(not front-loaded) applications were to be accepted by the planning authority (having met the minimum statutory requirements) and from which the time period for statutory processing began.

6. The NIAO believed this contributed to inefficiency and poor processing times in a number of ways:
  - statutory consultees were often expected to provide a substantive response to planning applications where essential supporting information was missing;
  - consultees were spending time on poor quality or incomplete applications, and often had to be consulted multiple times on the same application; and
  - applications which arrived at the Planning Committee for a decision often had to be deferred to allow supporting information to be provided.
7. The NIAO considered if the planning system continued to accept poor quality applications, this created a culture of speculative applications, whereby the system was being used to effectively "MOT" proposals and determine the assessments required.
8. The Public Accounts Committee Report published March 2022 highlighted significant concern regarding the quality of applications entering the planning process, and that the system at the time of writing did not encourage submission of good quality applications. Thus, it recommended that the Department implement changes to improve the quality of applications entering the system and believed the introduction of validation checklists was one way to achieve this.
9. The Council operated an informal Validation Checklist, and whilst useful to direct certain applicants, there was significant pushback from agents who met the statutory validation checklist at the time of writing, thus making such checklists mandatory as required via legislative amendment.

### **Proposal**

10. The Department as proposing to amend the GDPO that existed at the time of writing to enable a planning authority to prepare and publish 'checklists' above the statutory minimum statutory requirement at the time of writing which would remain unchanged, setting out the additional supporting information/evidence which would be required to accompany different types of planning application. This would provide flexibility for individual councils to take an approach that suited their local area and planning issues.
11. The consultation document sets out the generally accepted benefits of such an approach in respect of validation checklists:
  - they set out the scope of information required at the outset to ensure a 'fit for purpose' submission
  - they enabled the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately



- they minimised the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications
- they provided applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensured that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals

12. The consultation also included examples from England and Wales in respect of approaches to validation disputes, whereby an applicant disagreed with the planning authority's determination as to an application being invalid.

### **Consultation Timeframe**

13. The Department had invited response to its consultation by response to a series of questions by 6 January 2023.

### **Proposed Response**

14. Item 8c sets out the proposed response drafted by Planning officials for the Committee's consideration and approval.

RECOMMENDED that Council notes the content of this report and the attached letter and Consultation and approve the draft response to be issued to Dfl.

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

The Head of Planning made reference to the Dfl Consultation explaining that it was the outcome of the NI Audit Office Report and the Public Accounts Committee Report into aspects of the planning system in January/February 2022. She remarked that Officers had lobbied for the introduction of a statutory validation checklist to enable them to set out what was required for applicants and agents as they commenced the planning application process to make it valid. The current legislation set the bar very low as it only consisted of the fee, site location and plans. As a result, this proposed checklist would allow the Council to set out what we would accept in terms of not progressing the application further. She indicated that our response was attached alongside a resolution should a conflict situation arise.

Councillor Cathcart thanked Officers for their response and was mindful that it may assist in speeding up the planning process.

**RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Thompson that the recommendation be adopted.**

## **9. DFI CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS** (Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

1. The Council had received a letter from the Department for Infrastructure's Chief Planner advising that the Department had issued a consultation paper on proposals to amend permitted development rights.
2. The Planning (General Permitted Development) Order (Northern Ireland) 2015 sets out types of development which could be undertaken without requiring express planning permission through a planning application. These were referred to as permitted development rights and often related to minor building works that had minimal impact to amenity and the environment. In most cases such permitted development rights were subject to conditions and limitations or provided that such rights only apply to certain developers (e.g. councils or statutory undertakers). Proposed development that did not fall within the scope of permitted development rights, including any conditions, must be subject of a planning application.
3. The consultation document attached formed part of the continuing review of permitted development rights being undertaken by the Department for Infrastructure. The Department was seeking views on the proposed changes in relation to permitted development rights for:
  - Installation of domestic microgeneration equipment (air source heat pumps, ground or water source heat pumps, domestic wind turbines)
  - Reverse Vending Machine
4. The closing date for the consultation was to be the 23 December 2022.
5. A draft response for Committee's approval was attached.

RECOMMENDED that the Council notes this report and the attached consultation and approves the response to be submitted to DfI.

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

Drawing Members' attention to the report, the Head of Planning reiterated that the DfI proposed to widen the permitted development rights in respect of renewables. Therefore, it was seeking views on the proposed changes on the installation of air source heat pumps, ground or water source heat pumps and domestic wind turbines. At present it did not propose to introduce permitted development rights for domestic wind turbines and Officers supported that action with the comments to DfI attached. The new micro domestic generation equipment such as an air source heat pump resembled an air conditioning unit that sat outside a building. Officers had submitted comments regarding the reduction of the distance to a property boundary or height and the potential accumulated impact. However, they welcomed that it would be accompanied with a certification process. The second part of the consultation related to a reverse vending machine where single use plastic such as a plastic bottle could be fed into a machine for money. The Department planned to introduce those into shops but Officers had questioned why those machines could not also be placed in larger public areas or outside schools.

**RESOLVED, on the proposal of Alderman Keery, seconded by Councillor McRandal that the recommendation be adopted.**

## **10. QUARTER 2 PERFORMANCE REPORT**

(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

### **Context**

Members may have been aware that Council was required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil that requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually (for publication 30 September 2022)
- Service Plan – developed annually (approved April/May 2022)

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

### **Reporting approach**

The Service Plans would be reported to relevant Committees on a quarterly basis as undernoted:

Reference	Period	Reporting Month
Quarter 1 (Q1)	April – June	September
Q2	July – September	December
Q3	October – December	March
Q4	January - March	June

The report for Quarter 2 2022-23 was attached.

