

**ARDS AND NORTH DOWN BOROUGH COUNCIL**

01 March 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 March 2023**, commencing at **7.00pm**.

Yours faithfully

Stephen Reid  
Chief Executive  
Ards and North Down Borough Council

**A G E N D A**

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee 07 February 2023 (Copy attached)
4. Planning Applications

4.1	LA06/2021/1125/F	Change of use from garage to short term holiday let (retrospective) 116 Portaferry Road, Newtownards
4.2	LA06/2022/0437/F	Access point and driveway to dwelling, to include pillars and walls 18 Millbrooke Road, Bangor

5. Update on Planning Appeals (Report attached)
6. Planning Service Unit Plan (2023/24) (Report attached)
7. Update on Tree Preservation Orders (Report attached)

**\*\*\*In Confidence\*\*\***

8. Update on Enforcement matters (Report attached)

**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 7th February 2023 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 (via Zoom)
	Cathcart (via Zoom)	P Smith
	Kennedy (via Zoom, 19:09)	Thompson
	McAlpine	Walker (via Zoom)
	McClellan	

**Officers:** Director of Planning (A McCullough), Head of Planning (G Kerr), Planning Managers (Paula Kerr and Andrea Todd), and Democratic Services Officers (R King and S McCrea)

### 1. APOLOGIES

Apologies for non-attendance were received from Councillor Brooks and Councillor Moore.

**NOTED.**

### 2. DECLARATIONS OF INTEREST

No interests were declared.

**NOTED.**

### 3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 6<sup>th</sup> DECEMBER 2022 (Appendix I)

PREVIOUSLY CIRCULATED:- Minutes of the meeting held on 6<sup>th</sup> December 2022.

RECOMMENDED that the minutes be noted.

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

## 4. PLANNING APPLICATIONS

### 4.1 LA06/2022/0679/F – EXTENSION OF BUSINESS TO INCLUDE PERMEABLE STORAGE YARD, NEW EGRESS, FENCING (RETROSPECTIVE) AND PROPOSED LANDSCAPING FOOTPATH, VEGETATION AND ALL ASSOCIATED WORKS (Appendices II-IV)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

#### **DEA: Newtownards**

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

**Proposal:** Extension of business to include permeable storage yard, new egress, fencing (Retrospective) and proposed landscaping, footpath, vegetation and all associated works

**Site Location:** Lands approx. 10m West of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent, Newtownards

**Recommendation:** Approval

The Planning Manager advised Members that LA06/2022/0679/F was an application for the extension of a business to include a permeable storage yard, new egress, fencing (retrospective) and proposed landscaping, footpath, vegetation and all associated works. The site was located at lands approximately 10m west of 29 Jubilee Road and 15m South of 84-96 Ardmillan Crescent, Newtownards.

The business which the application related to was Surfescapes Group Ltd, a hard and soft landscaping supplier. There was an enforcement case pending the outcome of this application LA06/2022/0268/CA and it was being presented at committee at this meeting as there had been 10 objections received from 9 separate addresses.

These objections had raised the following concerns:

- Impact upon residential amenity
- concerns about the relocation of the path that cuts through the site
- access to land to rear of Ardmillan Crescent
- Flooding

These issues were dealt with in detail in the planning report. NIW, DFI Roads and Environmental Health were consulted and had no objections to the proposal. Environmental Health required a condition to be added to any permission limiting opening hours and deliveries to between 8am and 6pm.

The site was located within the settlement limit of Newtownards and was designated as a site for existing industry in the Ards and Down Area Plan 2015.



The plan considered it necessary to safeguard existing industrial land within settlements from competing uses under Policy IND1. This policy helped maintain the overall level of industrial provision and in line with the RDS would allow for a continuous supply of land for employment purposes.

The proposed use (of which most was retrospective) was for an industrial use (B4) of land zoned for existing industry and as such, the proposal was in line with the Ards and Down Area Plan 2015. The relevant policies that were to be considered for this proposal were the SPPS, PPS2 Natural Heritage, PPS3, Access, Movement and Parking, PPS4 Planning and Economic Development, and PPS15 Planning and Flood Risk.

The proposal met all of the relevant policy requirements. There was no significant loss of adjacent residential amenity bearing in mind that this site was zoned for existing industry. The use of the site as a permeable storage yard was a suitable use and given the zoning, it was appropriate for the site.

With regard to the visual impact of the application on the character and appearance of area, the nature and scale of the works were in keeping with the surrounding area. The path through the site was not a public right of way and was privately owned land. The proposal included a footpath that offered the public and residents an alternative route to this path. Access to rear of Ardmillan Crescent had been included within this proposal. This also involved privately owned land in the applicant's control. The applicant was under no obligation to leave this access way/buffer and could have included this land in the proposal but has left an access for the residents' use. The site was not located within an area of flooding and the nature of the site usage would not exacerbate flooding. Landscaping had been proposed and hedge planting outside the fence to the rear of the Ardmillan properties.

No lighting scheme had been proposed- however DFI Roads required a condition for lighting regarding streetlights for the proposed footpath.

In summary, this was an industrial use on land zoned for industry, it complied with policy and did not cause any significant negative visual impacts for the area nor did it cause any significant loss of residential amenity given its zoning in the plan.

Approval was recommended.

(As no Members indicated a wish to speak on the Planning Manager's presentation, Mr Andy Stephens of Matrix Planning was invited to join the meeting to present his supporting statements to the application at 19:10 alongside the owner, Mr Hopkins and Claire Holmes, Business Manager of Servicescape Group.)

Mr Stephens thanked Members for the opportunity to speak and welcomed the Officer's recommendation of approval which would allow for an underutilized zone into positive economic use for an established local business. It would allow for Servicescape Group to continue investment in their premises, growth plans and add to local employment. Mr Stephens referred to the Case Officer's report as robust and comprehensive, engaging with all relevant matters in a balanced approach. It confirmed the proposal was compliant with all aspects of the Local Development

Plan, related policies and that there were no sustainable objections from statutory consultees in regards to traffic, biodiversity, drainage or residential amenity grounds. All evidence supplied and responses from statutory agencies would indicate a lack of demonstrable harm and that planning permission should be granted.

Upon completion of Mr Stephen's presentation, Alderman McIlveen noted the existing pathway not being a public right of way and that a new pathway had been accommodated. With the Case Officer's suggestion of streetlighting, Alderman McIlveen asked if the pathway was to be adopted by the Department for Infrastructure.

Mr Stephens advised that this was to be the case and that DfI had streetlight columns in place but no footpath and as such, the applicant, at his own expense was going to place an adopted footpath circa £150k, a plan that was agreeable to DfI, The original pathway had been constructed many years ago on the land that was then owned by the Herron Brothers and was unadopted. The applicant had sought advice from both Mr Stephens and Simon Chambers prior to acquiring the land.

Alderman McIlveen queried the gap of land between the proposed land and existing properties as well as what security may exist for the land. Mr Stephens advised this land had been left undisturbed for residents and having met with them on several occasions, it was discovered that though residents may not have had fences or gates, they wished to have access for garden maintenance. As such, the applicant's proposal provided a 1.5 metre wide strip with some buffer planting. In addition, some residents had complained of antisocial behaviour in the area so the applicant also provided a locked gate for which residents had keys to assist with such problems which would mean the privately owned land would be controlled by residents.

Councillor McAlpine asked if there were any plans for building on the zoned land and what height pallets would be stacked to. Mr Stephens explained that at the moment, it was purely hardstanding for storage and distribution. In regard to pallets, they would be stacked no higher than fencing with reasons such as Health and Safety obligations to employees and to protect products from damage. In following up, Councillor McAlpine asked if any spare land was left to allow for locals to exercise dogs as had been the case in the past. Mr Stephens explained that there was still a piece of amenity space to the north of the footpath/land to the left of Ardmillan.

Councillor Cathcart was pleased to see the footpath was tarmacked as he had envisaged a dirt path and was curious who had originally placed a footpath through private land. Mr Stephens was unaware as to the origins of the path's placement but was able to assure Members that the original path was not adopted or maintained and was a trip hazard in its existing state.

Councillor P Smith asked if additional lighting or CCTV was to be installed given concerns of light pollution. Mr Stephens explained that lighting and CCTV existed already on the corner of No. 29 and that there were no plans for any additions. The only additional lighting was that which was to be placed on the adoptable footpath by DfI, however that was far enough away from dwellings on the roadside.

Alderman McIlveen proposed, seconded by Councillor P Smith that the recommendation be adopted, and approval be granted.

Alderman McIlveen found the application satisfactory and spoke of the additional works carried out by the applicant to allay concerns and provide elements of community betterment through the installation of a foot path and additional lighting.

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

**4.2 LA06/2020/0558/F DEVELOPMENT OF 4. NO DETACHES HOUSES WITH DETACHES GARAGES AND ASSOCIATED LANDSCAPING AND ANCILLARY WORKS – LANDS ADJACENT TO AND NORTH-EAST OF 3 WARREN AVENUE, DONAGHADEE**  
(Appendices V-VII)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** 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

**Proposal:** Development of 4 no. detached houses with detached garages and associated landscaping and ancillary works

**Site Location:** Lands adjacent to and north-east of 3 Warren Avenue, Donaghadee. Access via Warren Avenue to Warren Road

**Recommendation:** Approval

The Planning Manager explained that LA06/2020/0558/F was in regard to a development of 4 No. detached houses with detached garages and associated landscaping and ancillary works, upon lands adjacent to and north-east of 3 Warren Avenue, Donaghadee. 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 adjacent to the coast off the Warren Road, within the settlement limits of Donaghadee and accessed via the private lane, Warren Avenue which already served a number of existing dwellings. The area was characterised predominantly by larger detached and semi-detached properties however there was a wide variety of plot sizes and densities within the immediate area.

