

Agenda

Agenda

[Agenda PC.05.09.23.pdf](#)

Page 1

1. Apologies

2. Declarations of interest

3. Matters arising from minutes of Planning Committee 01 August 2023

[Minutes PC01.08.2023 AMcC LM.pdf](#)

Not included

[Minutes PC01.08.2023 PM.pdf](#)

Page 3

4. Planning Applications

4.1. LA06/2022/1296/RM - 19 Seaview Terrace, Holywood

Domestic garage and domestic building

Speaking in opposition to the application - Eamon Burns

Speaking in support of the application - Mr David Addis (applicant) and Mr David Donaldson (Agent)

[Item 4.1 Exec Summary LA06 2022 1296 RM.pdf](#)

Page 16

[Item 4.1a LA06 2022 1296 RM.pdf](#)

Page 17

4.2. LA06/2020/1220/F -102 Comber Road, Killinchy

Erection of agricultural shed (proposed) and creation of laneway (retrospective)

Speaking in support of the application - Conor Cochrane (agent)

[Item 4.2 Exec Summ LA06 2020 1220.pdf](#)

Page 49

[Item 4.2a LA06 2020 1220.pdf](#)

Page 51

4.3. LA06/2022/0904/F - Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee

Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing

[Item 4.3 Exec Summary LA06 2022 0904 F.pdf](#) Page 61

[Item 4.3a LA06 2022 0904 F.pdf](#) Page 62

5. Update on Planning Appeals (Report attached)

[Item 5- Update on Planning Appeals.pdf](#) Not included

[Item 5a - 2022 A0075.pdf](#) Not included

[Item 5b - 2021 E0076.pdf](#) Not included

[Item 5c - Commissioner Cost Decision.pdf](#) Not included

6. NIW Fence at Seacourt Pumping Station – update (Report attached)

[Item 6 - Update on Correspondence re NIW fence.pdf](#) Not included

[Item 6a - Letter to DFI re NIW fence & GPDO 20-07-23.pdf](#) Not included

[Item 6b - DFI Response 02.08.23.pdf](#) Not included

[Item 6c - Letter to NIW Chief Executive re NIW fence 20-07-23.pdf](#) Not included

7. Update on Planning Statistics (Report attached)

[Item 7 - Planning Statistics.pdf](#) Not included

[Item 7a - Annual Statistical Bulletin.pdf](#) Not included

8. Review of Council Decisions (Report attached)

[Item 8 - Review of Council decisions.pdf](#) Not included

[Item 8b - Review of Council decisions.pdf](#) Not included

9. DAERA Call for evidence on impacts of air pollution on the natural environment (Report attached)

📎 *Item 9 - DAERA Call for Evidence.pdf*

Not included

📎 *Item 9a - Response to DAERA.pdf*

Not included

10. Quarterly update on Trees (Report attached)

📎 *Item 10 - Tree preservation order and works.pdf*

Not included

11. Quarter 1 Budgetary Control Report – June 2023 (Report attached)

📎 *Item 11 - Budgetary Control Report.pdf*

Not included

****IN CONFIDENCE****

12. Quarterly update on Enforcement

Report attached

📎 *Item 12 - Update on Enforcement Matters.pdf*

Not included

📎 *Item 12a - EN Table update.pdf*

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 August 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, 5 September 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 01 August 2023 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2022/1296/RM	<p>Domestic garage and domestic building</p> <p>19 Seaview Terrace, Holywood</p> <p>Speaking in opposition to the application - Eamon Burns</p> <p>Speaking in support of the application - Mr David Addis (applicant) and Mr David Donaldson (Agent)</p>
4.2	LA06/2020/1220/F	<p>Erection of agricultural shed (proposed) and creation of laneway (retrospective)</p> <p>102 Comber Road, Killinchy</p> <p>Speaking in support of the application - Conor Cochrane (agent)</p>

4.3	LA06/2022/0904/F	Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee
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5. Update on Planning Appeals (Report attached)
 6. NIW Fence at Seacourt Pumping Station – update (Report attached)
 7. Update on Planning Statistics (Report attached)
 8. Review of Council Decisions (Report attached)
 9. DAERA Call for evidence on impacts of air pollution on the natural environment (Report attached)
 10. Quarterly update on Trees (Report attached)
 11. Quarter 1 Budgetary Control Report – June 2023 (Report attached)
- ***IN CONFIDENCE*****
12. Quarterly update on Enforcement (Report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ITEM 7.1

3

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held at the Council Chamber, Church Street, Newtownards on Tuesday 1st August 2023 at 7.00pm.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham McDowell

Councillors: Cathcart McCollum
 Creighton McRandal
 Kerr (Zoom) Martin
 McCracken Woods (Zoom)
 McKee (Zoom) Wray
 McLaren

Officers: Director of Prosperity (A McCullough), Head of Planning (G Kerr), Principal Professional and Technical Officer (L Maginn), Planning Manager (S Clarke) via Zoom, Planning Manager (P Kerr) and Democratic Services Officer (R King)

Other officers in attendance: Mr Scott Lyness KC
 Ms Orla Kelly, Senior Associate, Carson McDowell

1. APOLOGIES

An apology for inability to attend was received from Alderman Smith.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE OF 22 JUNE 2023

PREVIOUSLY CIRCULATED:- Copy of the above.

Item 11- Update on NIW Coastal Fence

Councillor McLaren said she had since received a response to a Freedom of Information request she had made to Northern Ireland Water. This had been in order to establish the health and safety grounds in which it had decided to construct the 18ft high fence. She had been appalled by the response which she said confirmed that no official health and safety assessment had been undertaken and that the only concerns noted about that site were in relation to litter and graffiti. Contrary to previous discussions and legal arguments made by NI Water, there had

been no mention of injuries or risk of injury to the public. She asked Members to take this information into consideration in future discussions.

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

4. PLANNING APPLICATIONS

4.1 LA06/2022/1296/RM - Domestic garage and domestic building at 19 Seaview Terrace, Holywood

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Holywood and Clandeboye

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

Proposal: Domestic garage and domestic building

Site Location: 19 Seaview Terrace, Holywood

Recommendation: Approval of Reserved Matters

The Chair advised that the above application would be deferred to the September meeting of the Planning Committee and referred Members to correspondence they should have received from the Head of Planning which had outlined the reasoning for the withdrawal from this meeting.

4.2 LA06/2021/0885/F - Proposed Greenway for approximately 2.4km from Bangor Road (Appendix I)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Bangor Central

Committee Interest: Council application

Proposal: Proposed Greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposals include new 1.5m wide advisory cycle lanes, new 3m and 4m wide Greenway paths, pedestrian/cycle railing, fencing, lighting, planting and associate site, access and other ancillary works.

Site Location: From the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road, Bangor, between Breezemount Grove and Greenways Industrial Estate

Recommendation: Approval

Outlining the proposal, the Planning Manager (P Kerr) advised that this was for a proposed greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposal included new 1.5m wide advisory cycle lanes, new 3m and 4m wide

greenway paths, pedestrian/cycle railing, fencing, planting and associate site access and other ancillary works.

The proposal was being presented at committee as it was a major application and also a Council application.

The site was located from the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road Bangor between Breezemount Grove and Greenways Industrial Estate.

The background to the development was in a document published by DFI called 'Exercise-explore: enjoy - A strategic Plan for greenways' as well as in other DFI publications relating to active travel and sustainable transport options.

This proposal represented a continuation of the greenway from Belvedere Road, Newtownards, to the Somme Heritage Centre which was granted permission on 01.09.22 under LA06/2020/0940/F (within this application a car park was granted permission).

The relevant development plans are the Ards and Down Area Plan 2015, North Down and Ards Area Plan 1984-1995 and Draft BMAP 2015. The site lies within the following designations:

The first part of the proposed greenway along the Bangor Road and former Railway line was located within the countryside in Ards and Down Area Plan 2015. It then passed through countryside included in Draft BMAP 2015 through into an area designated as a Rural Landscape wedge. The proposed greenway then continued into the settlement limit for Bangor on lands used as open space. It then went on to pass through land zoned for Employment and Industry and an Area of Existing Recreation and Open Space all within Draft BMAP. On the extant plan North Down and Ards Area Plan 1984-1995 the greenway passed through land shown as greenbelt with no other designations. Due to the nature of the proposed development it was considered that it would not impact any of these designations.

The proposed greenway consisted of a 3m or 4m wide pathway as well as the inclusion of a 1.5m cycle lane at parts. The proposed route traversed areas of agricultural land, rough ground and existing pathways and access lanes with a variety of differing surfaces. The total site area was 0.95ha. The materials of the path consist of largely of asphalt. The details of fencing to be used throughout this greenway can be seen in this slide.

All consultees were content with the proposal.

The main policy considerations were the SPPS, Planning Policy Statement 2 Natural Heritage, PPS 3 Access Movement and Parking PPS 8 Open space Sport and Outdoor Recreation, PPS 15 Planning and Flood Risk, as well as PPS21 Sustainable Development in the Countryside.

In the SPPS it was acknowledged that open space, sport and outdoor recreation had an important societal role to play. A strategic objective of the SPPS was to promote sustainable patterns of development which reduced the need for motorised transport,

encouraged active travel, and facilitated travel by public transport in preference to the private car.

With regard to PPS2 there was to be no artificial lighting as part of this proposal at the request of NED to protect the surrounding ecological environment. It was considered the proposal would satisfy Natural Heritage Planning policy. There were several ecological reports submitted with this application assessing otters, badgers and newts and a wide range of ecological issues which would be conditioned to ensure their protection in any forthcoming decision notice. A condition relating to a CEMP would be added to any forthcoming approval.

With regard to PPS3 Access Movement and Parking, as this proposal was for a greenway which would improve accessibility and DFI Roads was content, so it was deemed policy compliant. The narrowing of the road from 9m to 7m near the Ark Farm was reviewed by DFI Roads and it returned no objections.

The proposal would not prejudice road safety and would not significantly inconvenience the flow of traffic. The disused rail track bed would not have any future use prejudiced by this proposal. Objections raised concerns about parking and access, but it was considered that the car park approved with the first phase would alleviate parking issues. Due to the nature of the proposal with accessibility and sustainability being at the heart of the proposal the overall benefits would outweigh any adverse impacts.

With regard to PPS4 Planning and Economic Development due to the nature of the proposal and minimal site width there would be no significant impact on sites designated industry.

With regard to open space policy PPS8, as part of the site lay within designated existing open space, the proposal would be in compliance with Policy OS1 as the proposal was an open space use.

With regard to PPS15 and flood risk the site did not lie within a flood plain. DFI Rivers was consulted with a Drainage assessment and accepted its logic and did not disagree with its conclusions.

There would be no significant impact on residential amenity. With regard to No. 298 Bangor Road due to strong existing boundaries and the arrangement of the path at this part, there was unlikely to be any significant loss of privacy or experience of significant disturbance due to existing location.

There were four letters of support received. There were also four objections received from four separate addresses and the following material planning issues were raised:

- security around properties (esp 298)
- Parking and traffic concerns-DFI roads offered no objections or concerns when consulted on the application
- Inaccurate plans-only a small section/inset on a plan was inaccurate and this had now been amended - all of which were addressed in the case officer's report

The proposal was policy compliant and was in conformity with the relevant development plans. The proposal had the potential to bring great community benefit and improve accessibility throughout the Borough with no significant adverse impacts on the surrounding community. Approval was recommended.

The Chair invited questions from Members.

Councillor Cathcart queried the narrowing of the road at the Ark Open Farm section of the proposed greenway and asked if there would be a separate footway and if cars would have to cross that footway to access the car parks in that location.

The officer confirmed that cars would have to cross the footway to access the car park and bollards would be placed at appropriate pinch points.

In a further query, Councillor Cathcart asked what impact the greenway would have on the viability of undeveloped employment zoned land that the officer's report had referred to. He wondered if that would rule out a number of potential commercial developments.

The officer believed that the width of the greenway in that area still allowed for development but it was a matter for the landowner and developer to consider what type of use would be suitable.

Alderman Graham queried two of the letters of support and why they were deemed supportive given that they just seemed to be asking questions. The officer advised that this was just part of an administrative process and that if a letter was not objecting to a development, then it would be classified as a 'letter of support' or as 'non-committal'.

Alderman Graham asked where the greenway ended and it was clarified that this phase ended at Green Road near the community centre. There were plans for a third phase which would see the greenway continue from Green Road to the centre of Bangor.

Councillor McCracken noted the absence of lighting in the scheme and while appreciating the ecological considerations and impacts on wildlife, he felt that a complete absence of lighting would compromise cycle use. He wondered if alternatives such as low intensity surface lighting that did not have ecological concerns could be included.

The officer advised that the lighting aspect was removed from the plan in order to allow for funding deadlines to be met and she believed that there were discussions ongoing around the provision of lighting that would take into account the ecological issues.

Returning to the narrowing of the road at the Ark Open Farm section, the Chair had noted concerns raised about parking impacts on residential amenity in the area. He asked how far away the car park, approved in Phase 1, was from that location and the officer advised it was on the same side of the road below the Ark Open Farm.

The Chair asked if any type of traffic or parking related survey or assessment had been undertaken when determining the recommendation to approve the application. It was advised that consultation had taken place with DfI Roads as was normal practice for this type of application and it was satisfied that the nearby car park provided in the first phase of the greenway was adequate.

The Chair asked if the narrowing of the road would impact the residents, noting that the image had shown cars parked outside the properties while the Ark Open Farm car park contained empty spaces. He asked if there had been any investigation such as a parking survey specifically to assess any impacts on residents.

It was confirmed that there had been a parking survey undertaken for Phase 1 and it was felt that the car park provided as a result of that would benefit both Phase 1 and Phase 2 in terms of providing a balance in addressing a car parking shortage while supporting local tourism. In response to a final query from the Chair, the officer understood there would be nothing to stop residential related use of the car park.

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

Welcoming the proposed development, Councillor Cathcart spoke of its benefits towards tourism, health and wellbeing, particularly for those residents in his own DEA at the Green Road end of the greenway. He welcomed the link up with Whitespots Country Park and emphasised the importance of maintenance of the greenway once it was completed. He was also pleased the application had received little objection.

The seconder, Councillor McRandal felt that the greenway was entirely appropriate for this area and he too echoed the benefits along with the sustainable travel and connectivity opportunities it would bring. He was content that the environmental matters had been appropriately considered and conditioned and felt that overall this was a good news story for the Borough.

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

4.3 LA06/2021/1475/F– Dwelling - Side garden of 2 Talbot Drive, Bangor
(Appendix II)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

DEA: Bangor West

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

Proposal: Dwelling

Site Location: Side garden of 2 Talbot Drive, Bangor

Recommendation: Approval

The Head of Planning outlined the above application, displaying a series of slides of the proposed site and development which she advised was for a dwelling at the side garden of 2 Talbot Drive with access from Coolraven Park, Bangor.

The application was before members due to six or more representations being received from separate addresses which were contrary to the officer's recommendation.

This application had originally been for two dwellings with 18 objections received. The proposal of two dwellings was found to be unacceptable and following negotiation with the agent the proposal was reduced to one dwelling and after being re-neighbour notified and re-advertised, only four objections had been received.

Although the number of objections was reduced significantly the proposal was still required to be presented to members given the overall number of representations received.

All representations made had been fully considered within the case officer report.

None of the statutory consultees had any objection to the proposal.

There was planning history directly associated with the application site with four dwellings being granted planning permission on 18 May 2006 (planning ref W/2005/0268/F) – this was not implemented and had expired.

The planning history did demonstrate that the site was suitable for residential use and that a higher density was considered to be acceptable on the site.

The previous approval remained a material planning consideration relevant to the determination of this current planning application.

The site was a grassed garden area which was relatively flat. At the time of site visit trees had been removed along the northern boundary opening the site onto Coolraven Park. There were dense coniferous trees along the western boundary of the site and the eastern boundary was open onto the rest of the garden area of No. 2 Talbot Drive.