### **Key points to note:**

- A total of 235 planning applications in the Local category of development were received, whilst 306 were decided/withdrawn
- Householder decision totalled 159, of which 54 were determined within the internal performance target of 8 weeks (34%) whilst a total of 91 were determined within the statutory target of 15 weeks (57%). Performance in that area had been affected by staff absences



- Enforcement cases continued to be processed alongside the significant backlog caused by temporary suspension during COVID
- Two appeals were upheld during this quarter, one relating to Quintin Castle, the other relating to an agricultural shed at Drumhirk Way (by time appeal heard and decision issued, the six year test had been passed)

RECOMMENDED that the Council note the report.

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

The Head of Planning indicated that that the report covered performance during the three months of July, August and September. She informed Members that a key point to note was that performance had been affected by staff absences and the ongoing work testing the new planning portal which went 'live' this week. That would continue to occur until all the bugs in the system were fixed.

Regarding the planning portal and having attempted to use this new system, Alderman McIlveen underlined that the functionality was very poor as it failed to recognise applications, numbers or addresses and maps were even missing.

The Head of Planning was unable to verify if maps would be included as that was an external facing feature. She had attempted to input the reference number which unfortunately did not work for her either. All those issues had been raised with Terra Quest as they held a meeting at 4.00 pm each day with the DfI and all Councils to examine every aspect that had not worked to date. Currently there were 110 major issues being addressed but she felt that the portal was working marginally better than expected. Screens were very small for staff to utilise and she assumed that a map should have been included in the public site but she undertook to investigate further. She regretted that due to this situation, there was now a huge backlog of applications but hoped that it would eventually lead to a paperless system.

Continuing, Alderman McIlveen noticed that there had been nothing coming through on the delegated list and enquired when that was likely as it impacted upon the Council meeting its targets. If the interface was not working for the external user it meant that the delegated list became useless.

The Head of Planning anticipated that the delegated list should be made available next week and stressed that Officers were unable to upload the Case Officer reports which had caused the delay. The DfI had also been approached in terms of performance and the problems Councils were facing in that regard. She asked Members to report any issues through the general planning email account.

The chairman looked forward to receipt of the delegated list which would encompass three weeks.

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor McRandal that the recommendation be adopted.**

(Councillor P Smith left the meeting at this stage – 10.33pm)

## **11. PROPOSED AMENDMENT TO PLANNING ENFORCEMENT STRATEGY**

(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

Members would have been aware of the existence of the Council's Planning Enforcement Strategy which was adopted prior to the transfer of the majority of planning powers.

It was considered appropriate to add the following wording to the Strategy, to highlight to readers that the Planning Service was unable to provide detailed updates during the processing of a planning enforcement investigation, as this may prejudice the case if it were determined appropriate to take formal action.

The following wording had been added at paragraph 14.1-14.2.

- 14.1 Please note that the Council was unable to provide any specific details of any ongoing and active planning enforcement cases to any interested parties, which includes complainants or site owners/occupiers/operators. This was not to be unhelpful however it should be emphasised that any release of information could prejudice the effectiveness of the Council's case should future enforcement action be taken.
- 14.2 The Council, nonetheless, wished to assure all those interested in the enforcement process that this did not imply inactivity. As outlined previously in this Strategy the Council took its responsibilities seriously and would reiterate that all cases were thoroughly, professionally and diligently investigated in line with planning legislation.

The Strategy was also to be updated to advise how members of the public would be able to lodge a complaint regarding an alleged breach of planning control on the new Planning Portal, as soon as the details were known following launch.

RECOMMENDED that Council note the content of this report and approve the change as set out to the Planning Enforcement Strategy, and furthermore approve officers to add the detail regarding how to lodge a complaint online, in respect of the new Portal, once known.

The Head of Planning sought authority to include two paragraphs for the attention of the public or offenders involved in enforcement cases that Officers could not release pertinent information. It was important for the public to be reassured that they were not being obstructive; rather it was a legal issue that doing so could prejudice the case. Additionally, members of the public needed to know how to log onto the new system to report a breach and add in details of a complaint.

(Councillor P Smith entered the meeting at this stage – 10.34pm)

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

Councillor Cathcart insisted that the wording should be made clear to the public that if a case was being actively investigated, the release of any information could prejudice us. He was often asked for such information relating to enforcement cases and without doubt, it would provide a reassurance that if they complained it would be actively investigated. He acknowledged that it would be beneficial for the public to be able to do so online.

As seconder, Alderman McIlveen understood that the current practice was to notify complainants via a letter so in essence this was a reminder.

In agreement, the Head of Planning clarified that the letter would state that the enforcement action was a long and protracted process. This proposed inclusion was for those who made a complaint about a breach, offenders and elected Members.

The Chairman offered his support to what he deemed to be a sensible course of action.

**RESOLVED, on the proposal of Councillor Cathcart, seconded by Alderman McIlveen that the recommendation be adopted.**

## **12. RESOLUTION BY FERMANAGH AND OMAGHDISTRICT COUNCIL RE ROMPS** (Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing the following:

1. The Chief Executive of Fermanagh and Omagh District Council had written to the Council to advise of a recent resolution by that Council of a Notice of Motion regarding Review of Old Minerals Permissions ('ROMPs'). The letter sets out the wording of the resolution to the Minister for Infrastructure and was seeking all councils to support the call to the Minister by making similar representation to the Department for Infrastructure.
2. Members would have been aware that Council adopted a similar Notice of Motion in February 2022 by Councillor McKee and Councillor Kendall, which resulted in correspondence between the Council and the Minister for Infrastructure. A copy of the most recent letter dated 01 August 2022 (which was tabled at the Planning Committee meeting of 06 September) is attached for ease of reference regards the Minister's further letter to the Council, which refused to move on the issue of ROMPs.

RECOMMENDED that Council note the content of this report and attached letter from FODC and delegate authority to the Head of Planning to write to the Chief Executive advising of this Council's previous efforts in respect of ROMPs.