The site itself was an area of rough grassland with largely undefined boundaries except for a hedgerow which ran along part of the northern boundary. The site was relatively level throughout with just a very gentle slope downwards towards the coast. There were a number of dwellings adjacent to the site sitting on higher ground to the north including Nos. 12, 16 and 18 Warren Drive. In terms of the wider context of the area, existing house types in the immediate area ranged from bungalows to substantial 3 ½ storey buildings. The application as originally submitted was for 5 detached dwellings, however, the Planning Department considered this to be an

excessive amount of development for the site when considered within its context by way of the small plot sizes proposed, higher density and lack of spacing between the dwellings. The scheme was amended by the applicant at the request of the Planning Department reducing the development to 4 detached dwellings culminating in the newer proposal having larger plot sizes and much improved spacing between the units. The development would also have a density of 11 dph which was comparable to existing densities found within the area.

An example was provided of a recent development at 35 Warren Road for 6 dwellings to the south of the application site was of the same density as the proposal also at 11 dph. There were also other longer established residential developments adjacent to the site which already had a higher density than the proposed development at 14 dph and 22 dph. Planning permission had also been granted for a single dwelling to the north of the site with a density of 10.5dph. Given that the proposed density of 11dph was very much in line with existing densities in the area, the Planning Department was content that the proposal met the policy requirements of PPS7 in this respect. The development would also not result in any unacceptable dominant impact on the coastline given that it would not sit any further forward than other existing and approved development along this stretch of the Warren Road.

The dwellings themselves while contemporary in style, had been designed to have a simple linear form with a render finish and natural slate roofs. The height of the dwellings at 8m would also be comparable to other surrounding two storey dwellings. No significant increase in ground levels were proposed and the dwellings would still sit well below the existing dwellings to the north which already sat on higher ground and would also have similar finished floor levels to the approved single dwelling to the north and the new dwellings at 35 Warren Road to the South.

A landscaping scheme had also been submitted showing a new hedgerow to be planted along the western boundary of the site and shrub and tree planting throughout. Post and wire fencing would define the boundaries of the two sites closest to the coast to maintain the open character of this area close to the coastline. As a further safeguard, it had been recommended that approval was subject to conditions withdrawing permitted development rights which would have ensured that no additional extensions or ancillary buildings could be erected within the curtilage of the dwellings without full consideration under a planning application. The Planning Department was content that the revised scheme reflected the established built form and densities found within the immediate area and thence complied with Planning Policy statement 7 in this respect.

However, a total of 8 objections had been received from 6 separate addresses in relation to the proposal. The main concerns raised included:

- Environmental impact on the coast
- Visual impact on the coastal area and overdevelopment of the site
- Safety of pedestrians using right of way to access the beach
- Traffic impact, road safety and parking
- Impact on the residential amenity of 1 and 3 Warren Avenue
- Cumulative impact of proposed development alongside other previously approved development.
- Flood risk

All of these concerns had been considered in detail in the planning report and all consultees were content with the amended proposal.

With regard to environmental impact, while the site was in close proximity to the coastline, both Shared Environmental Service and NIEA were content that the development would not result in any adverse impact on European Sites or other natural heritage interests subject to approval of a final CEMP prior to commencement and retention of a 10m buffer between the development and the designated sites. DFI Rivers was also content that the development would not be subject to flood risk as the site lay above the 1 in 200 year coastal flood plain. As for visual impact on the coastal area, it was not considered that the development would cause any adverse impact. The two dwellings closest to the coast were to be set back 15m and 25m and would come no closer to the coastline than other existing and approved dwellings along this stretch of Warren Road.

In addition, the development would not result in any unacceptable adverse impact on the residential amenity of existing dwellings being located between 29 – 45m from Nos. 12, 16 and 18 Warren Ave to the north and between 50-80m away from Nos 1 and 3 Warren Ave to the SW, well in excess of the recommended 20m separation distance set out in Creating Places Guidelines. In terms of road safety and parking, DFI Roads were consulted and had raised no road safety concerns with regard to the use of the existing access. Adequate in curtilage parking would also be provided with 3 spaces per unit in line with the recommended standards.

It was acknowledged that there had been a number of planning approvals for residential development in the immediate area in recent years including the 6 dwellings at 35 Warren Road, 8 apartments at 6-8 Warren Avenue and an additional single dwelling to the rear of 18 Warren Avenue however it was not considered that these developments when read together with the proposed development, would result in any adverse cumulative impact on the area.

In summary, this proposal for 4 detached dwellings was considered to be acceptable in the context of both the Development Plan and the relevant regional planning policies. All of the statutory consultees were content with the proposal and all representations had been carefully considered. On this basis, it was recommended that full planning permission should be granted subject to the conditions that had been set out in the case officer's report.

Upon completion of the Planning Manager's presentation, Councillor P Smith recalled comments made upon climate change and coastal erosion not being reasons to deny the planning application. With other dwellings being in closer proximity to the coast than the proposed application, he was curious as to whether issues surrounding rivers and flood plains would be ongoing matters for sites such as this in the future despite recommendations for approval.

The Planning Manager explained that every application would be subject to different parameters in regard to coastal flood plains but that the Planning Department on this occasion had felt the application was outside of both contemporary and climate change flooding. Councillor P Smith queried the distance of the plots to the coast



and to what extent the drop between the two was. The Planning Manager directed Members to the proposed layout which showed that buildings were staggered with the closest being approximately fifteen metres from the water's edge whilst others were approximately 25 metres distance away whilst the drop between plot and coast was more of a gradual slope.

Councillor McRandal asked if the right of way to the coastline would be maintained and uncompromised. The Planning Manager advised that objectors had raised that same concern in regard to rights of way though it had been confirmed that the applicant possessed full ownership of the plot site and no public right of way existed.

Councillor McRandal referred to page 17 of the report and the final paragraph of, 'designated sites,' wherein mention was made of adverse effects. He asked if this was with regard to conditions 8 and 9 found on page 25 of the report, which the Planning Manager confirmed and added that it also included condition 12 which related to the 10 metre buffer requirement between the development and coast.

Councillor McAlpine, in relation to the building line, asked how other buildings had been built in such close proximity to the sea and if any drawings existed that would provide clarity. The Planning Manager advised that the presentation Members had been shown did not provide oversight of the whole coastal area but was able to provide information on 35 Warren Road that sat closer to the coast and approval for a single house that was to sit even closer than this evening's proposition. As for other houses in the area that sat closer again to the coastline, these had been in situ for many years and Officers were satisfied that the staggered-line approach of this proposal would allow the houses to be positioned at a reasonable distance.

(Donald Donaldson was invited to join the meeting at 7:36 pm to begin his presentation to Members).

Mr Donaldson spoke on behalf of Mr Geddis (the applicant), advising Members that the recommendation to approve was welcomed. The proposal consisted of four houses on a plot of land, the area of which was just under one acre. This had been reduced down from five houses at the behest of Planning Officers and was within the development limit of Donaghadee. In relation to PPAS7, the proposal respected character and density. No objections existed from consultees though it had attracted some local objections which had been addressed through responses. Mr Donaldson referenced Councillor P Smith's earlier questioning in relation to flooding, confirming that 100-200 years flood risk level equated to 3.5 metres. The proposal height was for 4.3 – 4.7 metres which was substantially above the coastal flood-risk and 15 to 25 metres back from the shore. The distance of the proposed houses from the coast was further than No. 18 to the north and some houses being developed near No. 35 which sat within 7-8 metres of the coast.

(Mr Donaldson was returned to the public gallery at 7:39 pm).

**RESOLVED, on the proposal of Alderman Keery, seconded by Alderman McIlveen, that the recommendation be adopted and that planning permission be approved.**

#### **4.3 LA06/2022/0999/LBC – ERECTION OF PLAQUE ON FRONT ELEVATION OF ARDS ARTS CENTRE, TOWN HALL, CONWAY SQUARE, NEWTOWNARDS**

(Appendices IIX-X)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Newtownards

**Committee Interest:** Council Application

**Proposal:** Erection of plaque on front elevation

**Site Location:** Ards Arts Centre, Town Hall, Conway Square, Newtownards

**Recommendation:** Consent

The Head of Planning explained that the application before Members this evening was for consent of the placing of a plaque which would offer information on the Viscount of Castlereagh, second Marquess of Londonderry on the front elevation of the Newtownards Town Hall (Ards Arts Centre). The building was grade B2 listed and as such, consent was required and a consultation with HED. An image was supplied to show where the location of the plaque would be; situated just below the first window of the first floor to the right of the main doors.

RECOMMENDED that Council consent to placement of the plaque.

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

Alderman McIlveen was pleased to propose the plaque and both he and Councillor Adair spoke of the importance in remembering important, historic individuals. Councillor McAlpine was also pleased for the same reasons but wanted to clarify if the plaque was going to be readable from ground level given its suggested location on the side of the building. The Planning Manager advised that plaques tended to be clear from the ground and that a balance of locating one had to be struck given the value of the building.

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

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

(Appendices XI-XV)

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

##### **Appeal Decisions**

1. The following appeal as dismissed on 23 November 2022.

PAC Ref	2021/A0155
Application ref	LA06/2019/1176/O
Appellant	Ray Jackson
Subject of Appeal	Two dwellings and garages
Location	Lands between 59 Thornyhill Road and 44 Ballymacashen Road, Killinchy

The Council refused this application on 08 November 2021 for the following reasons:

- i. The proposal was contrary to the SPPS and Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.
- ii. The proposal was contrary to the SPPS and Policy CTY8 of PPS 21, Sustainable Development in the Countryside, in that the proposal did not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, add to the ribbon of development along the Ballymacashen Road.
- iii. The proposal was contrary to the SPPS and Policy CTY14 of PPS 21, Sustainable Development in the Countryside, in that the dwellings would have, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development which would therefore have resulted in a detrimental change to further erode the rural character of the countryside.