The surrounding character was predominantly residential with a mix of single storey, and storey and a half dwellings.

With regard to the policy consideration, as the site was within the settlement limit where residential development was directed, and the site was surrounded by dwellings, the principle of development was acceptable. There were no designations on the site.

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

The proposal would not damage the quality of the local area as the site was within

the settlement limit of Bangor, adjacent to residential development and was currently the garden area of an existing dwelling.

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

The site was located at the end of a cul-de-sac and would only be visible from views within that street and not over longer views.

The proposal respected the pattern of development in the area and would have no unacceptable adverse impacts on the character of the surrounding area.

Amenity space was provided with garden areas surrounding the proposed dwelling which exceeded the 70 sq m as set out in Creating Places with approx.- 400sq m would be provided.

The site was well screened by existing trees and timber fencing would be added along the adjoining boundary with No. 2 Talbot Drive to ensure the amenity space was protected from any public views.

Trees along the western boundary and part of the northern boundary of the site that would be conditioned to be retained as they provided screening to the site and would maintain the character of the area.

The dwelling would be one and a half storey with a ridge height of 6.5m.

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

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

New planting would be added along the front boundary of the site to help screen and soften any visual impact of the proposed dwelling.

The proposal respected the pattern of development in the area and would have no unacceptable adverse impacts on the character or amenity of the surrounding area.

In summary, it was considered that the amended proposal of one dwelling was acceptable within the surrounding residential context of this area of Bangor. All objections to the proposal had been fully considered and it was noted the reduction of objections received once the proposal from amended from two to one dwelling.

The proposal complied with prevailing planning policy and all consultees were content with the proposal.

The recommendation was to grant planning permission.

The Chair invited questions from Members.

Noting that there was a previously approved application at the site, Councillor Martin asked what weight was given to this factor. The Head of Planning advised that this was a material consideration and therefore weight had been attached. Overall though it was important to remember this was a residential dwelling for a residential area and it complied with planning policy.

Noting the concerns from objectors, Councillor Martin appreciated the majority had related to the earlier two dwelling application. However he asked if the officer was satisfied that concerns that related to the cul-de-sac had been mitigated against.

The Officer said that most of the concerns had related to roads and traffic issues and it was worthy to note that DfI Roads had raised no objections following consultation. There were also traffic concerns raised around the ongoing building work that would be carried out but there would always be some disruption in this type of development but this would only be temporary.

Councillor Martin asked if the proposed dwelling was to be sited within the existing garden of a property and it was confirmed by the officer that the garden was an unusually large site for the property it was attached to and the subdivision of the property there caused no loss of amenity to 2 Talbot Drive. The remaining garden space though was still in excess of what was set out in guidance.

In a further query, Councillor Martin noted there were concerns around the drainage levels which had been adjusted. He asked what sort of drainage was available and if it was felt appropriate. The officer advised that the site was relatively flat with the road level sitting at 55.4, parking area at 55.5 and the finished lower level of the dwelling would be 55.7. There would be raising of site levels along the joining boundary of property number 14 and this would be supported by a fence and it would need a retaining structure but there would be no increase in levels adjacent to property number 13. The agent had also been contacted and they had clarified no increase in the levels. If the developer exceeded the stated levels then it could lead to enforcement action.

The officer added that any vegetation that was removed would need to be replaced in order to negate any potential issues around drainage and a hedge would be planted along the front. A Wastewater Impact Assessment had been carried out and it was deemed that there was a suitable sewage connection for the proposed dwelling.

Councillor Cathcart was content with the principal of the dwelling but queried the design believing that the windows were out of character for the area although he appreciated that the one and half storey proposal was sympathetic. He was aware that houses in that area were known for having larger, more horizontal windows whereas the proposed development contained more vertical and shorter windows. He asked why that approach had been taken and the officer asked members to bear in mind that this was not an Area of Townscape Character and therefore no

designations on the site. While she appreciated there was a trend for those particular window styles in the area, there was also a mix of window designs. She explained that there was nothing in Planning Policy to prevent that mix. It was also noted that the planning agent had worked with the case officer to reach a more suitable design than what was first submitted and that revision was felt to be sympathetic to the wider area.

Councillor Cathcart asked if it would be possible to have future drawings presented in colour rather than black and white. It was advised that officers tried to encourage this but colour and CGIs were expensive which was the reason many were submitted in the black and white format.

Councillor Wray asked how the screening and vegetation conditions would be monitored and it was advised that most residential developments included a planting scheme along with the drawings and those schemes were then conditioned. This site was already well screened and that was being conditioned to be retained. The condition was also applied once the dwelling was occupied given the impracticalities of disruption throughout the construction period. It would be in any owner's interest however to be mindful of those conditions because it would soften the front of the site. There was a mix of frontages on the road so the aim was to achieve a balance.

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

5. UPDATE ON PLANNING APPEALS

(Appendix III)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching Item 5a - PAC decision 2021/A0133. The report detailed

Appeal Decisions

1. The following appeal was dismissed on 26 June 2023

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

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

1. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there were no overriding reasons why this

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

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

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

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

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

The Commissioner's report was attached to this Report.

New Appeals Lodged

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

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

Subject of Appeal	Alleged unauthorised erection of shed and laying of hardstanding laneway
Location	Lands approx. 740m south of the Junction of Cotton Road (A48) and Murdocks Lane, Bangor

Appeals Withdrawn

3. The following appeal was withdrawn on 19 June 2023

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

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

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

RECOMMENDED that Council notes this report.

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

EXCLUSION OF PUBLIC/PRESS

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

(Mr Scott Lynas KC and Ms Orla Kelly, both attending via Zoom, were admitted to the meeting – 7.50pm)

6. LOCAL DEVELOPMENT PLAN – TOWARDS A DRAFT PLAN STRATEGY

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

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

Schedule 6 – Part 3 - information relating to the financial or business affairs of any particular person

An officer's report with an attached revised draft policy HOU3 was presented to members with an officer's recommendation that Members note the content of the report and attachments and determine an agreed approach based on recommended draft Policy HOU 3 at Item 6a.

Members discussed the recommendation and a proposal was made that the Council adopts draft policy HOU3, as presented.

The threshold for policy engagement is set at:

- 5 housing units or more, or on a site of 0.1 hectares or more, and
- with required proportion of affordable housing provision of 20%

The proposal was agreed and would be subject to ratification by the full Council at its meeting on 30 August 2023.

RE-ADMITTANCE OF PUBLIC/PRESS


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

TERMINATION OF MEETING

The meeting terminated at 8.38pm.

Item 4.1

Application Ref	LA06/2022/1296/RM
Proposal	Domestic garage and domestic building
Location	19 Seaview Terrace, Hollywood DEA: Hollywood and Clandeboye
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	03/01/2023
Summary	<ul style="list-style-type: none"> • Outline Planning Permission granted for domestic garage and ancillary building and extant. • Reserved matters application does not represent a further application for planning permission on the site; rather it is an application to confirm details and compliance with conditions attached to the outline approval. • The Council is restricted to consideration of only those matters which have been reserved for approval and it cannot revisit the overall principle of development which has been approved at outline stage. • Application complies with the conditions set by Outline permission, including a condition requiring the two ancillary buildings to have a layout broadly in line with the indicative site layout plan, and a condition restricting the ridge height above finished floor level to a maximum of 3.5m. • Conditions 6 & 7 of the outline permission stipulate that the buildings shall not be used at any time other than for purposes ancillary to the residential use of No.19 Seaview Terrace. • Letters of objection from 9 separate addresses and 1 letter of support received. • All material considerations raised have been considered in the Case Officer Report.
Recommendation	Approval
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/1296/RM	DEA: Hollywood & Clandeboye	
Proposal:	Domestic Garage and Ancillary Building		
Location:	Approximately 10m NW of 19 Seaview Terrace, Hollywood		
Applicant:	Mr D Addis		
Date valid:	03.01.2023	EIA Screening Required:	No
Date last advertised:	25.05.2023	Date last neighbour notified:	17.05.2023
Letters of Support: 1	Letters of Objection: 22 (from 9 separate addresses)	Petitions: 0	
Consultations –			
DFI Roads: No objection subject to no intensification of use of access.			
Summary of Main Issues Considered:			
<ul style="list-style-type: none"> • Residential Amenity • Impact of the proposal on the character of the surrounding area 			
Recommendation: Grant Consent			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

Accessed via a single width laneway which runs parallel to Birch Drive, the site is located to the fore of 19 Seaview Terrace and is an elongated plot of relatively flat land, with a slight downward slope (towards the northern boundary) and defined by a mix of close board fencing, hedging and trees.



Looking into the site from shared hardstanding to the fore of dwellings on Seaview Terrace



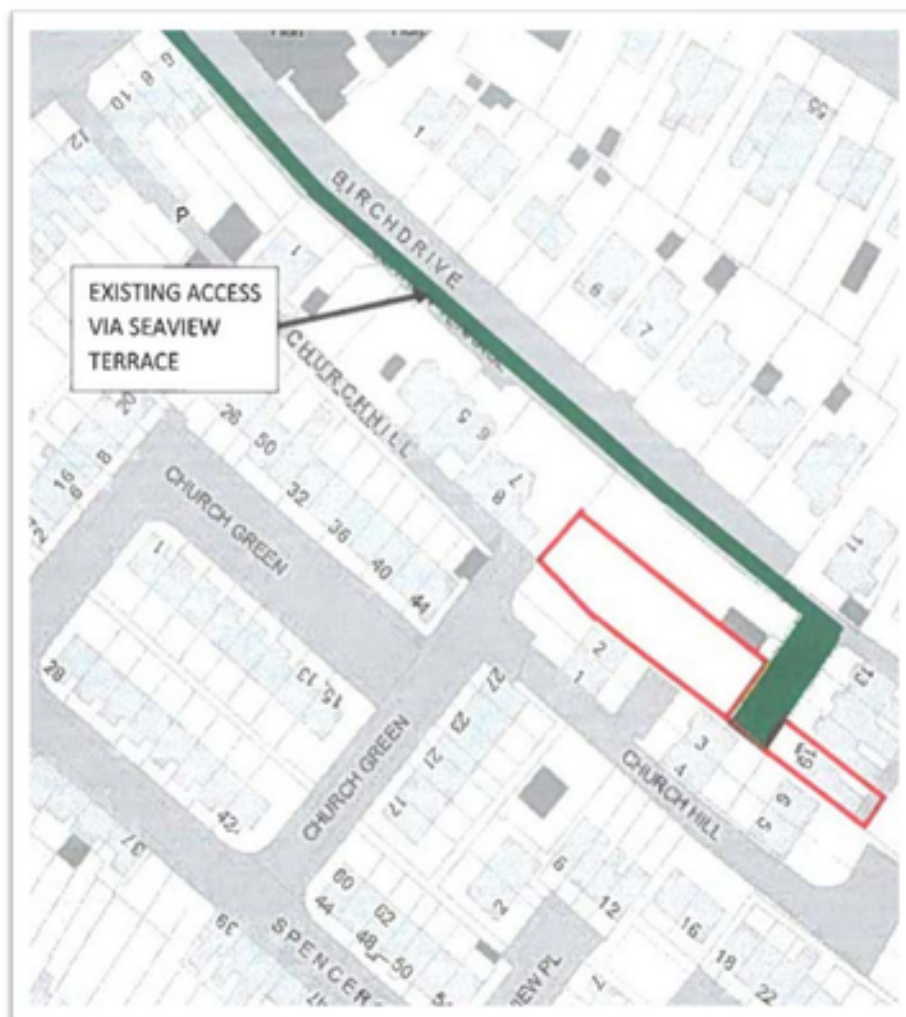
Side boundary of site, viewed in context of No 2 Church Hill, Hollywood

The site is directly associated with No 19 Seaview Terrace, which is a 2 ½ storey end terrace property, which as illustrated in the photograph below, is finished in a mix of smooth render plasterwork, white uPVC window frames and a dark slate roof.



No 19 Seaview Terrace, Hollywood

2. Site Location Plan



3. Relevant Planning History

LA06/2022/0242/O: Approximately 10m NW of 19 Seaview Terrace, Hollywood

Proposal: Domestic Garage & Ancillary Building

Planning Permission Granted: 2nd November 2022

The planning history of the site demonstrates that planning permission for the proposed development has already been granted. Any subsequent approval of reserved matters does not constitute the granting of a further planning permission.

4. Planning Assessment

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

- Draft Belfast Metropolitan Area Plan 2015
- North Down & Ards Area Plan 1984-1995
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: (Addendum) Residential Extensions and Alterations

Principle of Development

According to both the NDAAP and draft BMAP publications, the site is located within the designated settlement limit of Holywood and within the bounds of a proposed Area of Townscape Character. (HD 09 Holywood South ATC)

The current submission is a Reserved Matters (RM) proposal which is directly linked with LA06/2022/0242/O, under which the planning permission for the domestic garage and ancillary building has already been granted.

Upon review of the conditions included in this outline approval and cross reference with the presented scheme, I am satisfied that the proposal is compliant with the same and acceptable therefore as a Reserved Matters submission.

Except in so far as expressly conditioned in the decision notice, matters reserved by the outline planning permission include the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site.

Condition 2 of the outline planning permission required the submission of a plan indicating floor levels of the proposed buildings in relation to existing and proposed ground levels. I am satisfied that this condition has been satisfied.

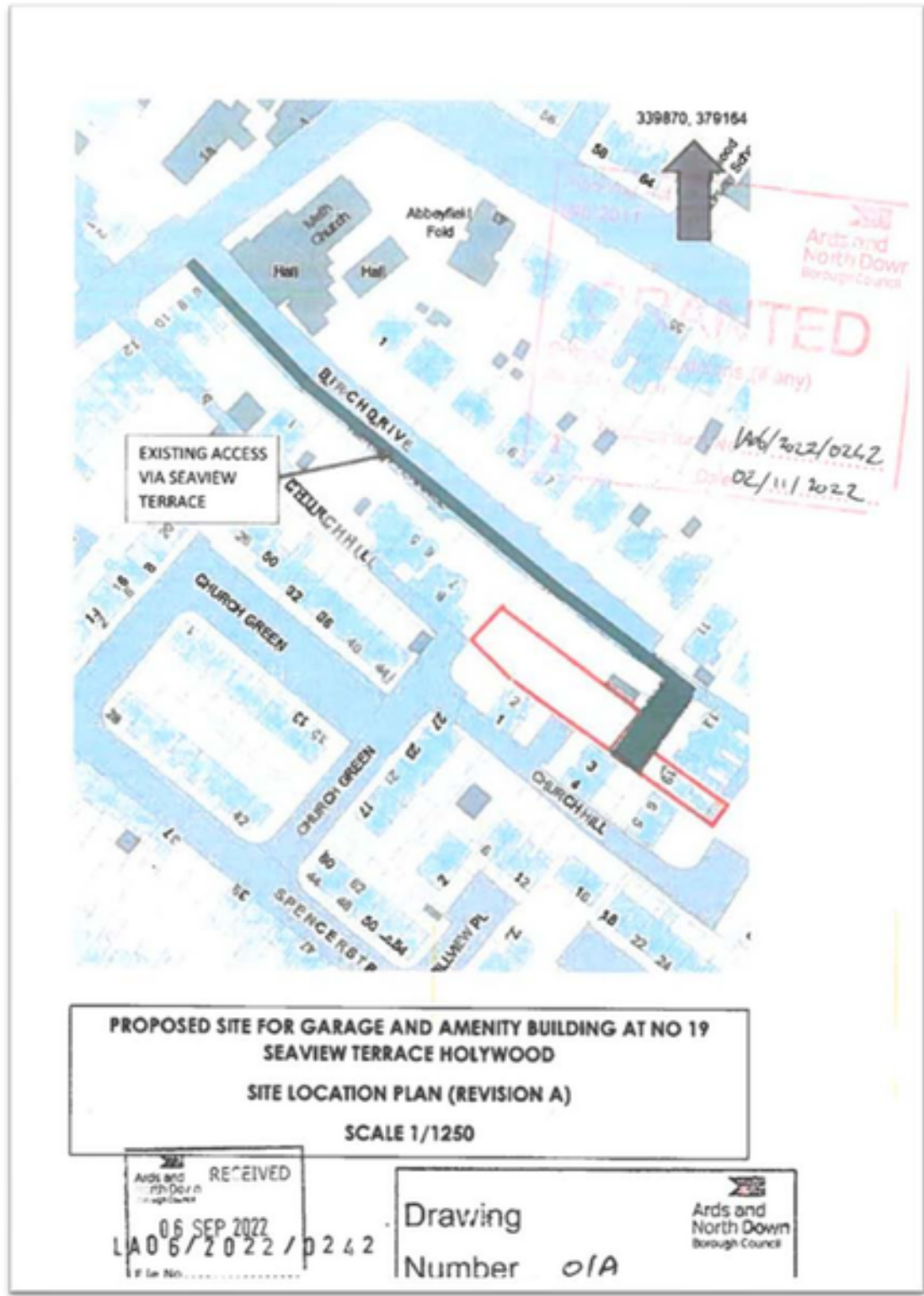
Condition 3 of the outline planning permission required details of the access to be provided in accordance with an attached RS1 Form.