The Head of Planning furnished Members with an update that the Chief Executive of Fermanagh and Omagh District Council was seeking support to lobby the Minister for Infrastructure with regard to a Review of the Old Minerals Permission. That had not yet been commenced within the Planning Act. She was seeking permission to delegate authority for her to respond and advise that this Council had already assumed those efforts.

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

Councillor McKee welcomed support from other Councils as a united voice for those areas affected by ROMPs.

Councillor McClean stated that given the history of Fermanagh Council's correspondence to us, his default reaction was merely to note the letter. However, if the Head of Planning wished to respond to the Chief Executive then that was fine. Government worked by people asking us to lobby on their behalf, we then liaised with our colleagues, MLAs or MPs as that was the way power structure worked. He did not want to be unhelpful but thought that the best method to discourage people to desist from asking us to get on board would be to note regardless of the issue raised.

Echoing the sentiments of the previous speaker, Alderman McIlveen commented that there had been a lot of nonsense received from this particular Council in respect of its own campaigning. However, this review of permissions affected every Council and appropriate action should be undertaken. He was mindful that the Stormont Committee had been pushing it but the matter had dragged on. It was good to see others coming on board and as Fermanagh Council always needed to feel it was leading the charge, we could relay to them that much of this work had been instigated by us.

**RESOLVED, on the proposal of Councillor McKee, seconded by Councillor Cathcart that the recommendation be adopted.**

(Councillor McClean left the meeting at this stage – 10.46pm)

### **13. CORRESPONDENCE FROM NORTHERN IRELAND HOUSING FOR COUNCIL FOR NOTING**

(Appendices VIII – XXI)

PREVIOUSLY CIRCULATED: - Copy of letter from NI Housing.

Proposed by Councillor Thompson, seconded by Alderman Keery that the correspondence be noted.

**RESOLVED, on the proposal of Councillor Thompson, seconded by Alderman Keery that the correspondence be noted.**

## **EXCLUSION OF PUBLIC/PRESS**

**AGREED**, on the proposal of Alderman McIlveen, seconded by Alderman Keery, that the public/press be excluded during the discussion of the undernoted item of confidential business.

### **14. UPDATE ON PLANNING ENFORCEMENT MATTERS** (Appendices VIII – XXI)

**\*\*\*IN CONFIDENCE\*\*\***

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

**SCHEDULE 6 – Information relating to the financial or business affairs of any particular person (including the Council holding that information)**

## **RE-ADMITTANCE OF PUBLIC AND PRESS**

**RESOLVED**, on the proposal of Alderman McIlveen, seconded by Councillor P Smith, that the public/press be re-admitted to the meeting.

## **TERMINATION OF MEETING**


The meeting terminated at 10.50pm.



## ITEM 4.1

## Ards and North Down Borough Council

Application Ref	LA06/2022/0679/F
Proposal	Extension of business to include permeable storage yard, new egress, fencing (Retrospective) and proposed landscaping, footpath, vegetation and all associated works
Location	Lands approx. 10m West of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent, 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	27/07/2022
Summary	<ul style="list-style-type: none"> <li>• Site located within development limit of Newtownards where presumption in favour of development</li> <li>• Site lies is zoned for industry within the Ards and Down Area Plan 2015 therefore proposed use of site is considered acceptable</li> <li>• The proposal falls under Class B4: Storage and Distribution</li> <li>• Application form states 2 additional employees attending the site</li> <li>• Consultees content subject to conditions</li> <li>• 10 objections from 9 addresses – issues raised include – impact on residential amenity, relocation of a path through the site, flooding, access to rear of properties.</li> <li>• All material objections raised fully considered within Case Officer Report</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.1a – Case Officer Report

<b>Development Management Case Officer Report</b>			
<b>Reference:</b>	LA06/2022/0679/F	<b>DEA:</b> Newtownards	
<b>Proposal:</b>	Extension of business to include permeable storage yard, new egress, fencing (Retrospective) and proposed landscaping, footpath, vegetation and all associated works		
<b>Location:</b>	Lands approx 10m West of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent, Newtownards		
<b>Applicant:</b>	Surfacescape Group Ltd		
<b>Date valid:</b>	27/07/2022	<b>EIA Screening Required:</b>	No
<b>Date last advertised:</b>	26/01/2023	<b>Date last neighbour notified:</b>	16/01/2023
<b>Letters of Support:</b> 0	<b>Letters of Objection:</b> 10 (from 9 addresses)	<b>Petitions:</b> 0	
<b>Consultations – synopsis of responses:</b>			
NI Water		No objections	
DFI Roads		Content subj to conditions	
Environmental Health		No objections subj to conditions	
<b>Summary of main issues considered:</b>			
<ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Planning History of the Site and Area</li> <li>• Impact on Neighbour Amenity</li> <li>• Impact on Character and Appearance of the Area</li> <li>• Parking and Access</li> <li>• Impact on Biodiversity</li> </ul>			
<b>Recommendation: Grant Planning Permission</b>			
<b>Report Agreed by Authorised Officer</b>			
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 <a href="https://epicpublic.planningni.gov.uk/publicaccess/">https://epicpublic.planningni.gov.uk/publicaccess/</a>			

## 1. Site and Surrounding Area

The application site is located on lands approx 10m West of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent. The site is an irregular shaped parcel of land of approximately 0.32 ha. Work has commenced on site, with the land being cleared as seen in the images below. Prior to the area being cleared it previously consisted of rough grassland. The western section of the site has not been cleared and consists of an area of tree/shrub planting bounded by black metal fencing. There is a pathway through the site, which dissects the private land connecting the residential properties of Ardmillan Crescent with Jubilee Industrial Estate. The boundaries of the site are defined by this black metal fencing.



There is existing premises and a yard at No. 29 Jubilee Road which is occupied by the applicant, Surfacescape Group Ltd. This business supplies natural stone paving, composite decking, fencing and artificial grass to the retail, trade and merchant sectors. The boundary between this site and the proposed site has been removed. Additional work has taken place since the above site visit, with the access in place and materials being stored on site as seen in the image below.