A previous appeal in relation to refusal of the same proposal on the same site (LA06/2017/1416/) was dismissed in June 2019 as it was considered that the gap could accommodate more than two dwellings and therefore did not constitute a small gap site for the purposes of Policy CTY 8.

The appellant then constructed a small shed in an attempt to lessen the gap and sought a Certificate of Lawfulness regarding that building falling under permitted development. However, he then carried out changes to that building which meant that what existed was not lawful and could not therefore be weighed in the consideration of the policy requirements.

Irrespective of whether the above building was to be deemed lawful, the Commission sustained the Council's other reasons for refusal.

2. The following appeal was dismissed on 29 November 2022.

PAC Ref	2021/A0053
Application ref	LA06/2020/0709/F
Appellant	Mr Michael Cleland
Subject of Appeal	Increase in domestic curtilage and retention of store



Location	Land immediately to the north of 39 Florida Road, Killinchy
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The Council refused the above application on 05 May 2021 for the following reasons:

- i. The proposal was contrary to the SPPS and Policy CTY 1 of PPS 21 in that there were overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- ii. The proposal was contrary to the provisions of the SPPS and Policy CTY 13 of PPS 21 in that the proposal would, if permitted, fail to be visually integrated into the surrounding landscape and will result in a prominent feature in the landscape because the design of the building is inappropriate for the site and its locality.
- iii. The proposal was contrary to Policy CTY 14 of PPS 21 in that the building would, if permitted, result in the creation of ribbon development and would therefore result in a detrimental change to the rural character of the countryside.
- iv. The proposed building was contrary to Policy EXT 1 of PPS 7 as the proposal lies outside the domestic curtilage of the existing dwelling known as 39 Florida Road, it was not considered subordinate or sympathetic to the appearance of the main dwelling, and if permitted would result in development that is detrimental to the character of the local area.

The appellant tried to argue that the area on which the shed was situated was part of the original curtilage as approved for the dwelling; however, the Commissioner considered the orthophotography supplied by the Council which showed the land as being outside the established curtilage and in agricultural use in conjunction with adjacent land, alongside the fact that the appellant chose to make a planning application for an increase in domestic curtilage.

As the Commissioner considered that the land on which the shed was situated as agricultural, permission was required for the change of use from agricultural use to residential use, and as such the Council's fourth reason for refusal in respect of PPS 7 was not relevant, but considered that if it were, the shed would not comply.

In respect of the design of the shed, the Commissioner considered the shed to be of a design that is common the countryside, and that with additional planning the building could be adequately integrated into the surrounding landscape, and as such the Council's second reason for refusal was not sustained.

The Council's third reason for refusal in respect of detrimental impact on rural character was upheld, and as such the appeal was dismissed.



3. The following appeal was dismissed on 05 January 2023.

PAC Ref	2021/A0084
Application ref	LA06/2020/0874/O
Appellant	Ms Beverley Healy
Subject of Appeal	Site for dwelling
Location	Lands immediately to the side and rear of No.36 Lisbane Road, Kircubbin

The Council refused the above application on 30 July 2021 for the following reasons:

- i. The proposal was contrary to Policy CTY2a of PPS 21, New Dwellings in Existing Clusters in that the cluster did not appear as a visual entity in the local landscape, the cluster was not associated with a focal point and was not located at cross-roads and the dwelling would, if permitted, significantly alter the existing character of the area and visually intrude into the open countryside.
- ii. The proposal was contrary to Policy CTY1 of PPS 21, Sustainable Development in the Countryside, in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.
- iii. The proposal was contrary to Policy CTY14 of PPS 21, Sustainable Development in the Countryside, in that the dwelling would, if permitted, result in a detrimental change to the rural character of the countryside and add to a ribbon of development.
- iv. The proposal was contrary to Policy AMP 2 of PPS 3, Access, Movement and Parking, in that it had not been demonstrated that the access to the public road would not prejudice road safety or significantly inconvenience the flow of traffic.

While it was acknowledged that there was a grouping of mainly roadside development, the Commissioner considered that it was not a cluster and that the proposal failed to meet any of the criteria listed in CTY2a of PPS 21.

The appellant expressed the view that the present definition of a cluster within regional planning policy was too strict, prohibiting natural local growth, however, the Commissioner considered that this appeal was not the forum for requesting changes to regional planning policy as it was a matter for the Department for Infrastructure.

The Commissioner considered that the approach to the appeal site did not read as a cluster but appeared more as a ribbon of development along the Lisbane Road. With the proposal being located at the end of this ribbon of development it would in effect extend it. There was no focal point such as a social/community building/facility at this location and the site was not located at cross-roads.

The Commissioner also considered that the proposed development would be detrimental to the character of the countryside. In relation to the access arrangements for the site, the appellant could not demonstrate that the proposal would not prejudice the safety and convenience of road users or significantly inconvenience the flow of traffic.

As the proposal did not meet any of the listed criteria within CTY2a it was not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1 and therefore the Commissioner considered that the Council's four reasons for refusal were sustained.

4. The following appeal was withdrawn on 15 December 2022.

PAC Ref	2022/A0080
Application ref	LA06/2019/0518/O
Appellant	David Bryce
Subject of Appeal	Refusal Re: 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

### **New Appeals Lodged**

5. The following appeals were lodged in December 2022, and January 2023.

PAC Ref	2022/A0161
Application ref	LA06/2021/0975/O
Appellant	Arlene Aston
Subject of Appeal	Single dwelling (equestrian business)
Location	Land adjacent to and to SW of 3 Castle Meadows, Carrowdore

PAC Ref	2022/A0170
Application ref	LA06/2021/1465/A



Appellant	British Telecom Plc
Subject of Appeal	2 No. digital 75" LCD screens, one on each side of the Street Hub unit
Location	Footpath outside the Courthouse 16 Quay Street, Bangor

PAC Ref	2022/E0045
Application ref	LA06/2022/0128/CA EN/2022/0129
Appellant	Samuel Townsley
Subject of Appeal	Alleged: 1. Unauthorised extension to dwelling; 2. Unauthorised extension to domestic curtilage and creation of hardstanding; 3. Unauthorised domestic store within extended domestic curtilage
Location	Land at 86 Ballydrain Road, Comber

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

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.

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

## **6. NOTICES OF MOTION**

(Appendices VIII – XXI)

### **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

(Councillor Irwin was admitted to the meeting at 19:46 to speak on the Notice of Motion.)

Councillor Irwin explained the history of Ballyrolly House in that it had been used to house Jewish children who had been displaced by World War Two with the local area of Millisle having been a sanctuary for many people. In 2014, through work of an Alliance party colleague, the building had been granted listed status for the purpose of maintaining the building for future generations to visit. However, Councillor Irwin believed the house had fallen into a state of repair with damage to the render and roof; reasons which she believed necessitated a need to raise a Notice of Motion in the hope of an Urgent Works Notice being issued. She alleged that the property owner had been unwilling to make use of available funding streams despite contact having been made. In an Urgent Works Notice being placed, Councillor Irwin thought that the Council could ensure works were carried out and that any associated costs could be recouped from the owner. Before that could take place, she wished for a report to be commissioned in order to discover those costs.

Councillor McAlpine spoke of growing up in North Belfast where she had attended the Belfast Royal Academy and remembered that a number of Jewish people resided there also. Approximately a year ago, a number of individuals accompanied Councillor McAlpine for an 80<sup>th</sup> anniversary planting of a tree by the grandson of an individual who had availed of Ballyrolly House at which time she had heard much of the history of both the house and the local community's efforts in providing much needed sanctuary. With such a rich history, Councillor McAlpine also wished to secure the safety of the building's future.

Alderman McIlveen understood the reasoning of wishing to keep Ballyrolly House in good condition but was uncomfortable with the problem having been identified by way of a Notice of Motion which singled out an individual. He asked if any steps had been made to speak with Council Officers in regard to repair works as opposed to what was a very public domain in raising a Notice of Motion at this evening's meeting. The Director of Prosperity advised that the listing of Ballyrolly House had been brought about by the work of ex-Councillor Muir and that Officers were aware of the issue with Ballyrolly through previous correspondence in that regard.

Alderman McIlveen asked if a Notice of Motion would be required for communication with the HED to which the Director of Prosperity replied that it would not usually be the case although assumed the Notice of Motion had been brought to the Committee due to the potential significant costs and there was no money in the budget for an Urgent Works Notice thence the request a report on costs and the potential to recoup. Alderman McIlveen did not believe the correct process had been followed as the owner and his address were easily identifiable from the Notice of Motion and explained that enforcement had a private nature about it which was directly in opposition to the way in which this item was presented this evening.

The Director of Prosperity advised that a Building Preservation Notice had been brought before and heard in public, though Alderman McIlveen interjected to state that it had not been an enforcement matter and reiterated the public versus private approaches. The Director of Prosperity did not believe it was a technical planning matter but HED's remit in regard to disrepair and advised that there was no onus on anyone who owned a listed building to ensure it was kept in good condition and

therefore the owner was not in breach of planning control, therefore this was not considered an Enforcement matter.

Alderman McIlveen was concerned given that the matter could have been dealt with more quietly and as such was unsure as to how he would vote despite understanding the reasoning behind the Notice of Motion.

Councillor Adair agreed with Alderman McIlveen, understanding the sentiment of the Notice of Motion but that it had not been the correct approach. He spoke of the owner's good relationship with the Millisle District Community Association and efforts in promoting local history.

Councillor McRandal referenced a Community and Wellbeing Committee within which an address had been identified in Holywood whilst not in committee and stated that he did not understand the point given similarities between it and this item.

Alderman Gibson thought that this subject had reached the Planning Committee earlier than it should have as there was some criteria that had to be met to reach an Urgent Works Notice stage. If the house was in a dangerous state, Building Control may have been involved and he was not sure it was strictly a Planning Committee matter. He understood Alderman McIlveen's points and advised of the unusual nature of having an Urgent Works Notice at Planning even if perhaps it was the correct process.