Having reviewed this condition in context of comments provided by DFI Roads at the time, this condition appears to have been added in error.

DFI Roads offered no objection to the proposal, and this was not subject to any condition requiring the submission of further access details at RM stage and no RS1 document was supplied.

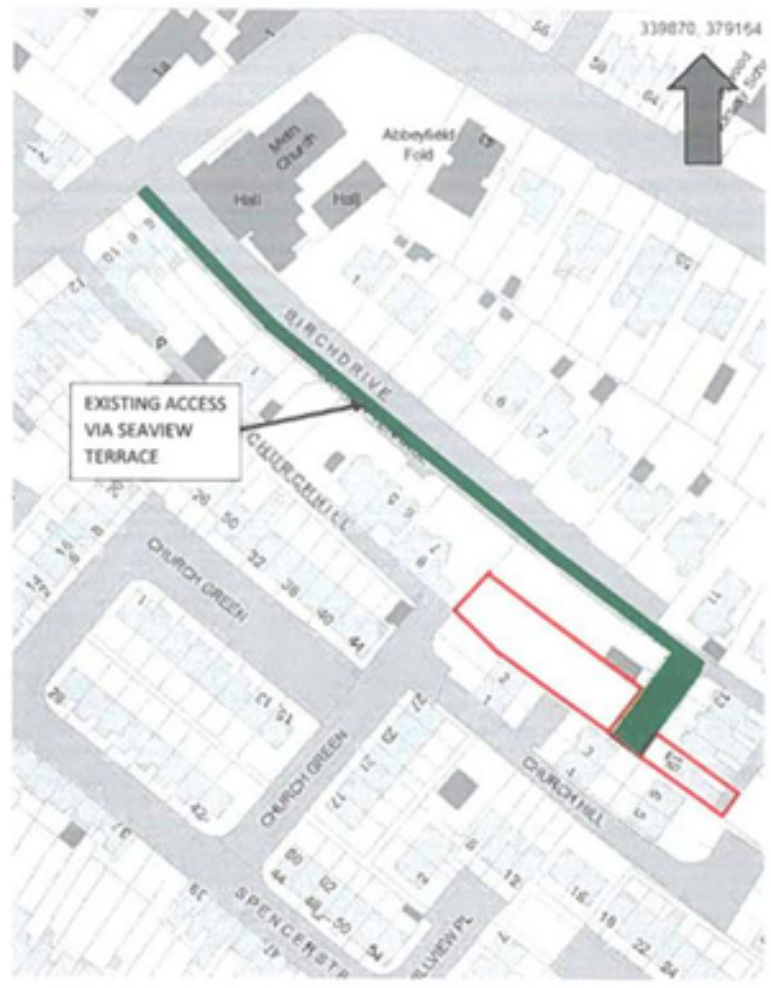
For the purposes of providing further clarification, the red line boundary of the site does not extend to or adjoin any public road, and in context of the Reserved Matters

submission, I consider that the site boundary currently under consideration directly correlates to that approved under the preceding outline planning application.



Extract showing Site Location Plan and Red Line Boundary submitted and approved

Under Planning Application LA06/2022/0242/O



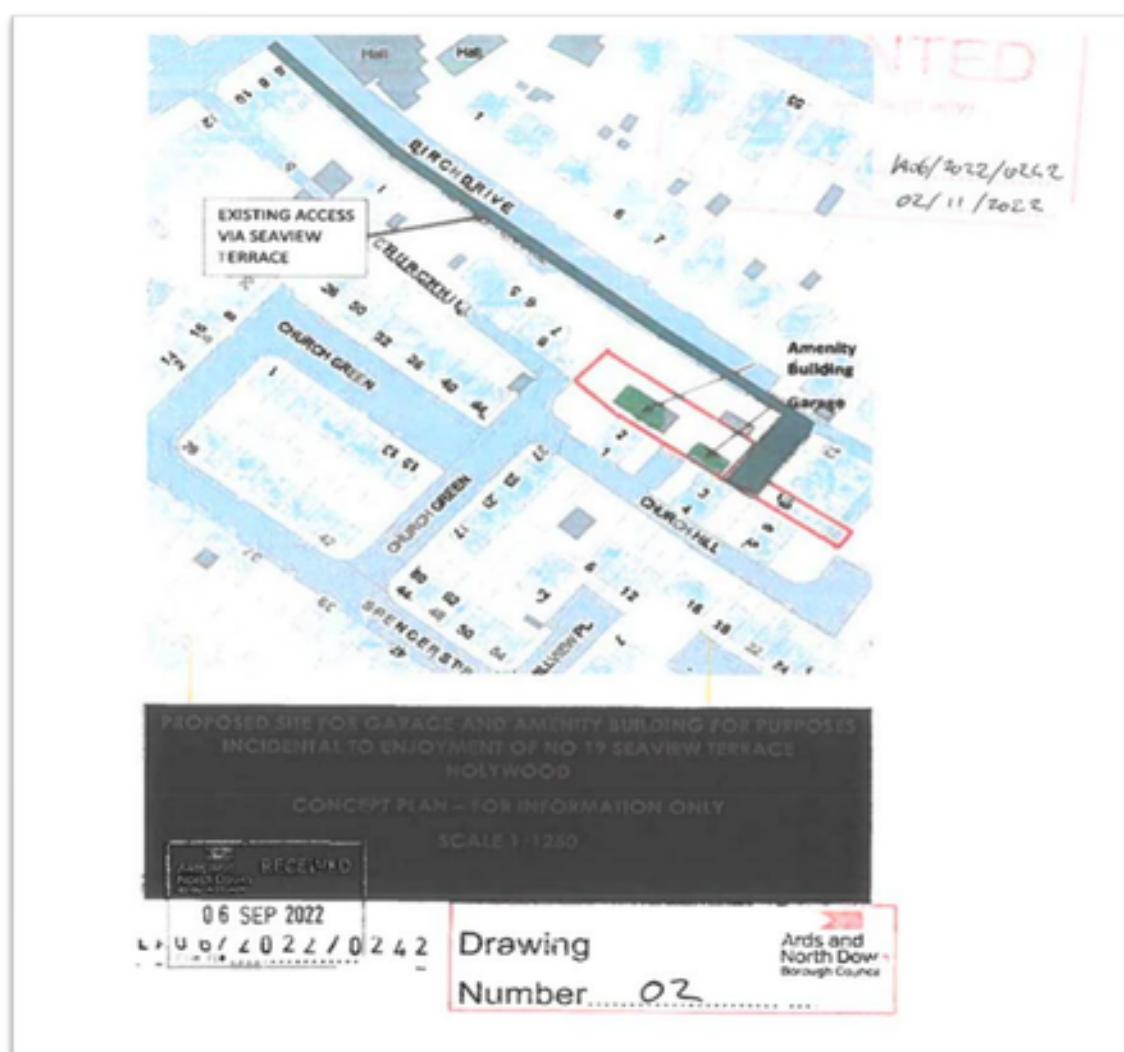
PROPOSED GARAGE AND AMENITY BUILDING AT NO 19 SEAVIEW TERRACE HOLYWOOD
SITE LOCATION PLAN
SCALE 1/1250

Extract showing Site Location Plan and Red Line Boundary submitted as part of LA06/2022/1296/RM

As there was no RS1 form attached to the outline approval, this part of the condition is incapable of implementation, however the submitted site layout plan is inclusive of the proposed access arrangement into the site at an appropriate scale.

As part of the subject application, DFI Roads were consulted with the details provided at RM stage and again offered no objections to the proposal provided there will be no intensification in use as confirmed by the Outline Application LA06/2022/0242/O.

Condition 5 of the outline planning permission requires the two ancillary buildings to have a layout which is *broadly in line* with the indicative layout plan. As can be seen from the map extracts which follow, I am satisfied that this is the case.



Extract of Concept Drawing approved at outline under application LA06/2022/0242/O



Extract of submitted Site Layout showing position of garage, carport and garden room within the site

Conditions 6 and 7 of the outline planning permission stipulate that the two approved buildings shall not be used at any time other than for purposes ancillary to the residential use of No.19 Seaview Terrace and shall not be separated sold off or leased from this property.

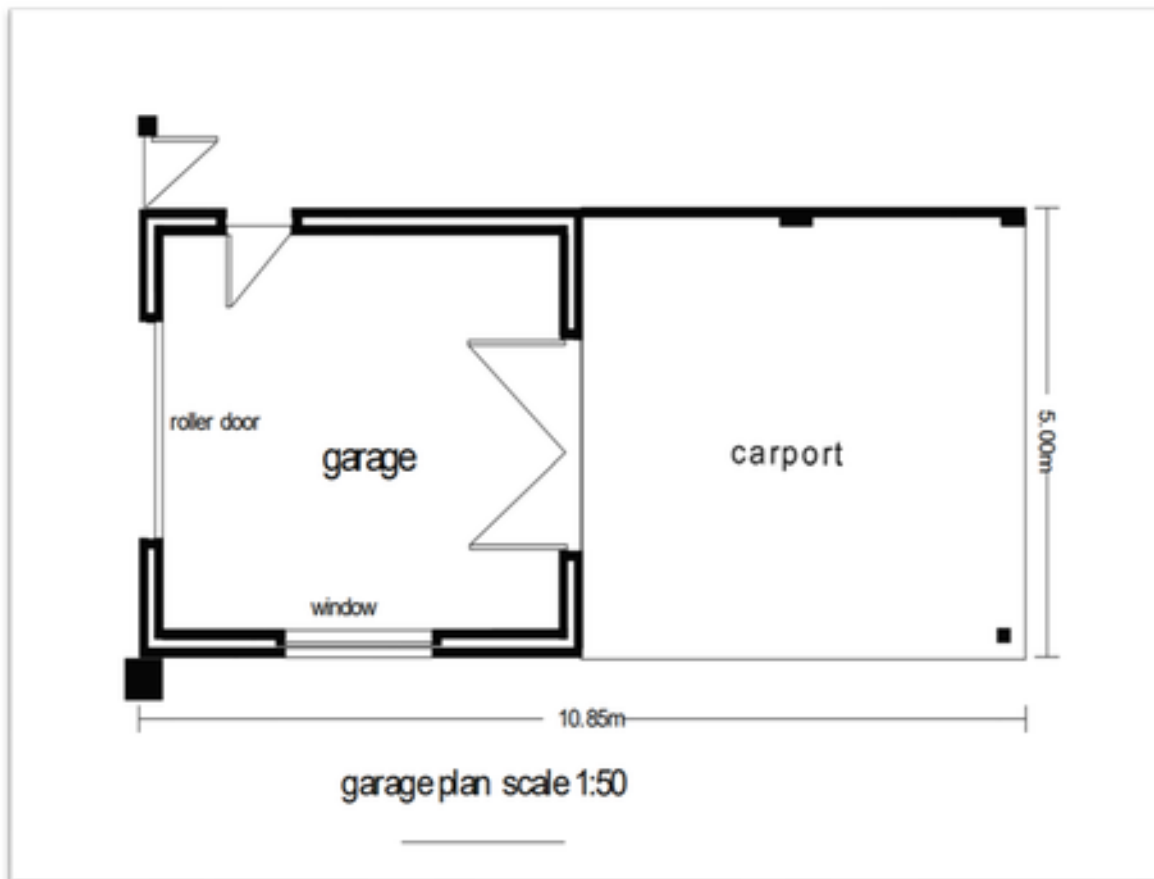
Condition 8 restricts the maximum ridge height of the approved buildings to 3.5m above finished floor level, and upon review of the submitted drawings, I am content that this is the case in relation to both the garden room (3.5m flat roof ridge above finished floor level) and the garage/carport structure (3.4m standard pitched roof above finished floor level).

It is important to note that when dealing with a reserved matters application, the Council is restricted to consideration of only those matters which have been reserved for approval and it cannot revisit the overall principle of the development which has been approved at outline application stage.

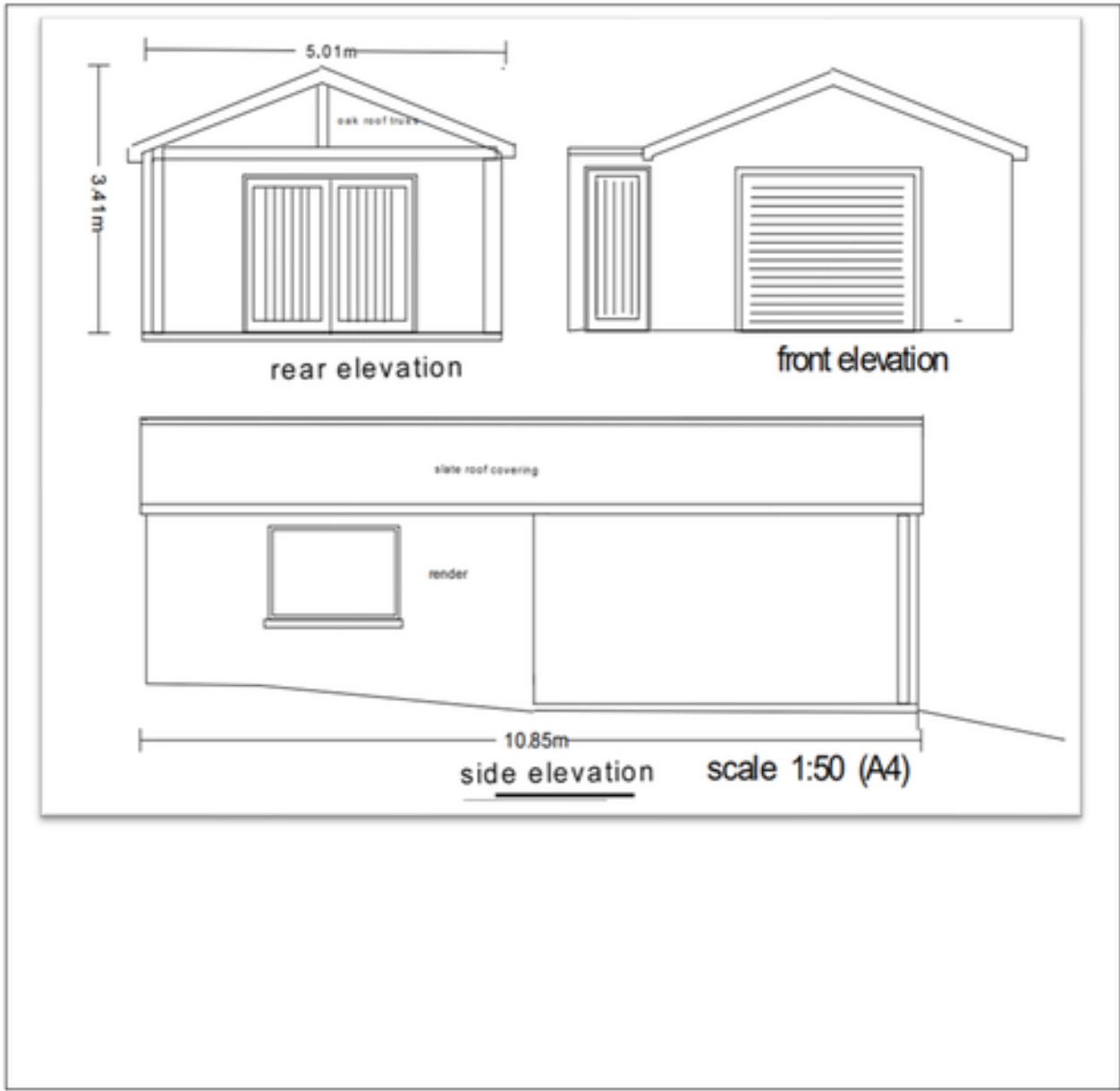
Impact on Existing Dwelling, Character of Area & ATC Designation