The surrounding area is commercial in character with a mixture of uses in the immediate vicinity, including offices, storage and distribution and service/retail units. Residential housing is located immediately north of the site.

## 2. Site Location Plan



## 3. Relevant Planning History

**LA06/2022/0268/CA: Alleged unauthorised commencement of works without the benefit of necessary planning permission; In progress**

The above enforcement case is linked to this application as part of the works are retrospective. The main portion of the site is now being used for storage and a new access has been put in, along with new boundary fencing erected.

## 4. Planning Assessment

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

- Ards and Down Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS3)
- Planning Policy Statement 4: Planning & Economic Development (PPS4)

- Planning Policy Statement 15: Planning and Flood Risk

### **Supplementary Planning Guidance**

- Parking Standards

### **Principle of Development**

The application site is located within the Settlement Development Limit of Newtownards and is identified as an area of existing industry/employment (zoning NS33) within the Ards and Down Area Plan 2015.

The proposal seeks to extend the existing Surfacescape business into this adjoining land to provide additional outdoor storage with a new access. The agent stated that the current site is restricted in size and therefore this proposal is necessary for the successful growth of the business. As an existing pathway leading into Ardmillan Crescent will be removed if this application is approved, a new footpath is proposed to ensure there is pedestrian access into Jubilee Industrial Estate. Given the proposed use of the site falls under Class B4, the principle of development is acceptable provided all statutory requirements are met. The main considerations are impact on neighbour amenity, and impact on the character and appearance of the surrounding area.

The Strategic Planning Policy Statement for NI states that during the transitional period existing policy within the Planning Policy Statements that have not been cancelled will apply. Within this context, Planning Policy Statement 4: Planning and Economic Development is retained and forms the principal consideration in relation to this type of development/proposal. Both Policy PED 1: Economic Development in Settlements and PED 9: General Criteria for Economic Development will be used in this assessment.

The proposal seeks the creation of a storage and distribution yard (Class B4) on designated industrial land. Please see Figure 1 which shows the proposed layout of the site. It must be noted that there are no buildings to assess within this application and the storage of materials will be on the land itself. The agent stated that the different products including natural stone paving, decking and artificial grass are moved around the yard, dependent on stock holding availability of products and demand. It was further stated that this is consistent with wholesale storage and distribution businesses. The external storage area has a permeable surface made up of stone, as seen in the image above under the description of the site. As the site is currently being used for storage with the new access in place and fencing erected, most of the works are retrospective. It is considered that the nature and scale of the development is in-keeping with that found in the surrounding Jubilee Road area. As previously mentioned, there are a number of buildings and units within this area being used for a variety of uses including storage, commercial, offices and industrial uses.



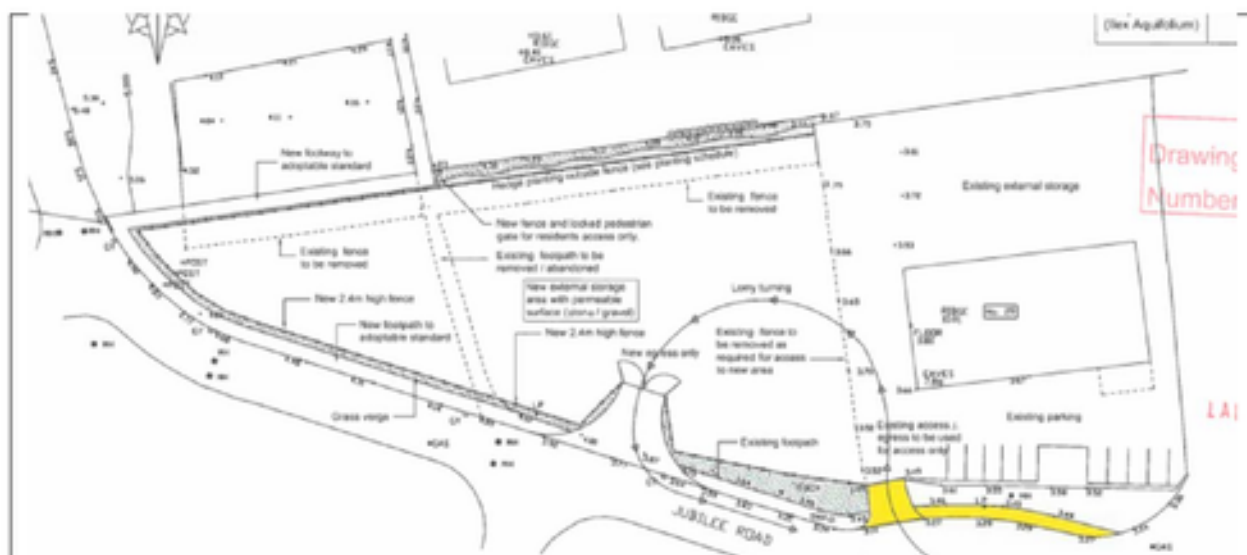


Figure 1: Proposed Block Plan of Site

The site will be bounded by black paladin type fencing which will be approximately 2.4m in height. As seen in the images in the Appendix, the fence to the rear and front of the site has already been erected. A grass verge along the frontage has been proposed to soften the visual impact along the road frontage, along with planting along the northern boundary to help soften the transitional/buffer zone behind the residential properties along Ardmillan Crescent. The agent has stated that the existing site has security measures in the form of security lighting and CCTV cameras which will deter crime outside of opening hours.

The application includes the removal of an existing pathway leading from Ardmillan Crescent to Jubilee Road. This path is not shown as an existing Right of Way therefore the removal of this path is acceptable, given the proposal seeks to provide an adoptable standard footpath along the north-western boundary of the site and along the frontage to connect to the existing adopted footpath which is located to the front of the existing business. These works will be carried out at the applicant's expense and DFI Roads have been consulted and have conditioned submitted PSDs accordingly. This will help ensure there is no major impacts on pedestrian linkages and permeability.