Councillor Cathcart referenced Councillor McRandal's earlier statement in relation to a Holywood address being discussed in public, explaining that it was irrelevant as it was an Environmental Health Officer carrying out statutory duties that had been passed onto the Council whilst this Notice of Motion had missed that step. He asked what the normal process was for an Urgent Works Order and what general practice would dictate in the event of complaints being raised with Council in relation to the upkeep of a building.

The Director of Prosperity advised that they would normally be brought to the attention of the Council by the HED or general public. Discussions had taken place with the HED as it had the power under Planning legislation to serve notices but its view had been to reserve that power for buildings under Council ownership. Councillor Cathcart shared the concerns of his colleagues regarding the public nature of raising the issue through a Notice of Motion.

Councillor P Smith believed the Notice of Motion inferenced a want to weatherproof the building and stop building collapse. In relation to the DfC guidance, a process was to be followed that included warning letters and the owner being given the opportunity to take charge of works themselves and it was only after numerous letters calling for action that the Council could inform the owner that it would take action which the owner could appeal. He explained that the process was quite long to reach the conclusion of Council carrying out works and recouping costs from an owner, with recouping of such costs being at the discretion of the Council. He understood the importance of the building but agreed with Alderman McIlveen's suggestions of engaging with the owner first before raising the issue to the likes of an Urgent Works Notice. He suggested to the proposer that it was wise to not start at

the end point of the process and take a couple of steps back and engage with the property owner.

Councillor Thompson was disappointed with the Notice of Motion, citing that the owner had taken pride in promoting the local area, its history and facilitated visits to the farm on many occasions. With such efforts, he thought the Notice of Motion was very harsh and thought Members should be looking at ways to engage with the owner in a minimalist fashion.

Councillor Irwin thanked Members for their comments and advised them that the Notice of Motion was not asking for an Urgent Works Notice to be agreed but for a report that sought to outline costs. Secondly, she explained the Notice had not been brought to the Council lightly and was uncomfortable with the direction of conversation as if the owner was being targeted.

(Alderman Gibson called for quiet in the Chamber whilst Councillor Irwin spoke.)

Councillor Irwin advised that contact had been made on many occasions and had been advised this was the next step. She hoped if the Notice of Motion was not supported that at least Officers would investigate the matter and reach out to the owner to see if urgent works could be agreed to. She reassured Members that contact had been made by HED whose advice was that this was the next logical step.

A recorded vote was taken on the basis of bringing a report with 5 FOR, 7 AGAINST, 1 ABSTAINING and 2 ABSENT. The results could be found below. As such, the proposal fell.

<b>FOR (5) Aldermen</b>	<b>AGAINST (6) Alderman</b> Keery McIlveen	<b>ABSTAIN (1) Alderman</b> Gibson	<b>ABSENT(2)</b>
<b>Councillors</b> McAlpine McKee McRandal P Smith Walker	<b>Councillors</b> Adair Cathcart Kennedy Thompson		<b>Councillor</b> Brooks Moore

With 5 voting FOR, 6 AGAINST, 1 ABSTAINING and 2 ABSENT, the proposal fell.

(Councillor Irwin was returned to the public gallery at 8.15pm)

**By way of vote... the Notice of Motion fell.**

## **6.2 WITHDRAWN**

## **7. PLANNING SERVICE BUDGETARY CONTROL REPORT – SEPTEMBER 2022**

(Appendix XVI)

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

The Planning Service's Budgetary Control Report covered the 9-month period 1 April 2022 to 31 December 2022. The Service's net cost was showing a £35k (3.2%) underspend – box A on page 2.

### Explanation of Variance

The Planning Service's budget performance was further analysed on pages 4-6 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£103k adverse	2
Report 3	Goods & Services Expenditure	£117k favourable	2
Report 4	Income	£21k favourable	2

### Explanation of Variance

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

Type	Variance £'000	Comment
Payroll	103	The National & Local Pay Agreements were greater than budgeted increase. This impacts all Council Services.
Goods & Services	(117)	Savings on consultancy as some projects not progressing as planned (£70k). Other underspends include - mileage (£14k); tree services (£13k); advertising (£11k).
Income	(21)	Planning fees £26k. Property Planning Certificates (£47k).



<b>REPORT 1 BUDGETARY CONTROL REPORT</b>						
<b>Period 9 - December 2022</b>						
	Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance	
	£	£	£	£	%	
<b>Planning</b>						
330 Planning	1,041,258	1,076,000	(34,742)	1,499,900	(3.2)	
<b>Total</b>	<b>1,041,258</b>	<b>1,076,000</b>	<b>A (34,742)</b>	<b>1,499,900</b>	<b>(3.2)</b>	
<b>REPORT 2 PAYROLL REPORT</b>						
	£	£	£	£	%	
<b>Planning - Payroll</b>						
330 Planning	1,689,009	1,585,800	103,209	2,114,500	6.5	
<b>Total</b>	<b>1,689,009</b>	<b>1,585,800</b>	<b>103,209</b>	<b>2,114,500</b>	<b>6.5</b>	
<b>REPORT 3 GOODS &amp; SERVICES REPORT</b>						
	£	£	£	£	%	
<b>Planning - Goods &amp; Services</b>						
330 Planning	143,524	260,700	(117,176)	412,900	(44.9)	
<b>Total</b>	<b>143,524</b>	<b>260,700</b>	<b>(117,176)</b>	<b>412,900</b>	<b>(44.9)</b>	
<b>REPORT 4 INCOME REPORT</b>						
	£	£	£	£	%	
<b>Planning - Income</b>						
330 Planning	(791,274)	(770,500)	(20,774)	(1,027,500)	(2.7)	
<b>Totals</b>	<b>(791,274)</b>	<b>(770,500)</b>	<b>(20,774)</b>	<b>(1,027,500)</b>	<b>(2.7)</b>	

RECOMMENDED that Council notes this report.

**RESOLVED**, on the proposal of Councillor P Smith, seconded by Councillor Thompson, that the recommendation be adopted and report be noted.

## **8. VERBAL UPDATE ON PLANNING PORTAL REPLACEMENT**

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

The Chair advised Members that Gail Kerr had been appointed as acting Head of Planning whilst Ann McCullough held the Interim Director of Prosperity role. The Chair invited the Head of Planning to provide a verbal update on the Planning Portal.

Members would be aware of media coverage and associated difficulties of implementing the new system over the last few weeks. There had been more issues than anticipated and it had taken longer to get them resolved. Dfl had provided assurances that they were working as hard as possible with Terraquest to identify the root cause of the issues and to implement appropriate changes. Terraquest had been making changes, known as hot fixes in order to resolve those issues as quickly as possible and the latest hot fixes had been applied on Monday and Wednesday of last week to address issues with documents and representations that were marked for publication. Those had not been pulling through to the planning register and

consultee hub. A further plan had been agreed with Terraquest that would provide a series of updates and hot fixes to the portal every two weeks beginning 9<sup>th</sup> February to 6<sup>th</sup> April 2023. Those would seek to address the large number of issues either from Go Live or User Acceptance Testing. Heads of Planning had received a list of issues along with an indication of when they would be resolved. There was a clear understanding of what issues would be addressed on February 9<sup>th</sup> and general understanding of what would be included on 23<sup>rd</sup> February 2023. Agreement would be reached with Terraquest and all other Councils to agree the priorities and date for resolution.

The Royal Ulster Architectural Society and the Construction Employers Federation had each written separately to Dfl which had responded in writing and through in-person meetings. Dfl had provided lines to take in the form of FAQs to all consultees and the list of planning agents contacted before Go Live. This information was also available on the Dfl website and the Council's own website. This had been circulated to Members earlier that day for information.

Alderman McIlveen proposed, seconded by Alderman Keery, to note.

Alderman McIlveen said that on this side of the planning portal, there had been issues which had been noticeably getting easier, but he hoped that the hotfixes would make it much more user friendly, most importantly for the planners and the ability to accept online applications. He noted that there had been concern previously that the new portal had been rushed through in the end and had felt there needed to have been a bit of an overlap that would have allowed the issues to be ironed out.

Councillor Cathcart congratulated the officers on their new posts. In terms of the portal, he had found it easier to find items and wondered how the planners had been finding it and if it had been as difficult as suggested by the media.

The Head of Planning said officers had found several challenges initially but internally there was an excel spreadsheet list that was fed through to the project lead. That was seen as a 'glitch list' and there had also been close liaison with consultees who had reported that they were unable to access the documents despite them being uploaded. That was a Council-wide issue, but it was hoped they would be corrected and the portal would become user friendly. There would also be workshops set up for agents.

Councillor Cathcart looked forward to further feedback to see issues being addressed. He hoped that this would speed up the planning process.

**NOTED.**

### **TERMINATION OF MEETING**

The meeting terminated at 8.25 pm.