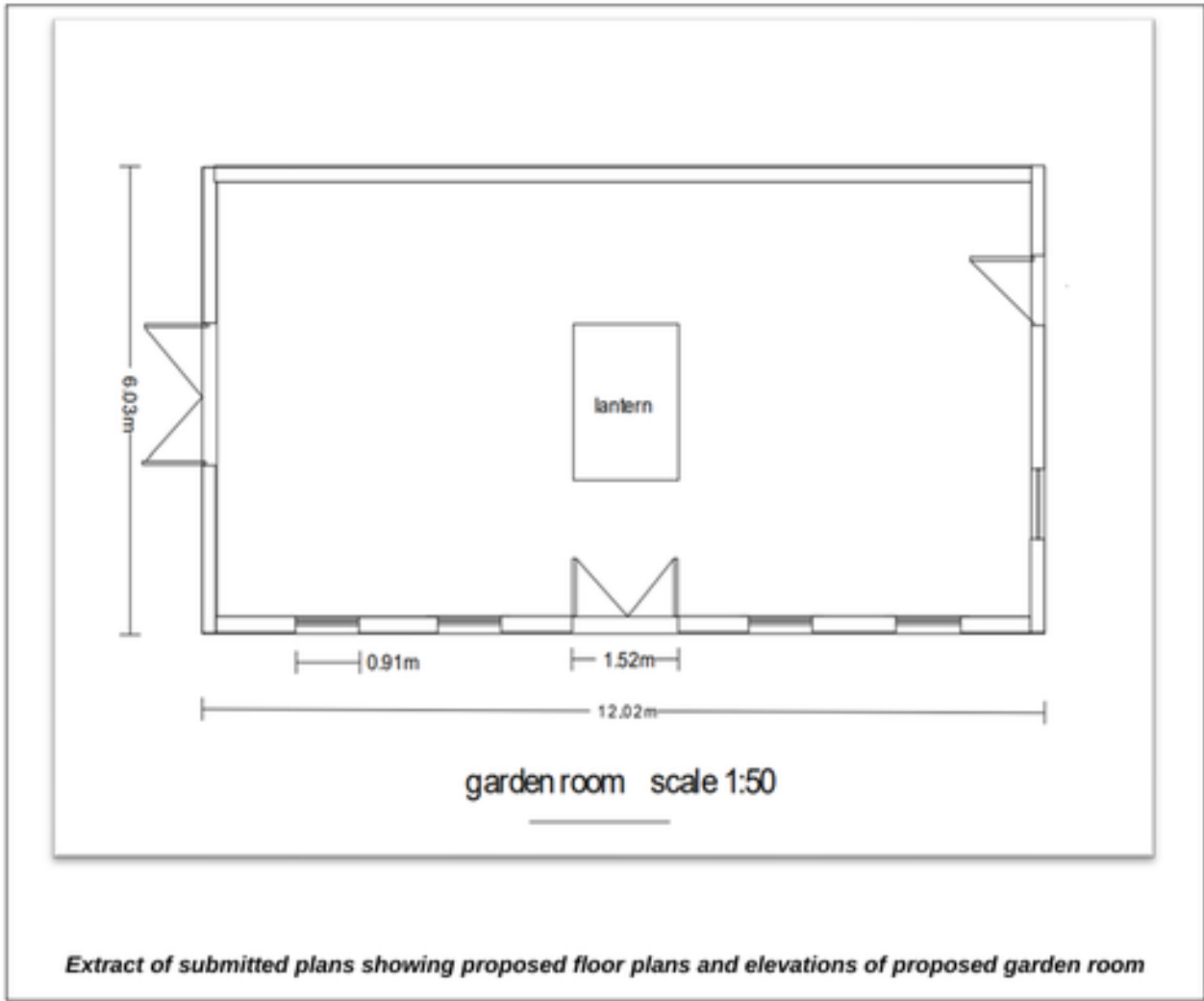
To review the proposal in context of prevailing policy, a single storey garage block is to be constructed in the eastern half of the site, immediately next to the laneway

access to Seaview Terrace, whilst a garden room is to be positioned within the site further west and in alignment with the gable of No. 2 Church Hill.



Extract of submitted plans, showing floorplans and elevation detail of proposed garage







In terms of scale and massing, the proposed garage and garden room are of an acceptable domestic scale and positioned within the site as per the indicative site layout which was reviewed and issued with the aforementioned outline planning application.

With regards to design and presentation, the garage block is of a relatively standard form, measuring approximately 5m x 5m with a low standard pitched roofline (approximately 3.4m in height), a roller shutter door on the front elevation, a single window on the side elevation and a second set of double access doors on the rear elevation.

Attached to the rear is the carport structure, which being of a comparable size, extends the overall footprint into the garden area and is reflective of the block shown on the stamped approval concept layout Drawing No 02, bearing the date stamp of 6th September 2022.

In overview of the same, I do not believe that this will be an incongruous addition to the area which might otherwise cause demonstrable harm to the character of the surrounding area, nor is it at odds (in terms of design and overall presentation) with existing buildings of a similar nature that are located within the immediately surrounding area.

In assessment of the proposed garden room, a larger rectangular structure is proposed, with a trocal flat roof system and centrally positioned roof lantern. Glazing and access doors are positioned on the north, south and eastern sides, whilst a

"blank" elevation to the rear will run parallel with the gable of No 2 Church Hill, Holywood.

Whilst the proposed building is in itself relatively sizeable, the overall footprint is also comparable to that shown on the stamped approved concept plan issued as part of the associated outline application.

When considered in context of the wider curtilage and associated dwelling, I am satisfied that the proposal is not disproportionate to the parameters of the overall garden area and when compared to the floorspace associated with a residence which spans 2 ½ floors, the garden room is equally subordinate in scale and massing to the host dwelling.

With the inclusion of a single storey flat roof system on the garden room, which will reduce any visual impact I am therefore satisfied that the proposed extension will have a negligible impact upon the character of the surrounding area.

With regards to the ATC designation, the addendum to PPS 6 'Planning, Archaeology and the Built Heritage' provides additional planning policies relating specifically to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements and embodies the Government's commitment to sustainable development and environmental stewardship.

As discussed above, the proposed buildings are subordinate to the two and a half storey main dwelling and the design and external materials are both typical of those used in domestic ancillary accommodation and sympathetic to the character of the immediately surrounding area.

As a consequence, the proposal is not considered to have an adverse impact on this designated area and I am therefore satisfied that the proposal is generally compliant with the requirements of Policy ATC 2 of the Addendum to PPS 6.

Impact on Privacy and Amenity of Neighbouring Residents

In assessment of residential amenity, what is of note in this case is the fact that both elements of the proposal are of an ancillary nature to the domestic use of No 19 Seaview Terrace, and of a relatively standard presentation with typically associated design features.

Upon review of the positioning of windows and doors throughout, I am satisfied that either building will not significantly impinge upon the privacy of surrounding residents, and on the basis of the same, I am content that the scheme is therefore acceptable.

Having also reviewed the proposal in context of any potential loss of light, in application of the 60 degree light test to rear windows, I consider that there will be no breach caused by the garden room in relation to No 2 Church Hill.

I would furthermore assert that in respect of the second floor side window, the ridge level of the garden room and garage/carport will be positioned below the cill level and

will not therefore directly interfere with the passage of daylight through this particular window.

Additionally, further to review of stamped approved drawings in relation to the site, it is understood that this side window is a secondary source of light into the associated room and that a larger window on the front elevation also provides daylight and would be considered the primary source of light to this part of the dwelling.

To conclude therefore, in context of both site-specific circumstances and presentation of the overall scheme, I am satisfied that the presented development will not be of any significant detriment to residential amenity.

Impact on Trees/Landscape Features

The proposal will not, in my professional judgement, have any significant impact on existing trees and/or landscape features.

Impact on Amenity Space and Parking

In assessment of the presented scheme, I am satisfied that the scheme will not be of significant detriment to existing parking arrangements and has the potential to improve the turning and manoeuvring of vehicles, by providing a dedicated and more formal parking arrangement within the garage and immediately surrounding area.

With regards to any reduction in amenity space, the amount of usable garden area which remains is satisfactory and in my professional judgement, the garden room and garage area do not significantly compromise the overall function and general amenity of the site.

In conclusion then, I would assert that the proposal will have a negligible impact upon amenity space and parking.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of

Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may reasonably be required.

Other Planning Matters

I am satisfied that there are no other issues material to planning assessment in this particular case.

5. Representations

One letter of support received in relation to the application, welcoming the development with regards to the visual and aesthetic improvements which will result, in addition to the fact that the subject garage will help to alleviate ongoing parking issues in the immediate vicinity.

Subsequent to this, a total of 22 no. letters/emails of objection (from 9 separate addresses) have been received in relation to the proposal, details and assessment of which follow:

Issues raised by represented 3rd parties include the following issues:

- Issue raised with regards to discrepancies in submitted forms and drawings
- Issues raised in relation to lack of neighbour notification letter being sent
- Issue regarding land ownership and 3rd party interest over shared laneway/common forecourt
- Issue relating to parking arrangement in common forecourt and ability to safely turn vehicles
- Issue raised with regards to sewers/intensification of use
- Concern regarding the visual impact of the development, to include scale, massing, site levels and overall design
- Impact upon character of the surrounding ATC designation
- Impact upon Residential Amenity
- Impact upon Biodiversity/loss of trees/hedging
- Claim that the scope of development goes beyond that approved at outline stage
- Concern regarding future/intended use of garden room/possible conversion to a separate dwelling

ASSESSMENT

Discrepancies in submitted plans and application forms

Whilst it is duly acknowledged that revised and amended information has been provided by the applicant/agent throughout the course of the assessment process, the information provided is not misleading.

I consider that the site boundary (as drawn) correlates with that shown and approved under the preceding outline planning application and does indicate or claim ownership to the shared forecourt which runs parallel to dwellings on Seaview Terrace. This feature is alternatively shown in green, which commonly infers a shared arrangement involving third parties.

In respect of forms provided, at present, the Planning Office continues to accept the older style P1 form and given that the applicant/agent has elected to provide revised information on a similar form to that originally provided does not, in my professional judgement, raise any particular concern.

With regards to parking and the number of spaces within the site, the matter raised is more directly linked to the ongoing dispute between parties in relation to use of the shared forecourt area.

Such matters are of a civil nature to be dealt with by the relevant parties outside of the planning process, and it must be reiterated that this is not a planning matter which is directly relevant to assessment of the subject application for a garage, carport and garden room within the bounds of a private garden.

It should be further considered that through provision of dedicated parking within the site, the scheme has the potential to reduce the number of vehicles parked on the common hardstanding in front of Seaview Terrace, therefore alleviating the congestion referred to by third parties and also observed on site.

Neighbour Notification

Having reviewed the neighbour notifications that were sent, it is noted that No 13 Seaview Terrace was not specifically included on the list of addresses.

That said, the property does not directly abut the site and therefore does not constitute an 'identified occupier on neighbouring land' that requires neighbour notification in accordance with Article 8 (2) of the General Development Procedure Order 2015 (GDPO).

It is however acknowledged that notification of the application was previously sent under the outline planning application and consequently it is accepted there would be an expectation for further notification of the detailed plans submitted at Reserved Matters stage.

This clerical error is duly conceded, however as per statutory requirements, the planning application was nevertheless publicised in the local press on 12th January 2023.

It is to be concluded therefore that no third party has been unduly prejudiced by this event. The occupants of No.13 are clearly aware of the reserved matters application and the subsequent comments made and issues raised by the resident of No 13 Seaview Terrace have been fully considered as part of the overall assessment.

Land Ownership/Dispute regarding 3rd party interest in Shared Forecourt

With regards to the issue of land ownership, the applicant has clearly demonstrated on the submitted site location plan all lands controlled in red and by colouring the extent of Seaview Terrace and shared parking area in green is clearly indicating by the same that this is not within his ownership.

I am satisfied that this is both a standard and commonplace practice and furthermore correlates directly with the site location plan submitted under the preceding outline planning application.

On the basis of the same, I am satisfied that, for the purposes of planning the information provided on the application form is correct and that any other issues and/or disputes between interested parties, is a civil matter, beyond the remit of planning control and legislation.

Parking Arrangement/Manoeuvring of Vehicles

The alleged interference of parking arrangements caused by the proposed development is to be assessed in context of the informal layout of the shared forecourt, and in absence of any officially measured or marked spaces, I would regard this a civil matter outside the remit and control of planning.

With regards to the manoeuvrability of vehicles and general safety of residents, whilst the point is duly noted, this must be balanced by the fact that the area in question is within private (shared) ownership, and the development does not impact upon the public road.

DFI Roads were nevertheless consulted again as part of the RM application process (as at outline stage) and having reviewed the proposal, offered no objection to the presented scheme provided there will be no intensification in use as confirmed at outline application.

In context of the fact that the buildings proposed are of an ancillary nature, associated with the applicant's home address (19 Seaview Terrace), I consider that the scheme does not represent any intensification of use.

Observations on site confirm the informality of the existing parking arrangement and in my professional judgement, the proposed construction of a garage, garden room and the erection of a carport within the bounds of an existing garden area, does not present any significant issue material to the overall planning assessment.