### Access, Roads Safety & Parking

A new access will be provided off Jubilee Road which is not a protected route. The agent stated that this new access will enable a segregated access so larger vehicles can enter and leave the site in forward gear. Following consultation with DFI Roads no objections have been raised in relation to the access arrangements with specific conditions attached within their response. DFI Roads have signed off on the Private Streets drawing and have asked for conditions to be attached on any decision notice.

The proposal falls under Class B4: Storage and Distribution and it is stated on the P1 form there will be 2 additional employees attending the site. There is parking available at the existing site at No. 29 Jubilee Road and there is also on-street parking available along Jubilee Road.

## Residential Amenity

The proposed site is located directly to the south of a number of properties along Ardmillan Crescent. As there are no proposed buildings, there will be no issues in relation to overlooking, dominance or loss of light. The agent stated that pallets and materials can only be stacked to a certain height otherwise the product can be damaged or injure employees (risk of falling over). There is a duty of care as an employer/business owner and obligations from H&S Executive for NI and public liability insurance. As shown in Image 1 below, the height of the materials is sitting below the existing fence therefore should not be creating any issues in regard to dominance or loss of light. The new fencing will not create any issues in terms of overshadowing or dominance. There is over 14m of separation distance between the fence and rear of each dwelling. In addition to this, each of these dwellings benefit of south-facing gardens therefore any overshadowing caused by the fencing in the garden areas would be minimal. The use falls under Use Class B4 and as such will be used for storage or distribution therefore, there should not be any major issues in relation to noise, fumes or odour.



*Image 1: Existing site being used for storage (retrospective)*

Environmental Health were consulted on the proposal and stated the following:



*'This application relates to an extension of an existing storage area. This application has been confirmed as B4 storage and distribution and therefore this response is based on this usage. It is noted that the proposed area is in an existing commercial/industrial park which is in close proximity to residential accommodation in Ardmillan Crescent. The yard will be used in a similar way to the current storage area, also being used for the storage of materials associated with the business. It has been confirmed that collections and deliveries will occur during current opening hours.'*

In view of this, the Environmental Health Department requested that the following condition is attached to any planning permission if subsequently granted:

1. Prior to 08:00hrs and after 18:00 hours the extension shall not remain open and deliveries by commercial vehicles shall not be made to and from the site.

Reason: To protect the amenity of the occupiers of nearby residential premises.

As will be discussed under 'Representations' below, there have been a number of objections lodged in relation to the removal of the existing footpath which runs from Ardmillan Crescent to Jubilee Road. As previously stated, the application seeks to provide a new footpath to effectively replace the existing one running through the middle of the site. Please see Image 2 below which shows the existing path and the proposed path indicated in yellow.



Image 2: Aerial Image of Site - Proposed new access

In addition, land ownership checks were carried out under this application as the site works commenced with new fencing erected and several neighbours have complained. It was identified that the landowner has been served notice with Certificate C filled in on the P1 form. The applicant has retained a 1.5m wide gated access strip for residents to access the rear of their properties. A small, planted area will be provided to help soften this transitional buffer area.

### **Impact on Flooding**

The proposed building will not create any flooding issues. Upon inspection of Flood Maps NI, the site is not located within an area prone to surface, pluvial or coastal flooding. The proposal will be used for storage and will not produce any emissions or effluent.

### 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).

As the site works involved the removal of unmaintained grassland and tree shrub planting, a biodiversity checklist was completed by a qualified ecologist. The conclusion was that the site is of negligible ecological value and no further survey works were needed.

## 5. Representations

Ten representations were received from nine addresses including 88-96 Ardmillan Crescent, 41 Ardmillan Crescent, 63 Rathmulan Drive, 38 Trasnagh Drive and 10 Blenheim Drive. Those material planning matters raised in submitted representations are summarised below:

- Impact upon Residential Amenity:** A number of the neighbouring dwellings to this site have objected to the proposal stating that the noise of the building yard will impact upon their amenity, along with the noise of deliveries (lorries entering site) and building works. In addition, one neighbour stated the proposal will impact upon their privacy and the existing security lights are causing light pollution. These matters have been discussed under the section 'Residential Amenity' above. The existing security lighting and CCTV are on the gable of the existing building which does not form part of this application. In relation to the noise of the yard, Environmental Health have been consulted and have no objections to the storage use and have conditioned the opening hours of the yard (including deliveries). If there are any noise issues outside of these hours, the local residents can make a complaint to Environmental Health which will be investigated. Environmental Health did not provide any specific comments on noise given the proposed B4 storage use. Any works during the clearing of the site/construction of access and fencing will be temporary in nature. Given there are no buildings proposed on site, I do not consider there will be any overlooking or loss of privacy.
- Relocating Path:** All of the objectors have stated that the removal of the existing pathway and relocation of it will have an adverse impact upon the character of the area. In addition, it has been stated that the new positioning of the pathway is on a dangerous bend on Jubilee Road which has heavy traffic. I have addressed these matters in detail above under the main assessment. It is accepted that this pathway has been running through the site for many years



however, it is not identified as an existing 'Right of Way' therefore the Council cannot ask for it to be retained. In order to meet policy in relation to a movement pattern being provided, the agent has proposed a new footpath that will allow for access from Jubilee Road into Ardmillan Gardens. DFI Roads have been consulted on this proposal for a new path and are content subject to conditions. I am therefore satisfied that there will not be any road safety concerns with the proposed footpath raised off the Jubilee Road. Whilst the new path will be longer than the existing one, it will still retain this linkage. The land is privately owned therefore the residents would have to seek legal advice regarding what they consider is an established right of way.