## ITEM 4.1

## Ards and North Down Borough Council

Application Ref	LA06/2021/1125/F
Proposal	Change of use from garage to short term holiday let (retrospective)
Location	116 Portaferry Road, Newtownards DEA: Ards Peninsula
Committee Interest	<p>A Local development application 'called-in' from delegated list w/c 30 January'23 to Planning Committee by a member of that Committee.</p> <p>Called in by Ald McIlveen:</p> <p><i>"I would like to planning committee to consider the balance between paragraph 6.73 of SPPS in relation to development in the countryside and paragraphs 6.263 and 6.266 of SPPS in relation to tourism. The committee should also consider whether paragraph 6.73 excludes the conversion and re-use of existing buildings for residential use other than locally important buildings and, if it believes that it does, to consider whether this building meets the test of being locally important given the building's prominence, design and character. When considering this application, the committee should also be made aware of the provisions of RG4 of the Regional Development Strategy regarding tourism potential.</i></p> <p><i>I would also like the committee to consider whether this tourism development meets the TOU policies of PSRNI which would mean that planning permission could be granted for a development in the countryside as per Policy CTY1 of the Planning Policy Statement 21. (I appreciate that the TOU policies of PSRNI have now been superseded by PPS16)</i></p> <p><i>I would like the committee to decide whether or not this application should have been assessed against PPS 21 CTY 4 rather than PPS16 TSM5 - noting section 5 of PPS16 entitled "Existing policy provision for tourism development in the countryside". If the committee agrees that it should, then I would ask that the committee assesses the merits of the application against Policy CTY4 of PPS21.</i></p>
Validated	17/09/2021
Summary	<ul style="list-style-type: none"> <li>• Site located in the countryside within designated Area of Outstanding Natural Beauty (AONB)</li> <li>• Related enforcement file LA06/2021/0054/CA – alleged unauthorised tourist accommodation</li> </ul>

	<ul style="list-style-type: none"> <li>• Building under consideration previously used as a garage associated with dwelling</li> <li>• Policy TSM 5 of PPS 16 refers to construction of new units or conversion of buildings within clachans associated with existing tourism enterprises</li> <li>• Paragraph 7.29 of Policy TSM 5 refers assessment back to Policy CTY 4 of PPS 21 for the conversion of existing buildings to residential accommodation</li> <li>• SPPS takes precedence over Policy CTY 4 of PPS21 - 'provision should be made for the sympathetic conversion and re-use of a suitable <i>locally important</i> building of special character or interest'</li> <li>• Proposal does not meet the 'locally important test' and therefore fails para 6.73 of the SPPS</li> <li>• By permitting a recently constructed garage which has been converted would be setting a precedent for future type of development</li> <li>• Consultees have no objection</li> <li>• No 3<sup>rd</sup> party objections received</li> </ul>
<p>Recommendation</p>	<p><b>Refusal</b></p>
<p>Attachment</p>	<p>Item 4.1a – Case Officer Report</p>

## ITEM 4.2

## Ards and North Down Borough Council

Application Ref	LA06/2022/0437/F
Proposal	Access point and driveway to dwelling, to include pillars and walls
Location	18 Millbrooke Road, Bangor DEA: Hollywood & Clandeboye
Committee Interest	A Local development application 'called-in' to Planning Committee from the delegated list w/c 23 January by a member of that Committee. Called in by Ald McIlveen: <i>"For the committee to consider the basis for the proposal and to determine whether there are overriding reasons why the development is essential pursuant to Policy CTY1 and, further, whether the proposed development adversely impacts on rural character so as to contravene that portion of Policy CTY1"</i>
Validated	24/03/2022
Summary	<ul style="list-style-type: none"> <li>• Purpose of new laneway - to provide sole access from the property to Millbrooke Road – countryside location</li> <li>• Under LA06/2021/0720/F - private access already granted permission now operational</li> <li>• Proposal not considered to be essential as per requirements of CTY1 of PPS21</li> <li>• Not considered that insurmountable conflict would arise between cars and farm vehicles along laneway if basic health and safety guidelines ensuring farm safety adhered to.</li> <li>• Alternative access arrangement suggested including passing bays on existing lane not accepted by agent</li> <li>• Millbrooke Road leading to laneway - also narrow and similar in width to existing private lane, with bends with similar types of traffic utilising</li> <li>• Proposed landscaping measures insufficient to adequately mitigate against visual impact. Proposed banks to facilitate access considered artificial within natural environment</li> <li>• Policy advocates access driveways should run along existing hedgerows or wall lines.</li> </ul>
Recommendation	<b>Refusal</b>
Attachment	Item 4.2a – Case Officer Report

## ITEM 5

## Ards and North Down Borough Council

Council/Committee	Planning Committee
Date of Meeting	07 March 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	23 February 2023
File Reference	Planning Committee
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Update on Planning Appeals
Attachments	Item 5a – PAC Report on 2022/A0023 Item 5b – PAC Report on 2021/E0043 Item 5c - PAC Report on 2021/A0144

## Appeal Decisions

- The following appeal was dismissed on 15 February 2023.

PAC Ref	2022/A0023
Application ref	LA06/2021/0698/LBC
Appellant	Mr James Woods (Castlereagh Ltd.)
Subject of Appeal	Demolition of structurally unsound and dangerous listed building HB24/01/139
Location	2 – 4 Church Street, Portaferry

The Council refused this application on 20 April 2022 for the following reason:

- The proposal is contrary to paragraph 6.15 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 10 of PPS 6 in that the development would if permitted result in the loss of a listed building and no exceptional reasons have been provided to outweigh its loss.

The building subject of the appeal is a grade B1 listed building (ref. HB24/01/139).



Policy BH10 of PPS6 states there will be a presumption in favour of retaining listed buildings. It goes on that the demolition of a listed building will not be permitted unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form.

Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. No new scheme for redevelopment of the site was submitted to the Council as a separate but accompanying application.

The Appellant questioned the special architectural and historic interest of the building. He considered that it possessed no special architectural features, nor had any historic interest beyond its age. Consultee HED and in attendance at the appeal described the building as having local historic interest by virtue of its irregular internal plan form, as well as its age.

The Commissioner acknowledged the information submitted in the Appellant's structural report, Risk Assessment and other supporting information however the personnel involved in compiling the reports did not have specialisms in conservation issues pertaining to old buildings. It was therefore accepted that the Council's report was better positioned to assess the matter of retention with regard to such a building given the specific specialism in conservation engineering and greater weight was placed in the overall assessment contained in the Council's report and it was not accepted that the building was beyond saving.

The Commissioner accepted the Council's position that the building could be made whole, with acceptable modifications and while it would be an expensive and laborious process, it remained possible, though challenging.

The building subject of the appeal still possessed historic features, arising from the age and design of the building, worthy of retention. It would not be in the public interest to permit demolition. Consequently, the Commissioner considered the demolition of the building would be contrary to Policy BH10 of PPS6 and the related provisions of the SPPS, the Council has sustained its reason for refusal and the appeal failed.

2. The following appeal was allowed on 16 February 2022.

PAC Ref	2021/E0043
Application ref	LA06/2021/0207/LDP
Appellant	Mr P. Babb
Subject of Appeal	Commencement of development approved under planning application X/2006/0011/RM
Location	32d Quarter Road, Cloughey, Newtownards.

The Council refused the above application on 24 August 2021 as taking account of the evidence provided and the information available to the Council consider that the planning permission X/2006/0011/F was not lawfully implemented prior to its expiry date.

Application X/2006/0011/RM for a replacement dwelling approved the reserved matters associated with X/2002/0974/O on 15 June 2006.

Condition 1 stated that the development shall be begun by whichever is the later of the following dates: - the expiration of a period of 5 years from the grant of outline planning permission; or the expiration of 2 years from the date hereof. In this case, two years from the date of the reserved matters approval is 15 June 2008 and five years from the date of the outline approval is 6 March 2008. Therefore, the critical date for implementing the approval was 15 June 2008.

The onus was therefore on the appellant to demonstrate that any work of construction in the course of the erection of the buildings were carried out at the site prior to 15 June 2008. The Commissioner accepted that the laying of foundations and construction of a brick course upon these foundations amounted to works of construction in the course of the erection of the buildings. The Council were of the opinion that it would be impossible to ascertain when these works were carried out without Building Control records or aerial imagery.

While evidence was submitted from several sources to demonstrate works were ongoing, the works stated on the Building Control records themselves did not amount to works of construction in the course of the erection of the buildings.

Evidence submitted included two letters from contractors who carried out the works to demonstrate that the foundations and block course were laid shortly after the building control inspection of 16 August 2007, but Council suggested that the lack of corroborating information along with these letters, such as receipts or bank statements, should be afforded less weight.

The commissioner did not share the Council's view as the letters from the contractor's indicate that the foundations were constructed as part of the wider works at the site in August 2007 and Council did not provide a sufficiently persuasive argument which would cause the Commissioner to doubt the veracity of the appellants evidence around this matter.

As such the Commissioner was satisfied on the balance of probabilities, that the foundations had been in situ since August 2007 and the construction works undertaken represented an appropriate and timely commencement of the approval.

### 3. The following appeal was dismissed on 22 February 2023

PAC Ref	2021/A0144
Application ref	LA06/2019/0609/O
Appellant	Mr Henry McDowell
Subject of Appeal	2 no. infill dwellings and garages
Location	Land between 10 & 12 Ballycreely Road, Comber

The Council refused this application on 04 November 2021 for the following reasons.

- i. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development



is essential in this rural location and could not be located within a settlement.

- ii. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and would, if permitted, result in the extension of ribbon development along the Ballycreely Road.
- iii. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, extend the existing ribbon of development along Ballycreely Road and would further erode the rural character of the area due to a build-up of suburban style development when viewed with existing buildings.

The Commissioner was of the opinion that the plot size analysis provided by the Council was reasonably accurate and the average plot size was representative of the existing plots along the frontage which could accommodate more than two dwellings.

While it was argued that the plot sizes of the two proposed dwellings accorded with those of adjacent dwellings when looking at them in isolation, this was not representative of the character of development as a whole along the frontage.

Subsequently, the appeal site does not represent a small gap site sufficient only to accommodate up to a maximum of two houses and would fail to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

The Commissioner sustained the Council's second reason for refusal as it was considered that the appeal development would add to an existing ribbon of development and was not an exception under the policy and was therefore contrary to Policy CTY8 of PPS21 and the related provisions of the SPPS.

The Commissioner also considered and upheld objector's concerns regarding visual integration and the appeal development would fail to satisfy Policy CTY13 of PPS21 when read as a whole and the related provisions of the SPPS.

The Commissioner considered that the loss of the visual gap of the appeal site and consequent further erosion of rural character would be contrary to Policy CTY14 of PPS21 and the related provisions of the SPPS and therefore Council's third reason for refusal was sustained.