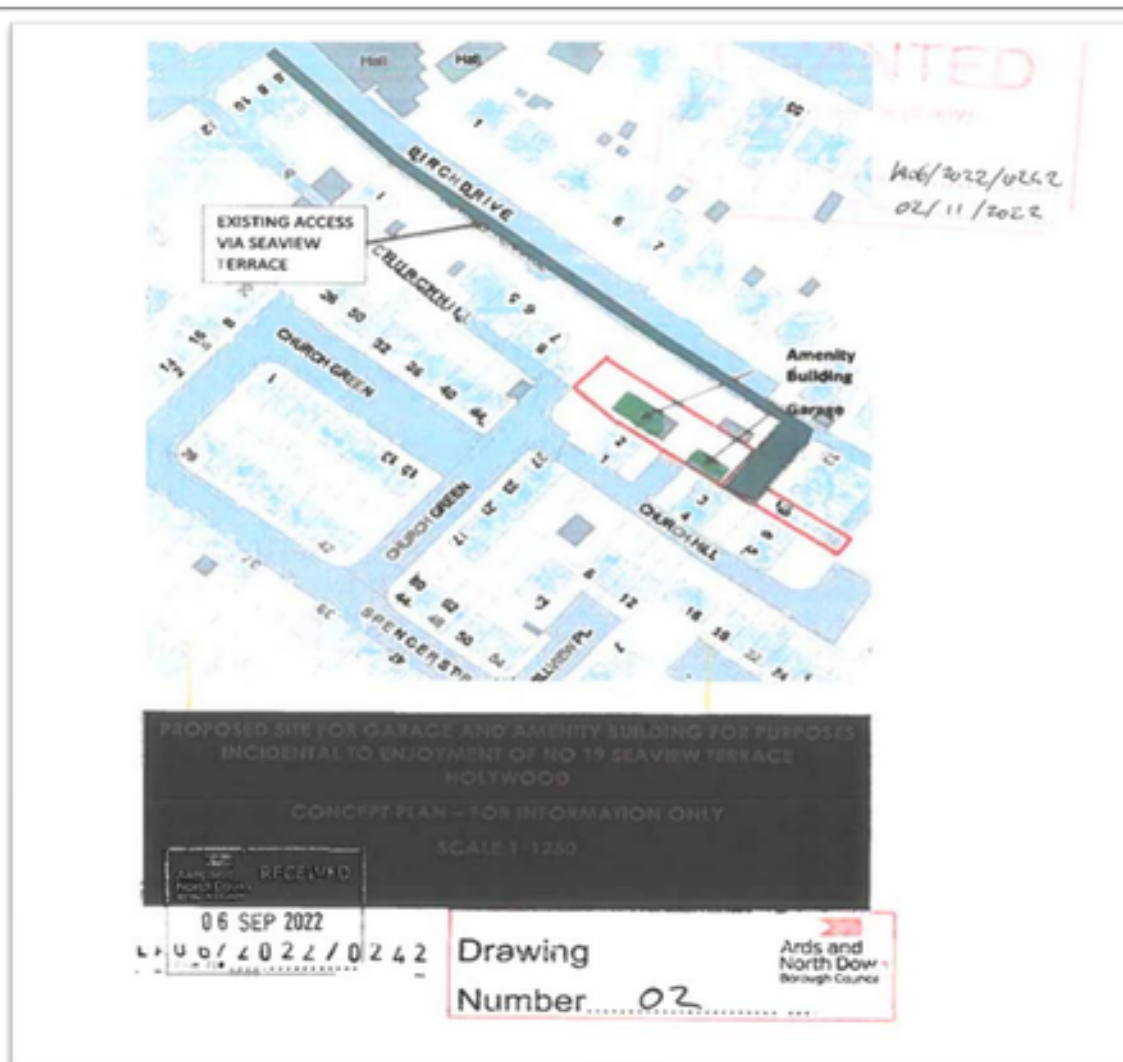
Alternatively, the inclusion of "in-curtilage" parking within the garden area of the host dwelling may potentially reduce the number of parked vehicles on the shared forecourt and subsequently alleviate parking/manoeuvring issues within the space shared by residents at the front of the terrace.

That said, due to the prevailing ownership/control situation it to be concluded that any informal parking arrangement and/or dispute regarding obstruction to the same is a civil matter which lies beyond the remit of planning.

With regards to the carport presented as part of the scheme, what is to be further considered is the fact that the proposed position of the carport is within the conceptual footprint of the garage building approved at outline.



Plan extract showing proposed layout of garage, carport and garden building within the site



Map extract showing conceptual layout approved at outline

To elaborate, the approved garage, could have theoretically been constructed to cover the entire area now divided between the two features of the development, and therefore alternatively argued that the open sided carport is a less obtrusive form of development.

Impact of development on existing Sewerage System

In relation to the claim made that the existing sewer network is old and that the development has the potential to exacerbate problems and further blockages, it is to be duly noted that this application is a reserved matters submission, and the principle of development has already been established by the preceding outline approval on the site.

Notwithstanding, any permission granted relates solely to planning and the onus remains with the developer to ensure that all other permissions and consents are separately secured prior to development of the site.

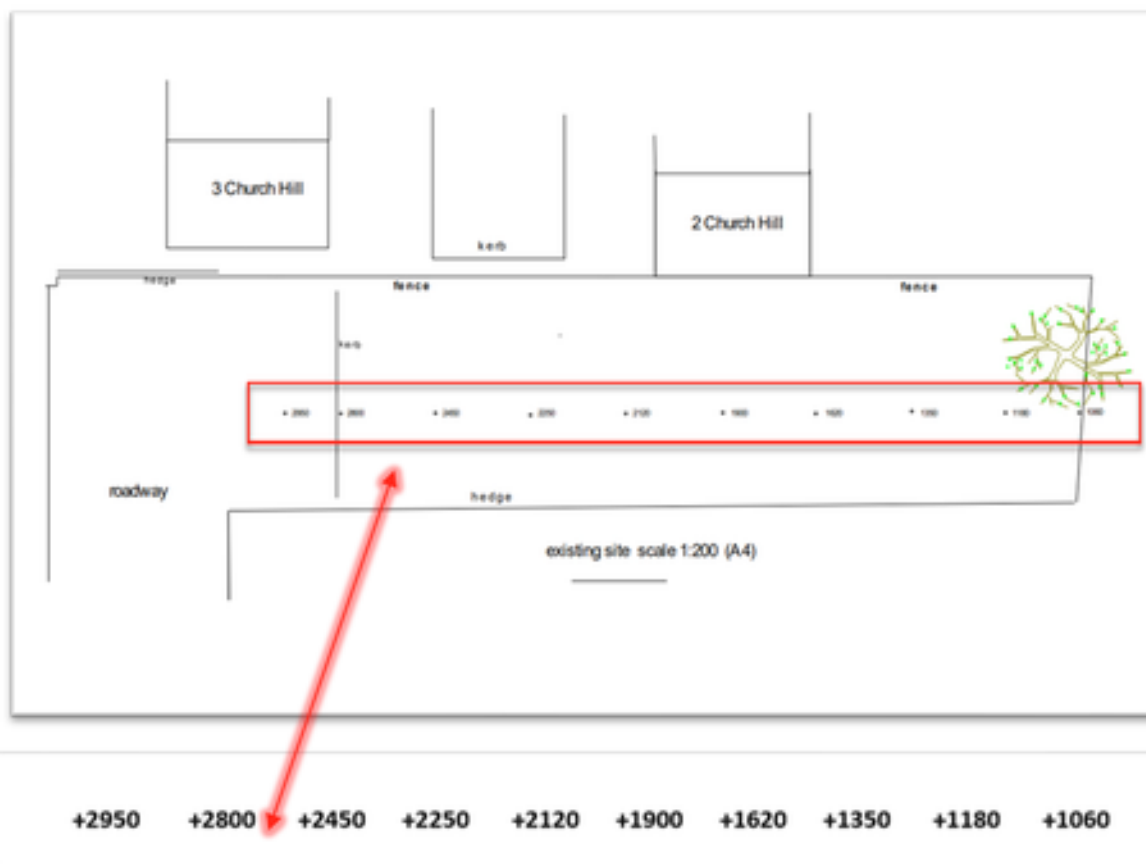
Overall Presentation of the Proposal (Scale/Massing/Design/Site Levels)

With regards to the overall scale and presentation of the proposal, upon cross reference with details of the associated outline planning application, I am satisfied that the scheme is largely comparable to the layout, scale and massing presented at outline and would refute any claim that the garage and garden room (in particular) are not subordinate in scale to the associated dwelling house known as 19 Seaview Terrace.

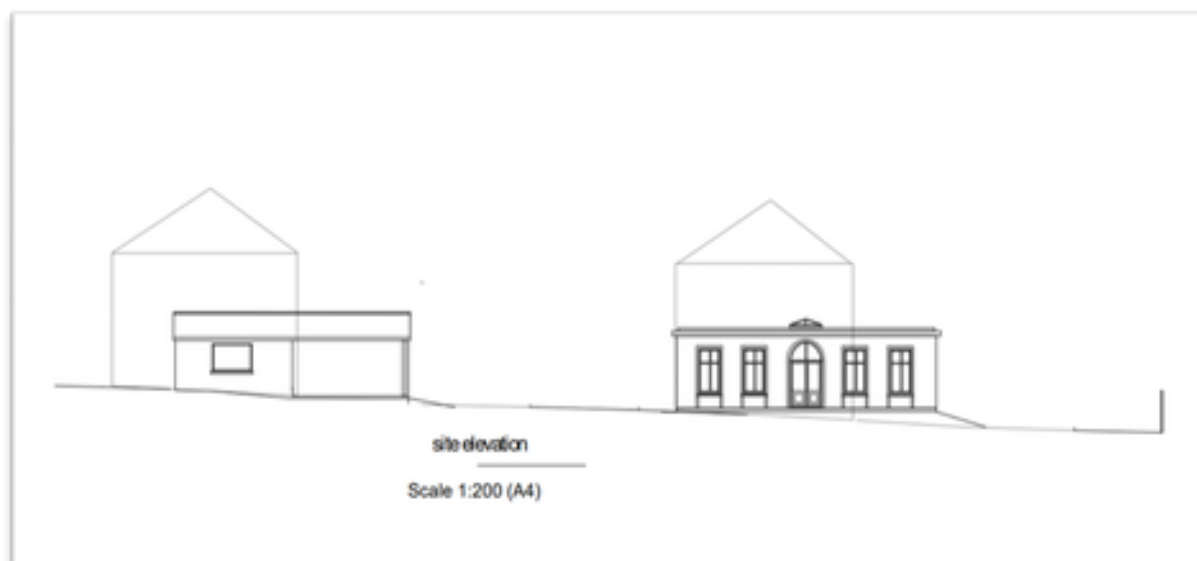
Whilst it is noted that the proposed garden room will be constructed within proximity to the shared boundary with No 2 Church Hill, it is located within a broadly comparable location to that specified and approved at outline.

The design is inclusive of a single storey flat roof, and I am satisfied that it will not overshadow the neighbouring dwelling to an unacceptable degree nor will any views be achievable from the building towards habitable spaces of the property owed to the blank rear elevation that will sit behind a close timber board fence along the shared boundary with the adjacent site.

With regards to ground levels within the site, I am satisfied that these accurately reflect the downward slope in the site and upon comparison with the existing levels to the proposed site layout, there is to be little alteration to ground levels within the site as part of the overall development.



Extract of Existing Site Layout with indicative ground levels sloping downwards towards the rear boundary of the site



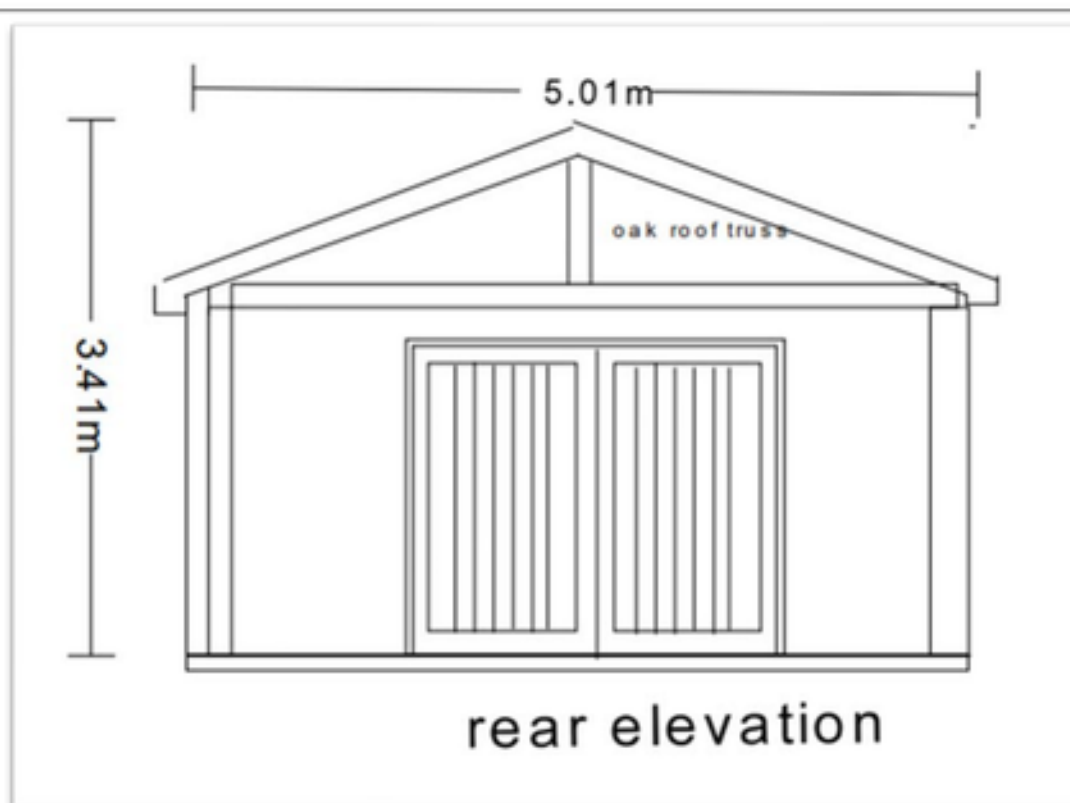
Sectional illustration showing proposed ground levels and development in context of existing dwellings on Church Hill

As clearly shown on the elevations provided (see extract below and overleaf), the proposed garden room and garage have a ridgeline of 3.5m & 3.4m respectively when measured from finished floor level (FFL), which is compliant with the condition set at outline.

As indicated on the submitted plans, and subsequently confirmed by the appointed agent, the garage will be positioned at 3000 and the associated car port stepped down to 2600. The car port will be 150mm above existing ground level.

The garden room will be set at a floor level of 2200 which corresponds to the existing garden level at the southern end and will be 700mm above existing level at the northern end.





elevation of proposed garage with apex of ridge shown as 3.41m from finished floor level

Rear

On the basis of the same then, I would conclude that the proposed buildings are of an acceptable scale and that there is no evidence to suggest that the existing ground levels within the site are to be significantly altered to accommodate the proposed development.

Character of Area & ATC designation

As presented, and referenced in the main body of this report, the proposed garage, carport, and garden building are determined to be appropriate within context of the overall character of the area and will not have any significant impact upon the ATC designation.

Residential Amenity

Both buildings are positioned in broadly comparable locations to the conceptual layout approved at outline stage and are of a scale and proportion and will have a single storey flat roof which is compliant and within the parameters conditioned at outline. On the basis of the same then, I am satisfied that the development will not be visually intrusive or result in an unacceptable degree of overshadowing.

Glazing throughout the development is to be sensitively positioned within the garage and garden room and I am therefore satisfied that no obtrusive views into neighbouring dwellings will result.

To summarise then, I would assert that, as presented, the development is both conducive to the preceding outline planning permission and will not result in significant detriment to the amenity of surrounding residents.

Biodiversity/loss of trees/hedging

I am satisfied that the proposed scheme does not involve any significant removal of trees/hedging and would furthermore assert that the site contains no identified protected species or is afforded any particular protection in the form of a Tree Protection Order which might require further assessment.

Development goes beyond that approved at outline stage

Having reviewed and assessed the presented scheme, I am satisfied that the proposal does not go beyond the scope of works approved at outline.

As per the most recent revisions to the scheme, double gates have been removed from the scheme and as already asserted, the carport section at the rear of the garage, could have been technically "built out" as part of the garage building.

Both footprints of the garage and carport in addition to that of the garden room lie within the conceptual layout approved under the outline application and as such is acceptable as a Reserved Matters submission.

Concern regarding future/intended use of garden room/possible conversion to a separate dwelling

The Planning Service must determine the application based upon what is currently presented in terms of intended use – that being a domestic garage, carport and garden room ancillary to the host dwelling known as 19 Seaview Terrace.

As per the planning conditions proposed, (replicated from the outline planning approval) any use beyond this would require additional permissions and would be duly assessed in accordance with prevailing planning policy relevant to any future proposal.

6. Recommendation

Grant Consent

7. Conditions & Informative

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The garage and ancillary building hereby approved, as highlighted in green on Drawing No. 02 shall not be used at any time other than for purposes, ancillary to the residential use of the dwelling highlighted in blue on Drawing No. 01 and known as No. 19 Seaview Terrace, Holywood.

Reason: To prevent the creation of additional dwelling units.

3. The garage and ancillary building hereby approved, as highlighted in green on Drawing No. 02 shall not be separated, sold off or leased from the property highlighted in blue on Drawing No. 01 and known as No. 19 Seaview Terrace, Holywood.