- **Land to rear of Ardmillan Crescent:** Several of the neighbours living along Ardmillan Crescent have objected to the extension of the yard as it impacts upon their access into the rear of their properties. In addition, one neighbour stated that this piece of land has been used by residents for years for exercise and dog walking. This land is privately owned and is zoned for industry (not open space) within the Ards and Down Area Plan 2015 therefore, the proposed use of the site is considered acceptable. The applicant has provided a buffer to the rear of the site to allow residents to gain access to their rear gardens. This is not required for bin access therefore the applicant could have built right up to this boundary if they wanted to do so. The agent has stated that there is a strip of land retained to ensure the residents still have access to the rear, and all residents have been provided a key to the gate which leads into this strip of land. Each dwelling along Ardmillan Crescent has bin access through an alleyway or to the side of the dwelling. As the land is privately owned the residents would have to seek legal advice regarding access and land ownership issues.
- **Flooding in garden:** One neighbour stated that their garden is prone to flooding and is worried about new hardstanding leading to additional flooding. The proposal did not require a drainage assessment (no hardstanding) to be submitted and NI Water offered no objections to the proposal. The outdoor storage area will have a permeable surface such as stone or gravel which should therefore reduce any surface run-off.

## 6. Recommendation

**Grant Planning Permission**

## 7. Conditions

1. Planning permission is hereby granted in retrospect for the access, storage yard and fencing under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.



Reason: This development will have deemed to have begun on the date development was initiated.

2. The development hereby permitted including the extension of the storage yard, new footpath and landscaping works 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.

3. Prior to 08:00hrs and after 18:00 hours the extension shall not remain open and deliveries by commercial vehicles shall not be made to and from the site.

Reason: To protect the amenity of the occupiers of nearby residential premises.

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 04A bearing the date stamp 14/10/2022

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

5. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 04A bearing the date stamp 14/10/22, prior to the commencement of any other development hereby permitted.

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

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

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

7. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

8. The footway must be completed in wearing course surface prior to commencement of use.

Reason: Road safety and convenience of traffic and pedestrians.

- 9. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the DFI Roads Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

- 10. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFI Roads Street Lighting Section.

(These works will be carried out entirely at the developer's expense.)

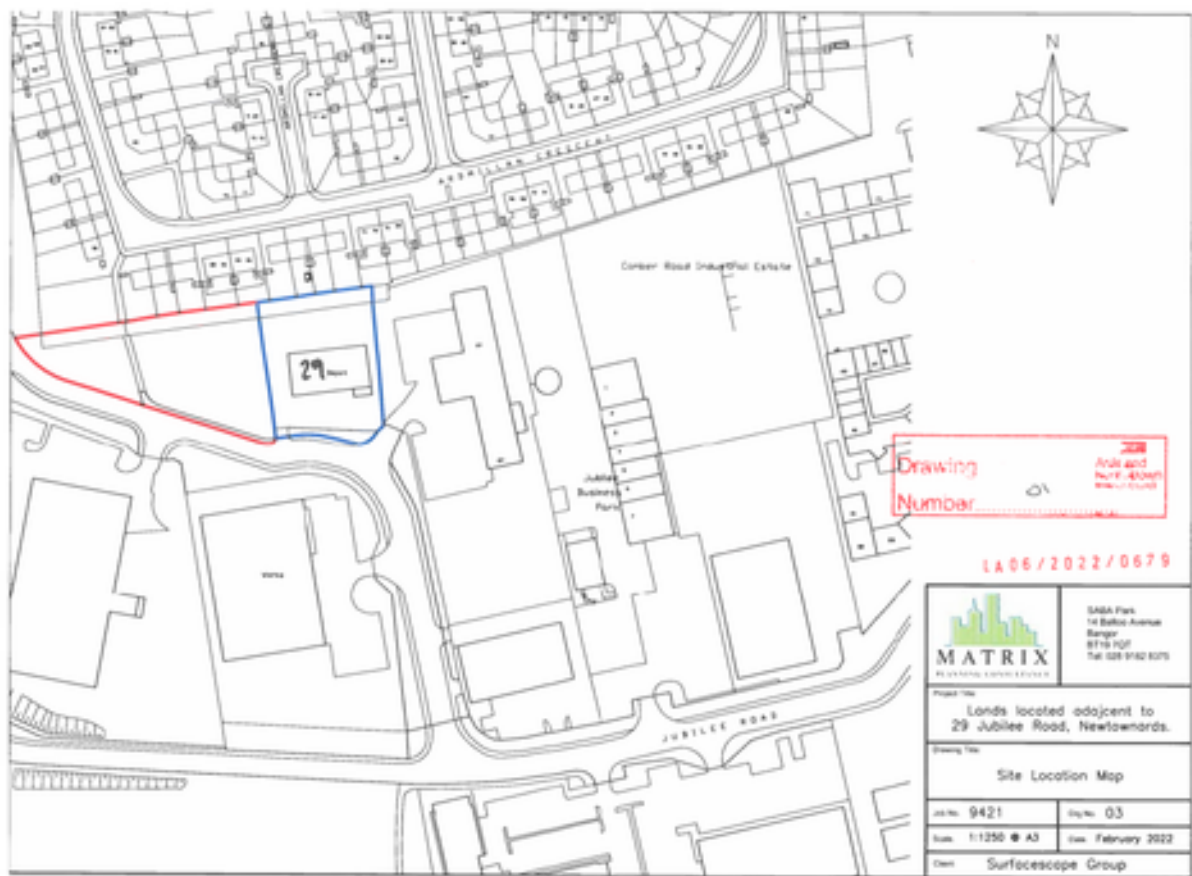
Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