Objectors concerns regarding road safety were not upheld and concerns raised regarding surface water run off following high periods of rainfall were considered to be a civil matter.

All the PAC reports on the cases above are appended to this report.

## New Appeals Lodged

4. The following appeals were lodged on 15 and 17 February respectively.

PAC Ref	2022/A0192
Application ref	LA06/2022/0346/O
Appellant	Richard Topping
Subject of Appeal	Infill site for 2 No. dwellings with domestic garages
Location	Between 32 and 34 Castle Espie Road, Comber

PAC Ref	2022/A0193
Application ref	LA06/2020/1008/O
Appellant	Ashton Fraser Investments
Subject of Appeal	Erection of 9 Dwellings with access off Messines Road (Right turning Lane provided)
Location	Lands immediately North of 10-18 Cambourne View and 17 Cambourne Park Newtownards

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

### RECOMMENDATION

It is recommended that Council notes this report.

Unclassified

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

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	07 March 2022
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	21 February 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>
Subject	Planning Service Plan 2023/24
Attachments	Service Plan

Since 2017/18 Service Plans have been produced by each Service in accordance with the Council's Performance Management policy.

Plans are intended to:

- Encourage compliance with the new legal, audit and operational context;
- Provide focus on direction;
- Facilitate alignment between Corporate, Service and Individual plans and activities;
- Motivate and develop staff;
- Promote performance improvement, encourage innovation and share good practice;
- Encourage transparency of performance outcomes;
- Better enable us to recognise success and address underperformance.

A draft plan for 2023-24 is attached, which has been developed to align with objectives of The Big Plan for Ards and North Down 2017-2032; the draft Corporate Plan 2020-24 and the draft Annual Performance Improvement Plan (PIP). The Plan will also support delivery of the Integrated Strategy for Tourism, Regeneration and Economic Development 2018 -2030. The agreement of the plan will also aid toward achievement of the Council's performance improvement duties under the Local Government Act (NI) 2014.

Unclassified

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The Service Plan highlights where the service contributes to the Corporate Plan and, where this is the case, sets out the objectives of the service for the 2023-24 year. It further identifies the key performance indicators used to illustrate the level of achievement of each objective, and the targets that the Service will try to attain along with key actions required to do so.

The plan has been developed in conjunction with staff, officers and management and in consultation with key stakeholders where relevant and takes account of budget setting coming out of decisions made in relation to setting of the rate, under works not being commenced and associated risks.

The plan is based on the agreed budget. It should be noted that, should there be significant changes in-year (e.g., due to Council decisions, budget revisions or changes to the PIP) the plan may need to be revised.

The Committee will be provided with update reports on performance against the agreed plan.

### **RECOMMENDATION**

It is recommended that Council agrees the attached Planning Service plan.

## PLANNING SERVICE

**1 April 2023 – 31 March 2024**

<b>Head of Service signature</b>	Gail Kerr
<b>Date</b>	28/02/2023
<b>Peer Review signature</b>	Claire Jackson
<b>Date</b>	28/02/2023
<b>Director signature</b>	Ann McCullough
<b>Date</b>	28/02/2023

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## 1. Introduction

<b>Name of Service</b>	Planning
<b>Included Service Units</b>	<ul style="list-style-type: none"> <li>i. Development Management</li> <li>ii. Development Plan and Policy</li> <li>iii. Planning Enforcement and Trees</li> </ul>
<b>Directorate</b>	Prosperity
<b>Purpose of Service</b>	<p>The objective of the planning system, consistent with Part 1, Section 1, of The Planning Act (Northern Ireland) 2011, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland. The Council, as a planning authority, should therefore simultaneously pursue social and economic priorities alongside the careful management of our historic and natural environment for the overall benefit of our society. This will be achieved through the various functions of Development Management, Development Plan and Policy, and Planning Enforcement.</p>
<b>Key customers/ stakeholders and their needs</b>	<p><b>Residents:</b></p> <ul style="list-style-type: none"> <li>• <i>Positive place making that is not detrimental to socio, economic and environmental factors;</i></li> <li>• <i>Quality decisions on planning applications in a timely fashion aligned with statutory performance targets, including householder development applications within internal target of 8 weeks;</i></li> <li>• <i>Delivery of a Local Development Plan to provide for the needs of the Borough over the next 15 years;</i></li> <li>• <i>Effective enforcement of breaches of planning control so that the integrity of the planning system is not undermined.</i></li> </ul> <p><b>Business sectors and investors &amp; Other Council Service Units</b></p> <ul style="list-style-type: none"> <li>• <i>Proactive Planning Service which reacts positively and in a timely fashion – enabling sustainable development</i></li> </ul> <p><b>Elected Members</b></p> <ul style="list-style-type: none"> <li>• <i>Timely and professional planning recommendations on planning proposals</i></li> <li>• <i>Preparation of a Local Development Plan for the Borough to guide future use of land and inform developers, members of the general public, communities, government, public bodies, representative organisations, and other interested parties of the policy framework that is used to determine development proposals.</i></li> <li>• <i>Effective enforcement of breaches of planning control so that integrity of the planning system is not undermined.</i></li> </ul>
<b>Context, challenges &amp; key assumptions</b>	<p>The Council is responsible for the majority of planning powers as set out within The Planning Act (NI) 2011.</p> <p>The majority of decisions on <b>planning applications</b> are delegated to the Head of Planning, with the Planning Committee, comprising of 16 elected members, determining major and other specific applications as detailed within the Planning Scheme of Delegation.</p>



The Council is responsible for publishing a **Local Development Plan** which will guide the future use of land within the Borough and inform developers, members of the public, communities, government, public bodies, representative organisations, and other interested parties of the policy framework that will be used to determine development proposals.

Effective **enforcement of breaches of planning control** is essential to ensure the credibility of the planning system is not undermined. Under The Planning Act (NI) 2011 the Council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations. In exercising this discretion, the Council is aware of its statutory duty to enforce planning legislation and to ensure that development is managed in a consistent, proactive and proportionate manner. The Council will use the full range of available powers to ensure enforcement action is effective, speedy and appropriate.

Refer to **Appendix 1** for expected changes, challenges and assumptions relating to service delivery over the coming year(s).

**Reflection on previous performance – successes and lessons learned**

2021 – 2022

	<i>No. of Applications Received  / No. of alleged breaches of planning control complaints Received</i>	<i>No. of Applications Determined or Withdrawn / No. of Enforcement cases concluded</i>	<i>Average Processing Time (wks) / Target Conclusion Time  (Target in brackets)</i>
<i>Majors</i>	6	5	110.8 (30 wks)
<i>Locals</i>	1078	1017	22.4 (15 wks)
<i>Enforcement</i>	373	417	41.0% (70% within 39 wks)

A number of factors affected performance over the 2021/2022 year, as follows:

- Unavailability of the Planning Portal for a number of weeks pre-Christmas 2021 and into the new year.
- Dealing with number of older cases in parallel with new cases.
- Ineffectiveness and resourcing of statutory consultees.
- NIW infrastructure issues.
- Continued and repeated objections to proposals.
- Ensuring robustness of EIA screening.
- Social distancing measures affecting numbers of staff in office; and
- Delegated list issuing on a Tuesday (reverting to Mondays from July).



*April 2022 to October 2022*

	<i>No. of Applications Received  / No. of alleged breaches of planning control complaints Received</i>	<i>No. of Applications Determined or Withdrawn / No. of Enforcement cases concluded</i>	<i>Average Processing Time (wks) / Target Conclusion Time  (Target in brackets)</i>
<i>Majors</i>	<i>4</i>	<i>4</i>	<i>78.4 (30 wks)</i>
<i>Locals</i>	<i>537</i>	<i>682</i>	<i>21.4 (15 wks)</i>
<i>Enforcement</i>	<i>219</i>	<i>228</i>	<i>54.8% (70% within 39 wks)</i>

Stats are only available at present up to end of October, due to closure of the NI Planning Portal in November pending Go Live of the new system at start of December 2022. A backlog in dealing with enforcement cases is currently being cleared after temporary suspension of this service during lockdown. The major planning application on Queen's Parade was finally referred back to Council and re-determined at Committee in July 2022 but the decision was not issued until 29 September 2022 when the associated legal agreement was executed. A replacement school at Crawfordsburn was one of the other majors determined during this time. A number of the factors identified for last year continue to impact on effective performance against targets, alongside staffing changes, absences and vacancies.