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

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

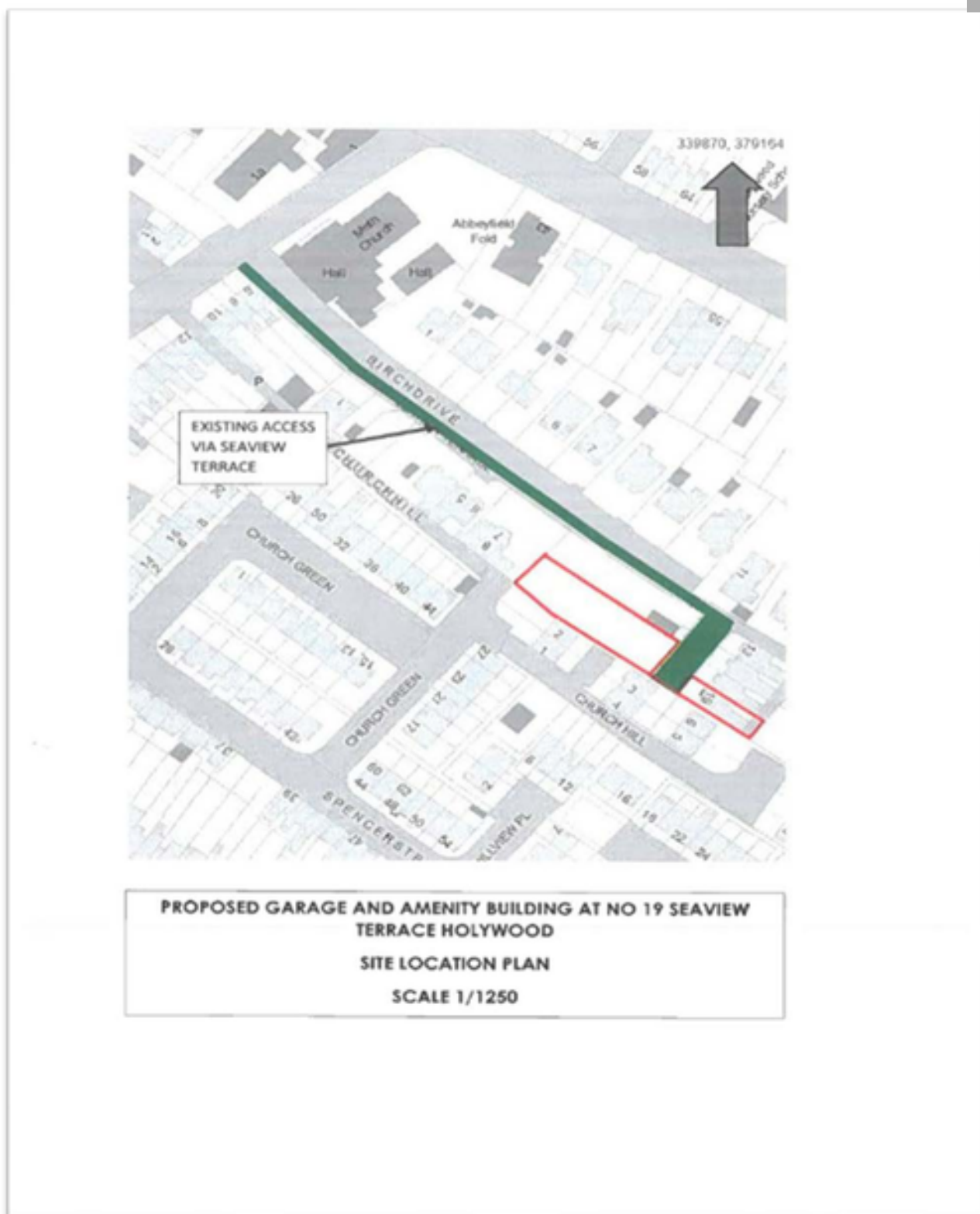


Figure 1: Image of Submitted Site Location Plan under application LA06/2022/1296/RM

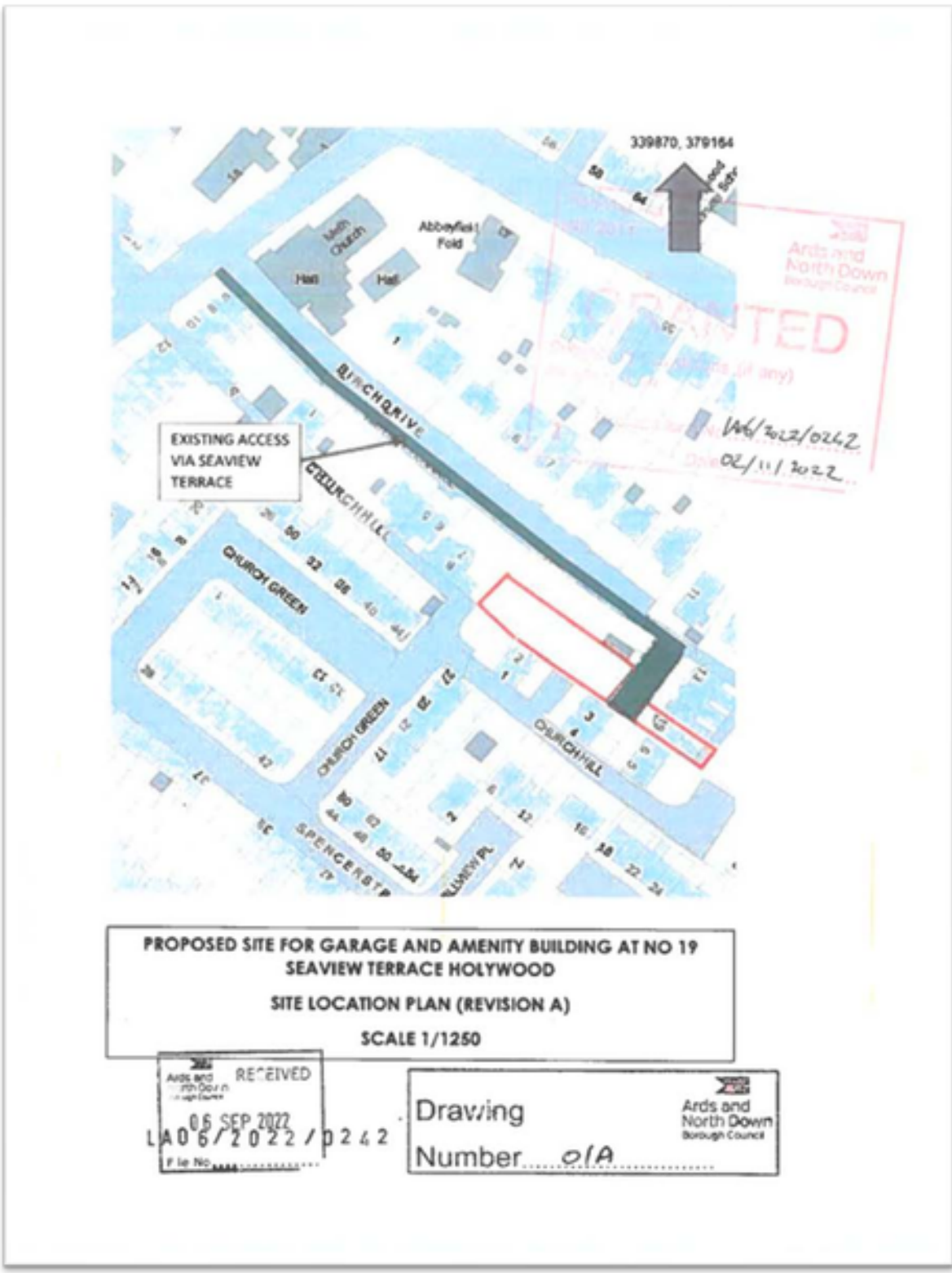


Figure 2: Image of Stamped Approved Site Location Plan under application LA06/2022/0242/O



Figure 3: Image of Submitted Site Layout Plan under application LA06/2022/1296/RM



Figure 4: Image of Stamped Approved Site Layout Plan under application LA06/2022/0242/O

Photographs of Site and Surrounding Area



Figures 5 & 6 – Views of 13-19 Seaview Terrace (subject dwelling outlined in red)





Figures 7 & 8 – View of Site and shared boundary with No 2 Church Hill (highlighted in green)





Figures 9 & 10 Views of existing shared forecourt and informal parking arrangement within same




ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2020/1220/F
Proposal	Erection of agricultural shed (proposed) and creation of laneway (retrospective)
Location	102 Comber Road Killinchy DEA: Comber
Committee Interest	<p>A Local development application 'called-in' to Planning Committee from the delegated list by a member of that Committee. Called in by Ald McIlveen from delegated planning application list w/c 17 April 2023. Reason:</p> <p><i>To determine whether this application meets the requirements under CTY 12 of PPS21 or the exceptions, in particular whether such a shed at this location meets the exceptionality test for the efficient functioning of the business or demonstrable health and safety purposes. Furthermore, whether access should be permitted onto a protected route.</i></p>
Validated	22/12/2020
Summary	<ul style="list-style-type: none"> • PPS21, Policy CTY12 directs new agricultural buildings to be sited beside existing farm buildings. A building sited away from existing buildings is only to be permitted in exceptional circumstances – it must be <i>essential</i> (emphasis added) for the efficient functioning of the business, or demonstrable health and safety reasons must exist to justify alternative site. • The applicant seeks to rely on unauthorised development at the existing group of buildings on the farm to justify the alternative site. This development does not benefit from planning permission and no CLUED exists to demonstrate lawful use or development. The Planning Enforcement section is currently investigating this breach of planning control. • The proposal is contrary to Policy CTY12 of PPS21 as is not located beside the main farm group and the applicant has not demonstrated that exceptional circumstances exist to justify alternative site. • Under Part 7 of the Planning (General Permitted Development) Order (NI) 2015 'Agricultural Buildings and

	<p>Operations' the proposed access does not constitute permitted development as it is required in connection with development for which an application for planning permission is necessary. The new access is proposed onto a protected route and as the agricultural shed does not meet the criteria for development in the countryside it is also contrary to PPS 3 (Access, Movement and Parking) Policy AMP 3.</p>
Recommendation	Refusal
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2020/1220/F	DEA: Comber	
Proposal:	Erection of agricultural shed (proposed) and creation of laneway (retrospective)		
Location:	90m SW of 102 Comber Road, Killinchy, BT23 6PF		
Applicant:	Mr John Martin		
Date valid:	22.12.2020	EIA Screening Required:	No
Date last advertised:	14.01.2021	Date last neighbour notified:	05.05.2022
Letters of Support: 0		Letters of Objection: 0	Non-committal: 0
DFI Roads	No objections – subject to two conditions		
DAERA	Confirmed nature of the farm business		
NIEA	Standing advice - conditions suggested		
Shared Environmental Service	No objections – HRA carried out – one condition requested		
<p>Summary of main issues considered:</p> <ul style="list-style-type: none"> • Scale, design and appearance; • Impact on amenity of neighbouring dwellings; • Impact on character and appearance of the character ; • Impact on landscape features and environmental quality; • Impact on biodiversity. 			
<p>Recommendation: Refuse Planning Permission</p> <p>Report Agreed by Authorised Officer</p>			
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/</p>			

1. Site and Surrounding Area

This site consists of a stone lane and the northern section of a field. The lane runs parallel to a field boundary and provides access to the subject field. The lane appears to be of relatively recent construction and in sections rises over 0.5m above the adjacent field level. There is an intervening field between the public road and the site. The intervening field rises gently away from the road which serves to essentially screen any material views of the site. The site proper is square in shape, has three natural boundaries with one boundary remaining undefined.

Area is rural in character but there are a number of roadside properties dotted along the main road. There are four such dwellings immediately to the north of the site.

2. Site Location Plan



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3. Relevant Planning History

No material planning history on the site.

Of note is a previous application in the 80's for a dwelling; application was refused.

More recently – 2003 – an application for a dwelling was made by a Mr Martin for a retirement dwelling. The application was considered under X/2003/1465/O and was withdrawn. Site was adjacent to the subject application (essentially on other side of the northern boundary of the site – see below).



4. Planning Assessments

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

- Ards & Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 2: Natural Heritage

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site is in the countryside outwith any settlement. In terms of environmental designations, the site is within the AONB; no archaeological or architectural designations.

The plan makes no specific provisions for agricultural sheds but defers instead to current regional policies. In this context, PPS21 -Sustainable Development in the Countryside is retained and is the latest expression of policy for this type of development.

CTY1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' sets out the types of development which are considered to be acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. More specifically, CTY1 makes provision for agricultural and forestry development in accordance with CTY 12. CTY 1 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

CTY 12 provides for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

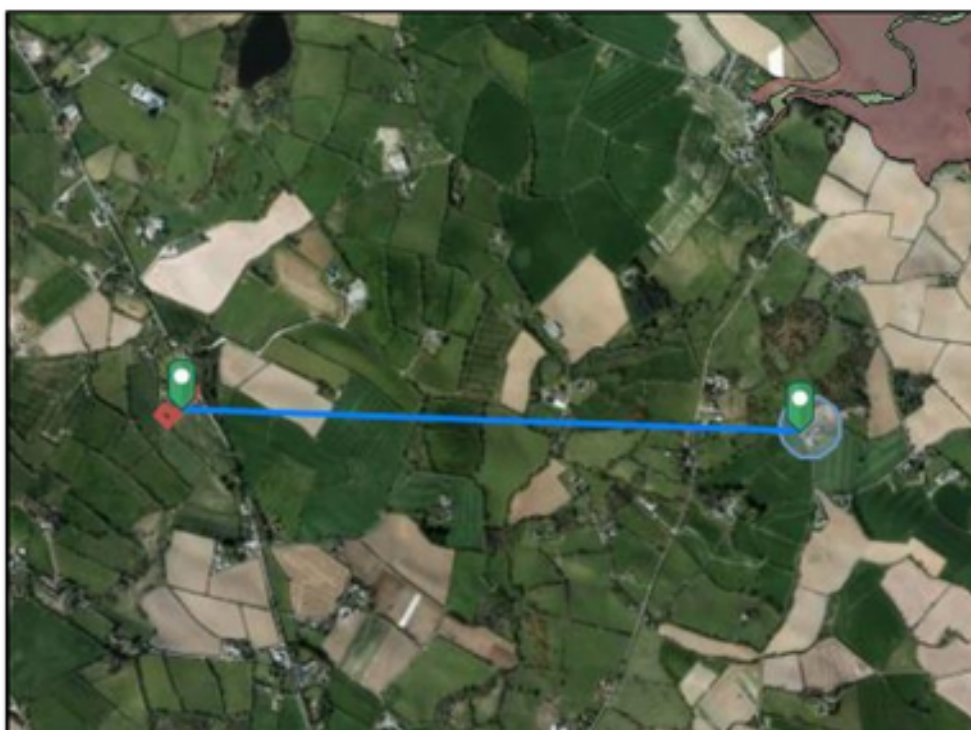
As the proposal relates to new building, the applicant needs to confirm the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
 - the design and materials to be used are sympathetic to the locality and adjacent buildings; and
 - the proposal is sited beside existing farm or forestry buildings.
- Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:
- it is essential for the efficient functioning of the business; or
 - there are demonstrable health and safety reasons.

The starting point for making an assessment under Policy CTY 12 is establishing whether there is an active and established agricultural holding. Within the justification and amplification of policy CTY 12 paragraph 5.56 sets out that 'for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10.'

With reference to this, the applicant has submitted a Scheme map and the associated Table. The information shows a holding of 6.81ha across 5 fields; the fields are grouped around the site. The application form also suggests the farm was established in 1972, that the applicant is in receipt of a Business Number and that subsidies are claimed from the agricultural authority. DAERA has been consulted and confirmed the Business is Category 1 and that payments have been claimed in the each of the last 6 years. Given these details, it is considered the farm is active and established and that an assessment of the policy tests can be considered.