**Informative**

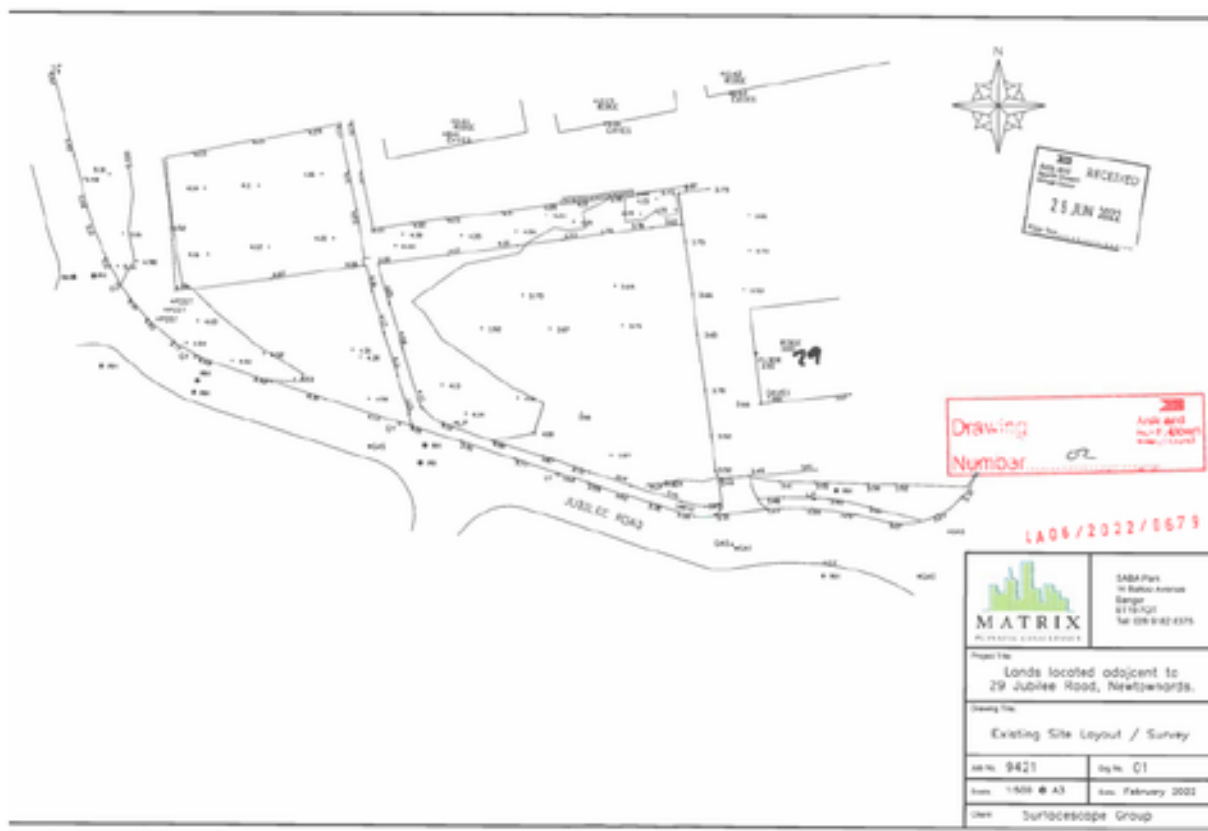
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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

<b>Case Officer Signature:</b>		<b>Date:</b>	
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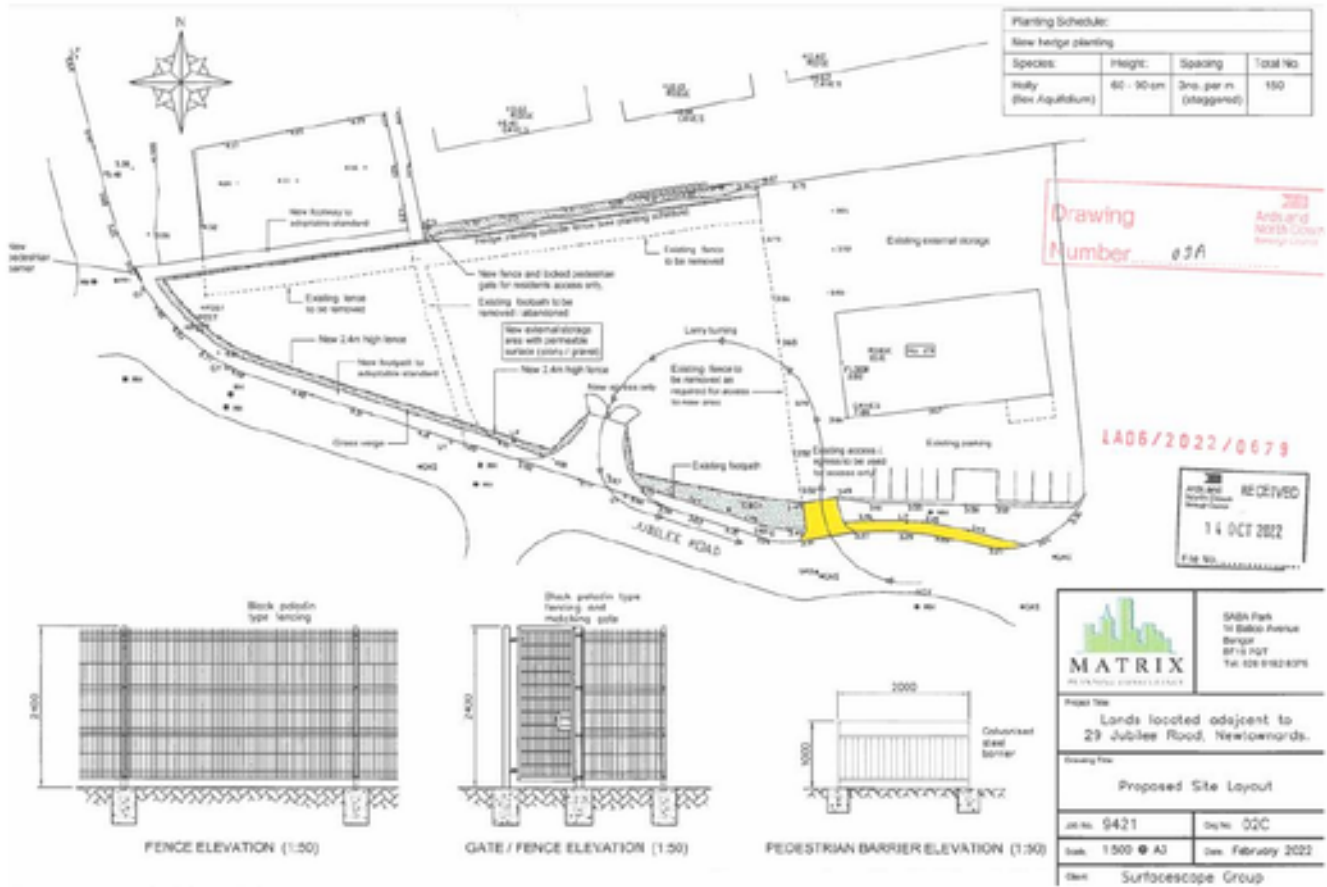
**Appendix One: Plans**