## 2. How does our Service contribute to community planning outcomes and PEOPLE priorities?

The Planning Service can be expected to have a direct impact on the following:

Community Planning Outcome	PEOPLE priority	Our focus for 2023/2024
All people in AND enjoy good health and wellbeing	To enable all people in AND to enjoy good health and wellbeing we will support the physical and mental wellbeing of our residents through access to services, facilities and partnerships	When plan-making and decision-taking we will contribute positively to health and wellbeing through: <ul style="list-style-type: none"> <li>• Safeguarding and facilitating quality open space, sport and outdoor recreation;</li> <li>• Provide for safe and age-friendly environments;</li> <li>• Encourage and support quality, environmentally sustainable design;</li> </ul>
All people in AND feel pride from having access to a well-managed sustainable environment	To enable all people in AND to feel pride from having access to a well-managed, sustainable environment we will provide a clean, attractive, environmentally responsible place	<ul style="list-style-type: none"> <li>• Better connect communities with safe pedestrian environments;</li> <li>• Better integrate land-use planning and transport;</li> <li>• Facilitate the protection and provision of green and blue infrastructure;</li> </ul>
All people in AND benefit from a prosperous economy	To enable people in AND to benefit from a prosperous economy we will create the conditions for businesses to start, grow and thrive, provide opportunities for employment and be sustainable	<ul style="list-style-type: none"> <li>• Support the provision of jobs, services and economic growth;</li> <li>• Support the delivery of homes to meet the full range of housing needs, contributing to balanced communities;</li> <li>• Support broader government policy aimed at addressing for example, obesity, and health and wellbeing impacts arising through pollution.</li> </ul>

### 3. Key activities for 2023/2024

<b>SERVICE:</b>	<b>Planning</b>			
<b>Community Plan Outcome:</b>	Outcomes 2, 3 ,4 and 5			
<b>Corporate Plan PEOPLE priority(ies):</b>	<b>Prosperity – Growing our economy; Environment – Growing a cleaner, greener, local and global environment; Life – Growing the health and wellbeing of our residents; Excellence – Growing a high-performing council;</b>			
<b>Council KPI(s):</b>	N/A			
<b>Service Objective:</b>	Meeting the Schedule 3 Planning Indicators of the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015			
<b>What difference will it make?</b>	Secure the orderly and consistent development of land whilst furthering sustainable development; Attract local investment; help in delivering the objectives of the Council’s Integrated Tourism, Development and Regeneration Strategy			
<b>Underpinning strategies:</b>	The Regional Development Strategy 2035; The Strategic Planning Policy Statement for NI; The Integrated Tourism, Development and Regeneration Strategy.			
<b>Business as Usual activities we will deliver in 2023/2024 (actions)</b>		<b>Due Date</b>	<b>Lead Officer(s)</b>	<b>Who do we need to help us? (Internal/External partners)</b>
Process local development applications from date valid to decision within average processing time of 15 weeks		Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and Planning Committee
Process major development applications from date valid to decision within average of 30 weeks		Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and Planning Committee
Process householder applications from date valid to decision against internal performance target of 8 weeks average processing time		Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and

			Planning Committee
Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control within 70% within 39 weeks conclusion target	Ongoing	Service Unit Manager for Planning Enforcement	Applicants/agents, residents and Building Control
Preparation of draft Plan Strategy as first document in Local Development Plan	Ongoing in line with agreed LDP Timetable to be agreed by Planning Committee and Council and approved by DFI	Service Unit Manager for Development Plan and Policy	Statutory and non-statutory consultees, elected members and officers and residents (feedback to POP)
Carry out Health and Condition Surveys of historical Tree Preservation Orders served by DOE	Ongoing	Service Unit Manager for Planning Enforcement	Arboriculturalist /Tree Officer

<b>SERVICE:</b>	<b>Planning</b>		
<b>Community Plan Outcome:</b>	N/A		
<b>Corporate Plan PEOPLE priority(ies):</b>	<b>Excellence – Growing a high-performing council;</b>		
<b>Council KPI(s):</b>	N/A		
<b>Service Objective:</b>	Achieve at least 95% spend against budget		
<b>What difference will it make?</b>	Ensure value for money in the delivery of Planning services in the borough		
<b>Underpinning strategies:</b>	N/A		
<b>Business as Usual activities we will deliver in 2023/2024 (actions)</b>	<b>Due Date</b>	<b>Lead Officer(s)</b>	<b>Who do we need to help us? (Internal/External partners)</b>
Measure performance against operating budget	Ongoing	Head of Service and Service Unit Managers	Finance and Performance Improvement input and elected member support

<b>SERVICE:</b>	<b>Planning</b>		
<b>Community Plan Outcome:</b>	N/A		
<b>Corporate Plan PEOPLE priority(ies):</b>	Excellence – Growing a high-performing council;		
<b>Council KPI(s):</b>	N/A		
<b>Service Objective:</b>	Achieve at least 95% audit reports satisfactory or above		
<b>What difference will it make?</b>	Safeguard the Council against reputational damage		
<b>Underpinning strategies:</b>	N/A		
<b>Business as Usual activities we will deliver in 2023/2024 (actions)</b>	<b>Due Date</b>	<b>Lead Officer(s)</b>	<b>Who do we need to help us? (Internal/External partners)</b>
Deliver service in line with established procedures and processes (to ensure no fraud risks)	Ongoing	Head of Service and Service Unit Managers	Performance Improvement



**Service Objective: Service Development /Improvement**

What service development/improvement will we undertake in 2023/2024?	Which of the specified aspects will this improve?	Rationale	Due Date	Lead Officer(s)	Who do we need to help us? (Internal/External partners)
Work alongside the other local planning authorities and Department for Infrastructure to review and deliver on the NI Planning Improvement Programme (recommendations from the Public Accounts Committee findings into the NI Audit Office review of Planning in Northern Ireland)	Service Quality, and efficiency	To deliver 'An efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.'	Ongoing	Director, Head of Service and Service Unit Managers	DFI and statutory consultees, and oversight Commission
Continue to monitor performance of the new NI Planning Portal which went live on 05 December 2022, and review efficiencies delivered	Service Quality, and Efficiency	To enable customers to <ul style="list-style-type: none"> <li>• submit planning applications online;</li> <li>• view, comment on and track live planning applications online;</li> <li>• submit Tree Preservation Order requests online;</li> <li>• report breaches of planning control online (enforcement complaints);</li> <li>• submit requests for regional property certificates online;</li> <li>• an enhanced public register where customers can search for and view historical applications across Northern Ireland</li> </ul> leading to enhanced service delivery	Ongoing	Head of Service, Business Support Officer	DFI and statutory consultees

## SPECIFIED ASPECTS OF IMPROVEMENT

What will this improve?	Definition
Strategic Effectiveness	<i>is key to <b>linking</b> the community plan, and the ongoing processes that underpin it, with a council's improvement processes. The Department would expect that a council's strategic community planning outcomes and objectives should be central to that council's improvement activity and clearly contribute to the strategic effectiveness aspect.</i>
Service Quality	<i>all relate to service provision by aiming to meet the needs of citizens and ensuring fair ease of access to the most suitable services that meet their needs. Clearly, all of these objectives can be demonstrated individually or collectively. Fairness can also be demonstrated by exercising non-service functions in ways which reduce disadvantage and improve social well-being, for instance by improving citizens' access to information or by addressing inequalities experienced by Section 75 groups.</i>
Service Availability	
Fairness	
Sustainability	<i>When carrying out its functions or providing services, a council may demonstrate improvement when it operates in a way that contributes towards the sustainability of its area, as required under the Northern Ireland (Miscellaneous Provisions) Act 2006 and the associated Northern Ireland Executive Sustainable Development Strategy. on-going efficiency may also be shown if fewer resources are utilised while maintaining provision of substantially similar or better services. Should a council choose to alter the manner by which a service is provided and in so doing it uses fewer resources or more integrated services, it will not only be demonstrating efficiency, but may demonstrate improved sustainability as well</i>
Efficiency	
Innovation	<i>any changes to service design and delivery methods that are intended to yield improvement under any other aspect and are reasonably likely to do so. This allows councils to make changes which may not have tangible effects within the same reporting year, but are likely to in subsequent years, and still count them as improvements.</i>

**Service Objective:** N/A

What service / activities will we be stopping / changing in 2023/2024	Reason for stopping / changing activity	Savings	Impact on Performance	Impact on the Public	Impact on staffing
Cessation of use of external consultants to review and comment on various assessments submitted as supporting information for planning proposals	Not approved within rate setting process	£5k	Potential delay in processing more complex applications	Potential approval of development contrary to policy or loss of built heritage	Pressure to undertake specialist training with limited budget
Graphic design and external printing of draft Plan Strategy document	Not approved within rate setting process	£13k	Internal design and hard copy printing will have impact on time/staff resourcing	Reliance on digital copies due to limited hard copy production	Additional time spent copy proofing, coordinating design consistency and printing and collating of hard copies

Performance Measures (should include those for the Business as Usual and Service Improvement actions outlined above and relevant measures from Community, Corporate and Statutory)	Is the measure Statutory, Corporate, Existing or New?	Reporting frequency	2017/18 Actual	2018/19 Actual	2019/20 Actual	2020/21 Actual	2021/22 Actual	2022/23 to 31 October	2023/24 Target
Process major development applications with target performance time of 15 weeks	Statutory	Quarterly	53.0 wks	151 wks	97 wks	57 wks	110.8 wks	78.4	30 wks
Process local development applications with target performance time of 15 weeks	Statutory	Quarterly	17.2 wks	15.6 wks	15.8 wks	16.8 wks	22.4 wks	21.4 wks	15 wks
Process householder development applications within 8 weeks	Existing	Annually	53%	40%	42%	37%	8.6%	Not available	75%
Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	Statutory	Quarterly	73.6%	76.9%	81.1%	50.7%	41.0%	54.8%	70%
% Spend against budget	Existing	Bi-annually	95%	99.6%	97.3%	76.5%	78.75%	94.7% (to 31 Jan 23)	>95%
% Staff Attendance	Existing	Quarterly	95%	91.64%	94.47%	96.8%	96.34%	92.51% (to 30 Sep 22)	>95%
% Staff reporting regular team briefings	Existing	Quarterly	100%	100%	100%	100%	100%	100%	>95%
% Performance reviews concluded	Existing	Annually	99%	99%	99%	99%	-	-	99%
% Audit Reports satisfactory	Existing	Annually	-	100%	-	100%	100%	-	100%
% Appeals against refusal of planning permission dismissed by Planning Appeals Commission	Existing	Annually	100%	56%	83%	25%	33%	33%	>60%

### 4. Risks

Ref:	Risk Description	Gross Risk			Current controls	Residual Risk			Risk Status	Further Action Required	Action Due by	Risk Owner	Notes to explain rationale for scoring, etc.
		I	L	R		I	L	R	Tolerate / Action				
CR 07	Lack of resource/ capacity in statutory consultees – impact on quality of responses and targets	Major	Probable	High		Major	Possible	Medium	Tolerate		Ongoing	Director and Head of Service	Actions being undertaken through collaborative working with local and central government on Planning Improvement Programme – re streamlining of processes
CR 10	Learning from Independent Examination into Belfast's draft Plan Strategy regarding soundness	Major	Moderate	Medium	Ongoing engagement with DFI and Belfast City Council through LDP meetings and learning from it and other IEs into councils' draft Plan Strategies	Major	Moderate	Medium	Tolerate		Ongoing	Head of Service and LDP Manager	Actions being undertaken through regular meetings of LDP teams and reflection on learning from IE; additional risk in respect of not getting agreement to proceed to draft Plan Strategy publication for consultation/not meeting soundness



## 5. Resources

<b>Are all actions resourced within the current (2021/22) budget plan?</b> Yes	
<b>Will additional resources be required?</b> (If not please comment in Section A below how the actions will be funded, ie Staff Resources, Equipment, Revenue Budget, Capital Budget.) (If yes please detail additional resources in Section B below.)	Yes <input type="checkbox"/>
<b>Section A:</b>	
<b>Section B:</b> Additional training will be required in respect of specialist areas of planning such as retailing, minerals and conservation. Ongoing engagement with RTPi and NILGA will assist in identifying available courses, and with DFI to identify common skills gaps across all councils to attain targeted training;	
<b>Staff:</b> Additional input from Graphics Unit may be required to assist in design of Draft Plan Strategy document for public consultation; in addition to additional existing planning staff resource to print and collate documents as appropriate	
<b>Financial:</b>	
<b>Other:</b>	
<b>If the required additional resources are NOT available, please state:</b>	
What is the likely impact on performance?	
What is the likely impact on the public?	
What is the likely impact on staffing?	