Whilst there are general provisions which apply, more specifically the policy directs new buildings to be sited beside existing farm buildings. The applicant lives 1mile from the site as the crow flies; the site is 3miles by road). The SPPS largely echoes the provisions in relation to agricultural development and says that 'new buildings *must* be sited beside existing farm buildings' and that the building sited away from existing buildings is only to be permitted in exceptional circumstances.



Location of site (red) in relation to applicant's dwelling

CTY12 expands this further by clarifying that consideration may be given to an alternative site provided 1) there are no other sites available at another group of buildings on the holding, and 2) where it is essential for the efficient functioning of the business, or there are demonstrable health and safety reasons.



Aerial image of applicant's dwelling and adjacent field from 2013 (LHS) and most recent image available (RHS)

There is a field adjacent to the applicant's dwelling (see image above). It would appear that a significant portion of this field has been cleared of topsoil and hardcore. Furthermore, a building has been constructed in the northwestern corner. Whilst on site, there was a number of vehicles parked around the site and the building referred to was used to store haybales. None of the works outside the curtilage has the benefit of planning permission. An older building within the curtilage appears to be used in relation to a mechanic's garage (this was later confirmed in a supporting statement). The domestic curtilage and associated field are 1.3hc and can accommodate the proposed agriculture shed (200sq meters). Notwithstanding the unauthorised nature of the works, I consider it reasonable to suggest the shed could be accommodated adjacent to these buildings.

The applicant has provided a supporting statement in order to justify the proposal. The statement suggests that there is a 'primary group of buildings' at the applicant's address but that these are currently all in operation. It is claimed the existing buildings are operated by the applicant's son in relation to a vehicle repair business. The limited width of the lane – 2.4m – was also used as an argument as to why the land at the applicant's home would not be appropriate for agricultural vehicles. The lane is also shared with another two properties so it was suggested a shed at this location would be detrimental to residential amenity.

Whilst I can confirm the lane is narrow, it has not prevented the applicant from erecting sheds and operating a garage. Furthermore, there has been substantial clearance of land and areas of hardstanding created; one presumes this was carried out by heavy machinery. Whilst the lane serves two other properties, one of these is set back by its own driveway, and the second dwelling would be as close to the lane as the closest dwelling to the proposed laneway on the Comber Road. In other words, the impact on residential amenity would not be materially greater using the lane to the applicant's house than using the proposed lane on the Comber Road.

Beyond the fact I consider there to be sites at the applicant's address, policy also requires that the building is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.

There is a clear policy direction that this type of development is to be beside existing farm buildings and that this is only to be relaxed in exceptional circumstances. The supporting statement has claimed the shed will be used mainly for storage of fodder and agricultural machinery, with temporary use for animal inspections/testing. I did not see any animals in the field at the time of my inspection (nor when the passing the

area from time to time and not in any of the aerial images available to me). Furthermore, the application form made no mention of herd or flock numbers. What was clearly visible was a number of silage bales. Whilst such a shed may benefit the farm, I do not consider the reasons given to be exceptional.

As the proposal fails CTY 12 it follows that it also fails CTY1 and I do not consider there to any overriding reasons why this development is essential.

Integration and Impact on Rural Character

Neither CTY 1 or CTY 12 are self-contained, and the acceptability of a development in the countryside must also be considered in relation to integration and rural character. Such matters are largely set out in Policies CTY13 & CTY14.

In relation to integration and design of buildings, CTY13 deems a building to be acceptable where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.



Proposed elevations

CTY 14 relates to the impact on rural character. It states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

Shed is of standard form and massing and is typical of many agricultural sheds in the countryside. The building will be 20m x 10m. Rendered base with cladding on upper sections and roof.

There is an intervening roadside field between the proposal and the road. The site is located on a downslope and will be largely hidden to passing traffic on account of the local topography (essentially the roadside field will screen the site). Site is not prominent and will have no material impact on the surrounding landscape. The building is to be finished in green cladding which should further mitigate the visual impact. Proposal will not create or extend a ribbon of development. Overall, I consider the site capable of accommodating such a building without adverse impact on the landscape and on the character of the area.



Lane leading to site on other side of field

Residential Amenity

The SPPS recognises there are a wide range of amenity considerations which should be taken into account by planning authorities when managing development. Amenity considerations include loss of light, overshadowing, general nuisance etc. Closest property is No. 102 Comber Road. No.102 is a roadside dwelling which will be adjacent to the new hardcore lane. However, it will be 125m from the new shed which is considered sufficient to avoid any significant nuisance. There will no overlooking due to the nature of the building, no sense of dominance and no loss of light. I do not consider the lane to the side of the dwelling to create any significant additional impact more than what is experienced from the main road to the front and from everyday farming activity in the field.

Access and Road safety

DFI was consulted, and – following submission of an amended plan – had no objections to the proposal.

The Comber Road is a protected route. Planning permission will only be granted for a development proposal involving access onto this category of road in a limited number of cases. Approval may be justified in particular cases for developments which would meet the criteria for development in the countryside and access cannot reasonable be obtained from an adjacent minor road. Access could not reasonably be obtained from an adjacent minor road and therefore the access would only be acceptable if the development meets the provisions of CTY 12. I have detailed my reasoning above as to why I consider the development does not meet the criteria for development in the countryside. However, what could be created without Full planning permission is also a material consideration. An agricultural access can be created under Class C of Part 7 of The Planning (General Permitted Development) Order 2015. These provisions are not qualified as to whether or not the access is onto a Protected Route. Nevertheless, I am mindful that what is being proposed does not constituent permitted development and that an access for a building off a protected route is likely to generate a greater level of vehicle movements than a standard agricultural field gate.

Designated Sites/Natural Heritage Interests

PPS 2 sets out the planning policies for the conservation, protection, and enhancement of our natural heritage.

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site. The application site is not within any of the prescribed distances from any nationally or internationally designated sites or any local site of nature conservation importance. No waterways close to the site and there is no hydrological link to any sensitive receptors. This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Ards and North Down Borough Council which is the competent authority responsible for authorising the project. In considering the nature, scale, timing, duration and location of the project it was concluded that it could be eliminated from further assessment because it could not have any conceivable impact on a European site. SES were content with the application on basis that no livestock would be housed in the shed.

In terms of protected and priority species, Part 2 of the NIEA Biodiversity Checklist was referred to and did not identify a scenario where survey information may reasonably be required. The checklist was completed by a competent person and found no priority habitat on the site (apart from hedgerows around the field). No priority species found at the site and nearby trees were considered to have negligible bat roost potential. No demolition or conversion required for the application. No material loss of hedgerows and no removal of trees required. It was considered no further survey work is required and that there will be negligible impact on any protected and priority species.

5. Representations

There are no representations to consider.

6. Recommendation

Refuse Planning Permission

7. Refusal

1. The proposal is contrary to The Strategic Planning Policy Statement Policy for NI (para.6.73), and CTY1 and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential in this location.
2. The proposal is contrary to The Strategic Planning Policy Statement for NI (para 6.73), and Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it does not merit being considered as an


exceptional case as it has not been demonstrated that health and safety reasons exist to justify an alternative site away from existing farm buildings or that the alternative site away from existing farm buildings is essential for the efficient functioning of the business.

3. The proposal is contrary to Planning Policy Statement 3 - Access, Movement and Parking and the Clarification of Policy AMP 3 in that it would, if permitted, result in a new access onto a Protected Route, thereby prejudicing the free flow of traffic and road safety.

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2022/0904/F
Proposal	Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing.
Location	Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee DEA: Bangor East and Donaghadee
Committee Interest	Land in which the Council has an interest.
Validated	10/11/21
Summary	<ul style="list-style-type: none"> • Original proposal for temporary permission for canopy to cover lifeboat agreed by members at Planning Committee meeting 04 September 2018 –ref: LA06/2018/0290/F • This permission has been implemented and the current application is for the retention of the canopy for a further 5 years, the addition of a small exhibition room and extension of the compound to facilitate this with fencing. • Proposal considered to be located in an appropriate setting given proximity to boat yard • Proposal considered to be a valuable tourism asset to the Borough. • All consultees content with some recommending conditions • One objection received – visual impact and make area less attractive to tourists – dealt with in Case Officer Report
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2022/0904/F	DEA: Bangor East & Donaghadee	
Proposal:	Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing.		
Location:	Sir Samuel Kelly Lifeboat Shelter, Copelands Marina Car Park, Donaghadee		
Applicant:	Donaghadee Heritage Preservation Company		
Date valid:	10.11.21	EIA Screening Required:	No
Date last advertised:	06.07.23	Date last neighbour notified:	23.06.23
Letters of Support: 0		Letters of Objection: 1	Petitions: 0
Consultations – synopsis of responses:			
DfI Roads		No objection	
Historic Environment Division (Historic Buildings)		No impact on Listed Buildings	
Historic Environment Division (Historic Monuments)		Content	
NIEA: Marine & Fisheries Division		No adverse impact provided standing advice is adhered to.	
NIEA: Water Management Unit		Refers to standing advice, conditions & informatives.	
NIEA: Natural Environment Division		Content	
Shared Environment Services		No adverse effects.	
Environmental Health		No objection	
DfI Rivers		Content with Informatives	

Summary of main issues considered:

- Principle of Development
- Natural Heritage
- Built Heritage
- Tourism
- Visual Impact
- Residential Amenity
- Access, Movement and Parking
- Flooding

Recommendation: Grant Planning Permission**Report Agreed by Authorised Officer**

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

[Northern Ireland Public Register \(planningsystemni.gov.uk\)](http://planningsystemni.gov.uk)

1. Site and Surrounding Area

The site is located within the car park Northwest of Copelands Marina. It is occupied by Sir Samuel Kelly Lifeboat, canopy for restoration purposes and fencing.



Photos 1 & 2 Sir Samuel Kelly Lifeboat & Shelter, Car Park Adjacent to Copeland Marina

The site and lifeboat are located directly adjacent to, and grouped with other boats that occupy the Southeast portion of the car park when not docked in the marina.

Adjacent, is the coastal path leading to the Commons. There are a variety of uses in the wider area including residential and retail.



Photos 3 (Canopy behind) Sir Samuel Kelly Lifeboat & Shelter & 4 (Car Park view Ad. to Marina)

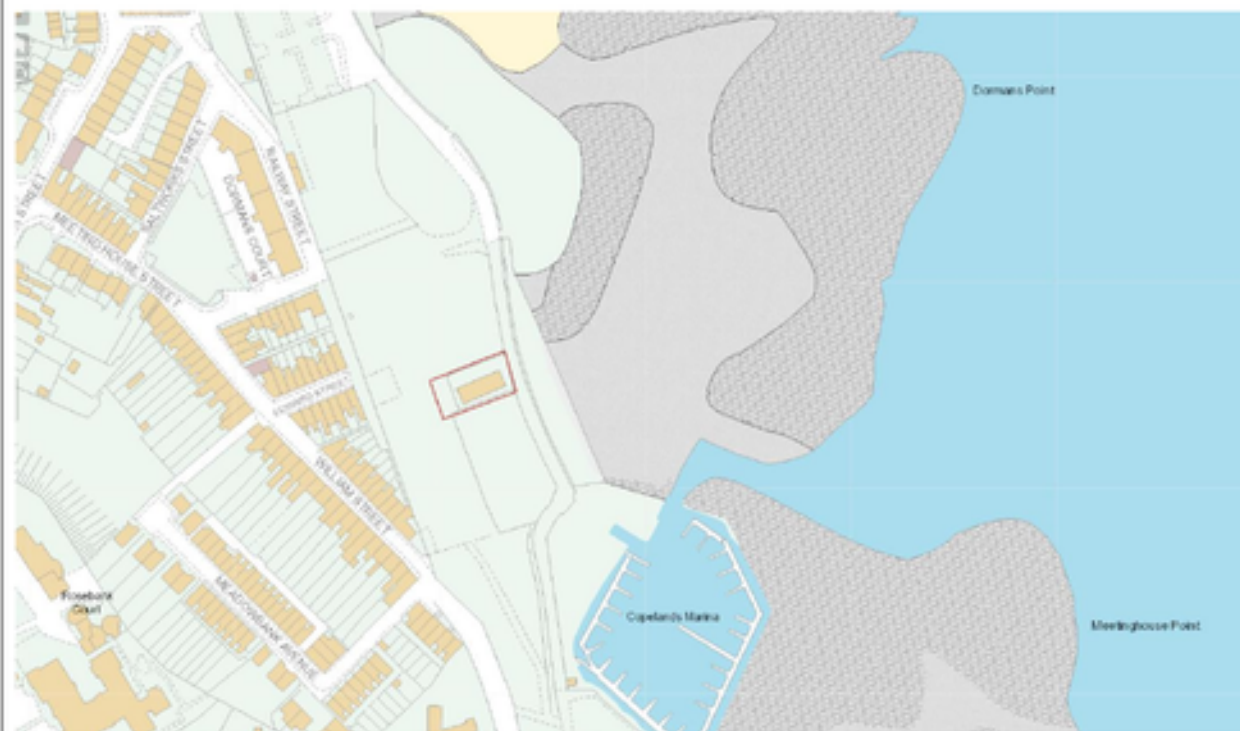
2. Site Location Plan



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Location Plan – Wider Context



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Aerial View



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Location Plan – Near Context OS Extract

3. Relevant Planning History

The most relevant Planning History is application reference LA06/2018/0290/F.

On the application site, under Reference LA06/2018/0290/F the **'Temporary curved boxed steel frame shelter/canopy over a vessel for restoration purposes'** was

granted planning permission on 5th September 2018 for a 5-year period (until 05.09.23). This permission has been implemented and the current application is for the retention of the canopy for a further 5 years, the addition of a small exhibition room and extension of the compound to facilitate this with fencing.

In the past a number of planning applications for development in the immediate vicinity have been granted permission. These include for a Leisure Hall, Community Centre, and Wastewater Treatment Plant (now expired). These demonstrate this car park/area was considered suitable for other uses/structures in principle.

Under Reference **X/2004/0070/F** on Lands to East of Railway Street and William Street, Donaghadee a **'Proposed Community Centre (Phase 1 of Community Leisure Centre)'** was granted planning permission on 19.08.2013. Expired, not implemented/built.

Under Reference Planning reference: **X/2004/0072/F** on Land to East of Railway Street and William Street, Donaghadee a **'Proposed Leisure Hall with support facilities, minor hall, community building cafe, RNLI exhibit/shop and urban landscaping inc. a memorial garden (phase 2)'** was granted planning permission on 15.08.2013. Expired, not implemented/built.

Under Reference **X/2002/0581/F** on Land to the West of Carpet Factory, High Bangor Road, Donaghadee; Lands to the North of Briggs Restaurant Groomsport; Lands South of Copelands Marina, Donaghadee; Lands at James Point, North of Millisle - Connecting underground pipelines **'Construction of a Wastewater Treatment Scheme, comprising Wastewater Treatment Centre and ancillary works; 3No. Transfer Pumping Stations incorporating underground storm water retention tanks. Underground transfer pipelines and a long sea outfall'** was granted planning permission on 29.10.2007. Expired, not implemented/built.

Under Reference **X/2000/0569/F** on Land to the East of Railway Street & William Street, Donaghadee a **'Proposed leisure hall with support facilities, minor halls, community building cafe, RNLI exhibit and urban landscaping including a memorial garden'** was granted planning permission on 01.02.2001. Expired, not implemented/built.