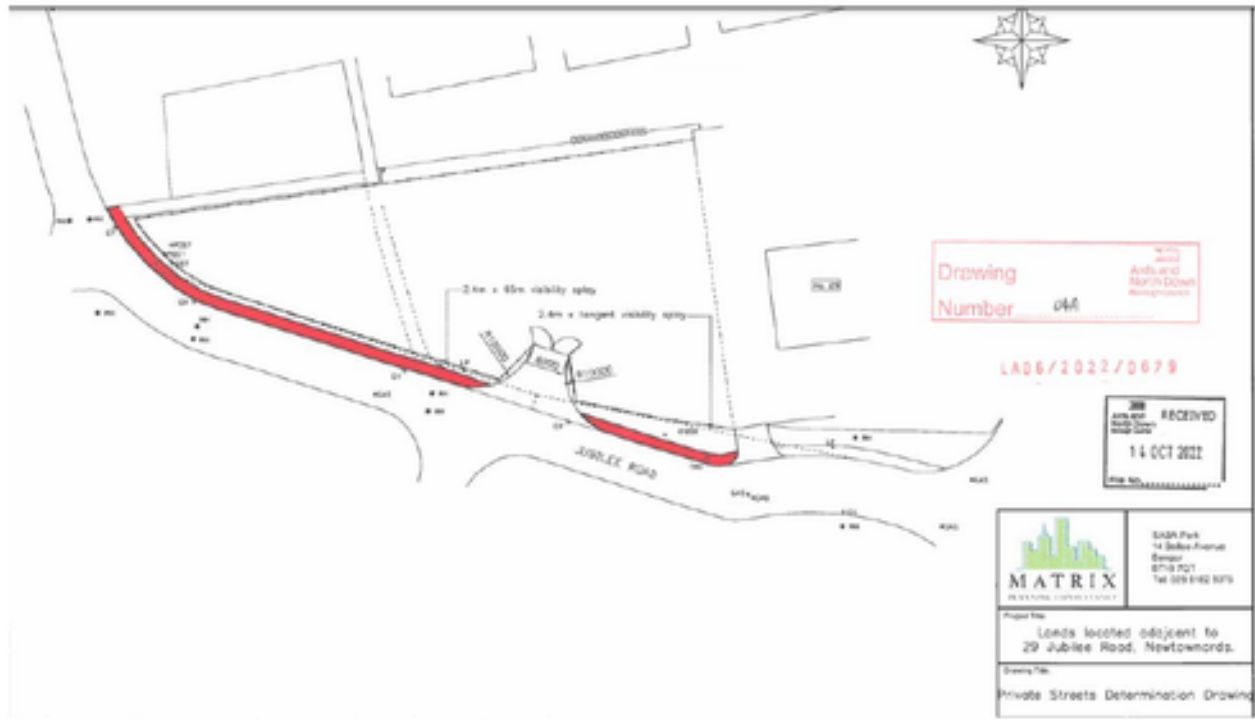
**Site Location Plan**



**Existing Site Plan**



Proposed Site Plan



Private Streets Determination Drawing



**Appendix Two: Plans**



Photos of Site being cleared, with new black metal fencing erected







Fencing erected to rear boundary with grass pathway left for residents along Ardmillan Crescent for access to rear

Gate provided for security. All residents received a key for access





Additional Images of Site being cleared wit topsoil shown





Updated Site images: Site being used for storage



New access in place leading onto Jubilee Road





Rear boundary of site showing relationship with dwellings along Ardmillan Crescent



Image of products being stored on site



Existing parcel of land which has not been developed





Existing pathway still in place leading from Ardmillan Crescent

## ITEM 4.2

## Ards and North Down Borough Council

Application Ref	LA06/2020/0558/F
Proposal	Development of 4 no. detached houses with detached garages and associated landscaping and ancillary works
Location	Lands adjacent to and north-east of 3 Warren Avenue, Donaghadee. Access via Warren Avenue to Warren Road DEA: Bangor East & Donaghadee
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	06/07/2020
Summary	<ul style="list-style-type: none"> <li>• Site located within development limit of Donaghadee where presumption in favour of development</li> <li>• No designations on application site but is adjacent to the Outer Ards ASSI, Ramsar, SPA and SAC due to its proximity to the coast</li> <li>• All consultees including Marine and Fisheries Division, SES and NED content with some recommending conditions</li> <li>• Total of 8 objections received from 6 addresses – material matters raised include – ecological/wildlife matters, coastal erosion, building line, road safety/traffic impact, parking and residential amenity, density, cumulative impact character of area- all material matters raised fully considered within Case Officer Report</li> <li>• 2 letters from one address in Hertfordshire - however all objections have to be considered</li> </ul>
Recommendation	<b>Approval</b>
Attachment	Item 4.2a – Case Officer Report