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## 6. Monitoring and Review

- Quarterly reporting to Planning Committee.
- Quarterly review with Development Management and Enforcement staff in respect of performance against statutory and non-statutory targets and identification of issues to be addressed.

## 7. Conclusions

- The Planning Service will continue to strive to deliver an efficient service to residents and investors for the benefit of the Borough and assist economic recovery in the context of the post national pandemic. The key targets referenced within this Plan are a means by which to measure this.
- Collaborative working with other Council Service Units will be essential to assist in delivering the outcomes from the Council's Integrated Strategy for Tourism, Regeneration and Development, also Capital/Maintenance projects, and assist in economic recovery, and attract investment.
- The Planning Improvement Programme for Northern Ireland will assist the council as planning authority in realising essential changes in legislation and procedures to further impact on positive service delivery.

## 8. Appendices

See Appendix 1 for external issues and challenges in relation to service delivery.

## APPENDIX 1

### Context, Changes, Challenges and associated Assumptions

#### Context

Planning is a transferred function, reformed from a unitary system to a new two tier system incorporating an overhauled suite of primary and subordinate legislation. The Council is responsible for the majority of planning decisions, preparation and publication of a Local Development Plan, and enforcement of breaches of planning control.

#### Anticipated Changes in coming year

**Technology Advances** - The Service continues to learn from the changes made as a consequence of COVID-19 from home working of our own staff, remote support delivery to applicants/agents to increased use of technologies such as MS Teams and Zoom and delivery of Committee meetings via hybrid means of in-person attendance and virtual attendance.

**Organisational Redesign** – the Chief Executive has committed to an organisational review which will aim to deliver efficiencies which will provide best value for the ratepayer. This will commence after the new Council is in place after May 2023.

**The Planning Improvement Programme in NI** – The Public Accounts Committee published its consideration, in February 2022, of the NI Audit Office's Report into Planning in Northern Ireland. Its conclusion was that the planning system in Northern Ireland is not working. Given the widespread, severe and entrenched nature of the issues outlined, the Committee is calling for a fundamental review, led by someone independent from the Department, to identify the long-term, strategic changes needed to make the planning system fit for purpose.

Stemming from the various recommendations made by the Public Accounts Committee, local and central government has met to coordinate a response which envisions 'An efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.' A number of short, medium and long-term actions have been agreed and a Regional Planning Commission is in the course of being set up in the absence of a functioning Assembly, to drive the actions required.

It is envisioned that considerable resource will be required across the planning authorities to ensure that actions remain on course and deliverable.

**New Planning Portal introduction in December 2022** – expected increase in number of applications submitted online, enforcement complaints and applications for consent for works to protected trees.

**Local Government Elections** – new members will be appointed to Council and require overview training in respect of Planning, as well as targeted capacity building and legal training for new Planning Committee members (and refresher training)

#### Future Challenges

**Organisational Redesign** – managing staff expectations and concerns regarding how services can be delivered more efficiently and effectively for our citizens.

**The Planning Improvement Programme in NI** – see challenges identified above.



**Reduction in Planning Service budget as result of rate for 2023/24** - A number of savings relating to discretionary spend were offered up as part of the rate setting process. This will impact on available training budget for professional staff in relation to attaining appropriate CPD and further specific training. Staff will continue to avail of available professional training and seminars by professional and legal bodies, within budget constraints.

Business cases in respect of graphic design and publication of the draft Plan Strategy, and engagement of specialist consultants to review/assess submissions on particular planning applications were unsuccessful as part of the rate setting process. Impacts on service delivery/staffing are set out under Part 5 of this Service Plan.

**Delay in publication of the draft Plan Strategy** - Increased pressure is expected in respect of development of the Local Development Plan in the context of the Council Corporate Plan and Big Plan as policies and proposals in current Departmental Development Plans continue to be applied to development decisions, in context that Council wishes to amend policies to meet local characteristics.

It is essential to garner council support for the draft Plan Strategy in order to proceed to Sustainability Appraisal and publication for public consultation in order to present to the Department for Infrastructure for approval to submit for Independent Examination.

The Preferred Options Paper (first stage in the Local Development Plan process) has set out the key plan issues for the Borough and the Council's preferred options available to address them. Further to consultation on this and engagement with elected members on planning policy, the Council will prepare and publish its draft Plan Strategy, which will set out the Council's objectives in relation to the development and use of land in our Borough, and the strategic policies for the implementation of those objectives and other relevant matters. The Plan Strategy will be based on both the information gathered and also the public and stakeholder's responses to the POP. Ongoing issues with the LDP process have been highlighted by all councils with DFI in respect of delays and elements affecting timetabling out-with the legislative directions.

**Clearing of Enforcement backlog** – processing of enforcement cases was suspended temporarily during lockdown with the exception of Priority 1 cases and those nearing immunity, and ongoing court-related cases, with staff resources allocated elsewhere to assist in processing applications funded by central government funding to support economic recovery. Complaints of alleged planning breaches continued apace during lockdown, and a backlog built up which continues to be addressed. A vacancy in the section is currently being addressed to assist in managing and improving performance against the backlog accordingly.

**Application of the Protocol for checking Building Control applications against planning approvals** - to advise of anomalies early in process and ensure retrospective applications submitted as appropriate, ensuring no undermining of the planning system. There is currently one full time member of staff allocated to this role within the Planning Enforcement Section, but application of the protocol has been hampered due to staff training on the Planning Portal replacement project. This will require to be revisited and assessed against effectiveness of the process/actual outcomes in relation to resourcing.

**Meeting statutory performance targets** - To manage delivery of the development management (planning applications) function under the hierarchy of development for major and local applications within the associated timeframes of 15 weeks and 30 weeks respectively, with commitment from statutory and non-statutory consultees to assist in

meeting statutory performance targets in the context of stretched resources, in terms of both staffing and fiscal challenges;

Delivering planning (both through Development Management and Development Plan) in a difficult economic framework given the monetary constraints being experienced by major players, such as Northern Ireland Water in respect of sewerage capacity within NI and particularly our Borough, and DFI Roads in respect of physical infrastructure and public transport;

**Supporting other service areas and Council partners** in delivery of action plans stemming from the Council's Integrated Tourism, Regeneration and Economic Development Strategy. This will involve assisting in provision of pre application advice on submission of planning applications that support the outcomes from the Integrated Strategy, review of planning policy and guidance in the context of supporting Directorate functions; processing of planning applications aligned with outcomes from the Strategy; and supporting the establishment of an Economic Forum through enabling development and positively supporting economic development for existing businesses in the borough, and supporting and encouraging investment;

**Supporting the Council's contribution to the Belfast Region City Deal** to improve digital infrastructure in the region, develop innovation skills and attract more, and better, jobs, via input to economic assessment and appraisal of key projects, including development of an Innovation Hub, and key infrastructure projects;

**Supporting the Council in realising the overall development of the Bangor Waterfront Masterplan** incorporating Queen's Parade as a key destination, subject to Belfast Region City Deal monies;

**Adhering to our Local Development Plan timetable** in context of constantly evolving LDP process and input from the Department for Infrastructure and Planning Appeals Commission; (DFI officials have advised that there is a 6 month discretion on dates indicated) The timetable is required to be updated in all circumstances throughout the LDP process.

**Breaking down on internal silos** to ensure each service unit is aware of the impact of Planning and therefore engages early in any project initiation/business case preparation to ensure realistic and deliverable targets are set;

**Resourcing a Development Plan team** appropriately without adverse impact on staffing structure in the other critical planning areas of Development Management and Enforcement; and additional demands in respect of publication of Climate Change act and other actions committed to within Roadmap to Sustainability.



Unclassified

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**ITEM 7****Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	07 March 2023
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	20 February 2023
File Reference	
Legislation	The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Status of Tree Preservation Orders
Attachments	N/A

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees.

The table overleaf sets out the figures from the date of the last report to Committee.

**RECOMMENDATION**

It is recommended that the Council notes the content of this report.

Unclassified

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**Table 1 Tree Preservation Orders served**

TPO (Full or Provisional)	Date Served	Address
0		

**Table 2 Consent for Works Decisions**

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
<b>Tree Preservation Orders</b>	4	0
Address	39 Glen Road, Hollywood	
	4 Plas Merdyn, Hollywood	
	24 Clanbrassil Road, Hollywood	
	27a Bridge Road, Helens Bay	
<b>Conservation Area</b>	1	0
Address	80 Church Road, Hollywood	

\* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works