4. Planning Assessment

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

- Ards & Down Area Plan 2015 (ADAP).
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- The Regional Development Strategy 2035 (RDS).
- Planning Policy Statement 2: Natural Heritage (PPS 2).
- Planning Policy Statement 3: Access, Movement & Parking (PPS3).
- Planning Policy Statement 6: Planning, Archaeology & Built Heritage (PPS6).
- Planning Policy Statement 16: Tourism (PPS16)

Planning Guidance:

- Creating Places
- Living Places

Principle of Development**Compliance with the Development Plan**

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

The Ards and Down Area Plan 2015 is the Local Development Plan for this area. Proposal DE 01 of part 2 of the Plan designates a Settlement Limit for Donaghadee in accordance with Policy SETT 1 in Volume 1 of the Plan and as indicated on Map No. 2/004a - Donaghadee Settlement. Within the Settlement Limit in principle development is looked on favourably. The path that lies immediately northeast of the site is part of the 'Commons and Coastline' Local Landscape Policy Area (LLPA8) within the ADAP 2015. LLPA 8 states *'The Commons' and coastline is understood as an attractive stretch of coastline affording views out to the sea as well as a valuable area of local amenity importance with extensive public walkways and including both passive and active recreational areas.'*

The application is for the retention of a temporary curved box steel frame shelter/canopy over the Sir Samuel Kelly Lifeboat for restoration purposes for a further 5 years along with an exhibition room with disabled access ramp, extension of the compound to facilitate this and fencing.

The application has been submitted by a registered charity, the Donaghadee Heritage Preservation Company, whose objectives are the advancement of education, the promotion of heritage and culture and the promotion of benefit of the inhabitants of Donaghadee and its environs by the conservation, rehabilitation, restoration, improvement, maintenance, and protection of the Sir Samuel Kelly Lifeboat.

As the land is leased from ANDBC this application needs to be considered by Planning Committee. The shelter/canopy has previously been granted temporary planning permission in 2018, under Reference LA06/2018/0290/F. The changes from this application are modest, including the addition of a small exhibition room with disabled access ramp and fencing. The compound area itself also needs to be extended by circa 8m's further west maintaining roughly the same depth as existing (20m's), to accommodate the provision of these facilities.

Strategic Planning Policy Statement for Northern Ireland

Regional planning policies of relevance are set out in the Regional Development Strategy 2035 and the Strategic Planning Policy Statement (SPPS) and other retained policies, specifically the Planning Policy Statements (PPS's).

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

Paragraph 6.34 states *"The aim of the SPPS in relation to the coast is ... to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements"*. As this proposal is on a car park within a defined settlement it comprises part of the developed coast in accordance with this.

Paragraph 6.39 states *"Within the developed coast, areas of amenity value (such as parks, outdoor sports/play areas and coastal walkways) and areas or features designated for their importance to the archaeological, built, or natural heritage, should be protected from inappropriate development."*

Paragraph 6.44 adds *"Some developments require a coastal location. Examples include ports, marinas, port-related industries, and recreational projects..."* The Sir Samuel Kelly lifeboat has been located within the car park beside other boats for several years. These boats are temporarily stored in the car park given its proximity to Copelands Marina. The nature of the proposal (restoring a lifeboat), and associated exhibition room is therefore appropriate to its coastal location and site.

The polytunnel and proposed exhibition room, confined to part of the car park, would have no undue impact upon designated open spaces, obstruct access to the car park or the coastal walk along the LLPA 8: 'The Commons and Coastline'.



Photos 5 & 6 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Views from Coastal Paths/Open Space

Paragraph 6.2 of the SPPS states the Regional Development Strategy 2035 (RDS) sets out regional guidance to *"Conserve, protect and where possible, enhance our built heritage and our natural environment"*. It recognises that Northern Ireland has a rich and diverse archaeological and built heritage which contributes to our sense of place and history. It also regards built heritage as a key marketing, tourism and recreational asset that, if managed in a sustainable way, can make a valuable contribution to the

environment, economy and society" and; Paragraph 6.3 "The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets." The Historic Environment Division of DfC's comments are considered below under Built Heritage.

The Sir Samuel Kelly Lifeboat is a marine heritage asset. As well as having integral heritage value it is also of educational, recreational and tourist value which would enhance the amenity value of the coastal walk and location.

Tourism

The Regional Development Strategy 2035 (RDS) recognises tourism as a key element underpinning sustainable economic growth. Regional Guideline 4 (RG4) seeks to promote a sustainable approach to the provision of tourism infrastructure. The SPPS also aims to promote a sustainable approach to tourism projects.

Paragraph 6.255 of the SPPS states "*The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment.*"

Paragraph 6.521 of the SPPS states "*Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides and the potential it creates for economic growth. As well as direct spending on holiday accommodation and use of tourist amenities, tourism plays an important role in helping to support the viability of many local suppliers, services, and facilities. It can improve assets and provides infrastructure for local people and tourists, supporting the vibrancy of Northern Ireland's culture and heritage, and sustaining communities.*"

As mentioned earlier in this report the Sir Samuel Kelly lifeboat is a Marine Heritage Asset which has tourism potential of an appropriate nature. PPS16 'Tourism' has as an objective to utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location, and scale (para 3.1). Policy TSM 1 (Tourism Development in Settlements) of PPS16 applies and seeks to support tourism amenities appropriate to the settlement where they are to be located. Paragraph 7.3 of the justification states "*Tourism can be beneficial for urban areas and help to deliver development that is sustainable. It can support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of urban vitality...*"

Natural Heritage

In terms of the potential impact upon natural heritage including designations, the SPPS specifies planning permission will only be granted for a development proposal that, individually or in combination with existing or proposed projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or

- a listed or proposed Ramsar site.

The site lies close to the following Marine Policy Areas.

- North Channel Special Area of Conservation (adjacent)
- Outer Ards Special Protection Area (0.04km) and East Coast Marine pSPA (0.15km).
- Outer Ards Ramsar Site (0.04km)
- Outer Ards Area of Special Scientific Interest (0.04km).



Photos 7 & 8 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Wider Coastal Setting

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Natural Environment Division of NIEA was consulted and considers that due to the nature of the proposal there is to be no likely significant effect on designated sites. Also, Shared Environmental Services in the light of their assessment (HRA Stage 1 screening) have eliminated the proposals from further assessment. Having considered the nature, scale, timing, duration, and location of the project it was concluded that it could not have any conceivable effect on a European Site. In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information.

The Marine and Fisheries Division of NIEA, have been consulted and are content provided general standing advice is followed which can mitigate any potential risks of marine litter and pollution.

Built Heritage

In 2017 Ards and North Down Borough Council acquired the Sir Samuel Kelly from the Ulster Folk and Transport Museum and offered to lend it to the Donaghadee Heritage Preservation Company under a 25-year licence, also granting a lease for the land on which the vessel stands.

This proposal is for development associated with the restoration and interpretation of marine heritage, the Sir Samuel Kelly Lifeboat. The application site is in the wider setting of Donaghadee Harbour which is statutorily Listed as being of special architectural and historical interest under Section 80 of the Planning Act NI (2011).

Relevant policies to protect the setting of a listed building are contained within PPS6, specifically BH11 which states development will not normally be permitted where it would adversely affect the setting of a listed building. HED: Historic Buildings were consulted and are content that the proposals are sufficiently removed in situation and scale of development from the listed harbour as to have no impact.

HED: Historic Monuments have assessed the proposals and are content the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

Visual Impact

An objective of PPS16 is to ensure a high standard of design for all tourism development.

Policy TSM 1 (Tourism Development in Settlements) of PPS16 states *"Planning permission (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan."*

The proposed polytunnel with a curved box galvanised steel frame and measuring approximately 19m long, 7.5m wide and 5.5m high is in place on the site, planning permission having been granted in 2018 for five years.

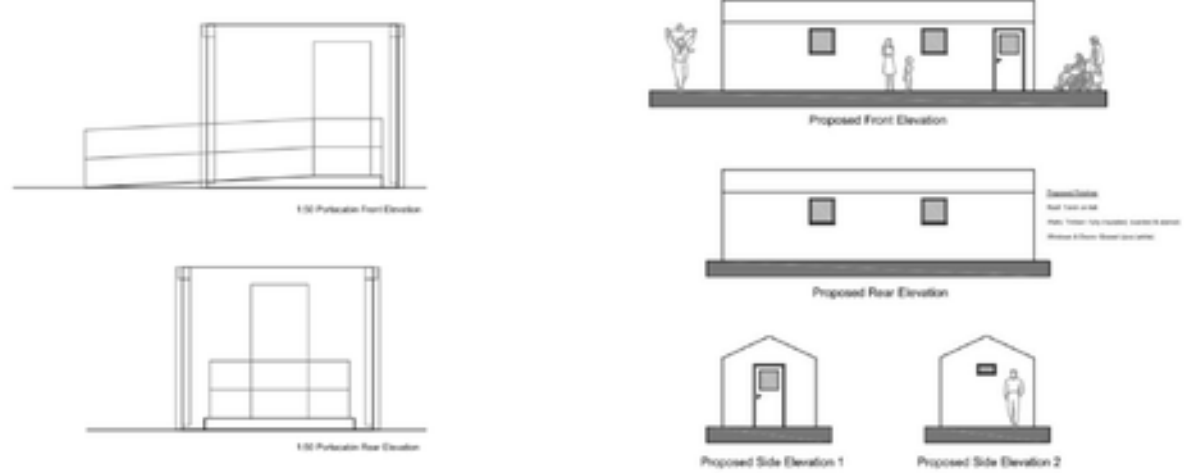


Photos 9 & 10 & 11 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Existing polytunnel on site

The Case Officer's report to this application, Reference LA06/2018/0290/F, said:

"It is considered that the nature, use, duration and scale of the proposal would not adversely impact upon visual amenity with the design considered functional and appropriate for the proposed use and coastal setting."

The current application as well as proposing to retain the Shelter/Canopy for a further 5 years now includes an exhibition room, to be sited at the Western car park facing end of the lifeboat canopy and an extension of the site area to facilitate this.



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Proposed Exhibition Building
Drawings LA06/2022/0904 04 and LA06/2022/0904 04A

Initially the plans submitted were for a grey plastisol ‘temporary/portacabin’ type building. On request, amended drawings/proposals for the education room were submitted which would visually enhance, with proposed materials including stained timber boarding and torch on felt for the roof. This are considered appropriate to its coastal setting and will enhance. The fencing is to be 2.4m green paladin which will also visually improve existing.

Residential Amenity

The closest residential properties are located at Edward Street, William Street and Railway Street. The closest point from the application site boundary is circa 30m away, with the Canopy being over circa 38m's. ‘Creating Places’ recommends a typical separation distance of 20m. Given this distance and the nature of the proposals it is not considered there would be undue impact on residential amenity, including from overshadowing/loss of light, dominance, and loss of privacy. A condition will, however, be attached to any permission limiting the hours building and restorative works can be undertaken so preserve the amenity enjoyed by residents.



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
Photos 12 & 13 – Neighbouring properties

Access, Movement & Parking

The Sir Samuel Kelly Lifeboat has been stored in the car park for many years. The Canopy and exhibition room would not obstruct or restrict access into or out of the car park. The car park access is circa 45m away from the Shelter in its North-east corner. To facilitate the exhibition room and disabled access the area of the compound will extend by circa 8m's into the site retaining the current depth of circa 20m's.



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
 Extract from Site Location Plan, Drg LA06/2022/0904 01 showing Car Park with Compound Extension (yellow) shown.

This is a small proportion (shaded yellow on the above plan) of the overall car park provision - circa 8 spaces, Further, the heritage asset is located adjacent to public footpaths and public transport/bus station.



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
 Photos 14 & 15 – Car Park Views

It is considered the proposal would not restrict or obstruct manoeuvring vehicles as the car park is of a sufficient size. Also, due to the size of the car park, availability of spaces and footpaths/public transport it is considered that any potential impact from additional staff and visitors would not have undue impact. DfI Roads have been consulted and have no objection to the proposals.

The specific needs of a person with a disability are an important material consideration and this proposal includes a mobility ramp which is supported.

Flooding

Para 6.42 of the SPPS states *“Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability”*. It is acknowledged that it would not be unusual for a coastal location such as this to be prone to winds and storm surges. While recognised as being in a location at Moderate risk of Coastal Erosion NIEA, due to the nature of the proposals Marine & Fisheries are content with the proposals provided general standing advice is adhered. In relation to flooding the Planning Advisory Unit of DfI Rivers were consulted and are content. In relation to policy FLD1 of Revised PPS15 they confirmed the Flood Hazard Map (NI) indicates the development does not lie in the 1 in 100yr fluvial or 1 in 200year coastal floodplain. While, adjacent to the present day and predicted climate change floodplain boundaries due to the temporary permission already granted, the modest nature of the proposals, their marine focus and heritage value the nature and location of them is considered appropriate. Also, that FLD2 Protection of Flood Defence is not applicable and due to the scale of the proposals and a Drainage Assessment is not required in relation to Surface Water under FLD3. They, however, recommended the developer constructs in an appropriate manner that minimises flood risk in relation to surface water.

5. Representations

In total 1 letter of objection has been received from no 24 William Street. The main matters raised are summarised below:

Visual Impact:

- The neighbour commented: *“...This will be an eyesore to our view and restrict our view of the sea...It is directly in front of our window.”*

While it is agreed that the Canopy interrupts views from nearby residential properties a loss of a view is not a material planning consideration. Visual impact, however, is and has been assessed in Section 4 of this report.

Impact on Tourism:

- The neighbour commented. *“From experience it will become a permanent eyesore which will make the area less attractive to tourists.”*

Visual impact has been assessed in Section 4 of this report. It is also considered that the lifeboat is valuable Marine Heritage which has the potential to attract tourists within settlements, which is supported by PPS16. Amended plans have also been received which enhance the quality of materials and visual appearance of the proposed exhibition room. Further, the Donaghadee Heritage Preservation Company is also looking for a permanent home for the vessel in the Donaghadee Commons area with plans to build a Heritage Centre long term.

6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development hereby permitted shall be removed and the land restored to its former condition on or before 05.09.2028.</p> <p>Reason: In the interest of visual amenity.</p> <p>3. All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Department of Agriculture, Environment and Rural Affairs.</p> <p>Reason: To protect the integrity of Outer Ards ASSI/SPA/Ramsar, East Coast Marine pSPA and North Channel cSAC designated sites and to avoid it being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).</p> <p>4. Restorative works shall be limited to between the hours of 08:00 – 20:00.</p> <p>Reason: To protect the amenity of neighbouring residents.</p>
Informative
<p>1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other Conditions, Informatives, Advice or Guidance provided by consultees, where relevant, on the Portal.</p>

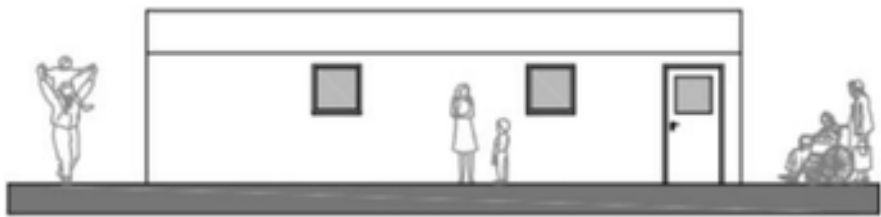
Annex 1: Drawings & Photographs



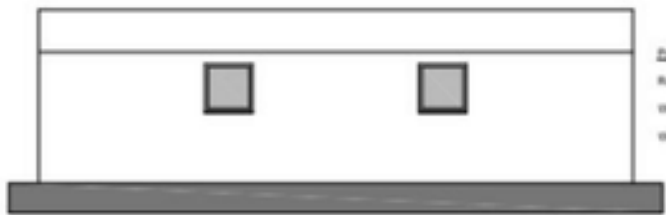
Drawing Reference LA06/2022/0904 01– Site Location Plan



Drawing Reference LA06/2022/0904 03A– Proposed Site Plan & Proposed Exhibition Room



Proposed Front Elevation



Proposed Rear Elevation

Proposed Finishes
Roof: Torch-on bit
Walls: Timber / fully insulated, boarded & stained.
Windows & Doors: Glazed (lpc) white



Proposed Side Elevation 1



Proposed Side Elevation 2

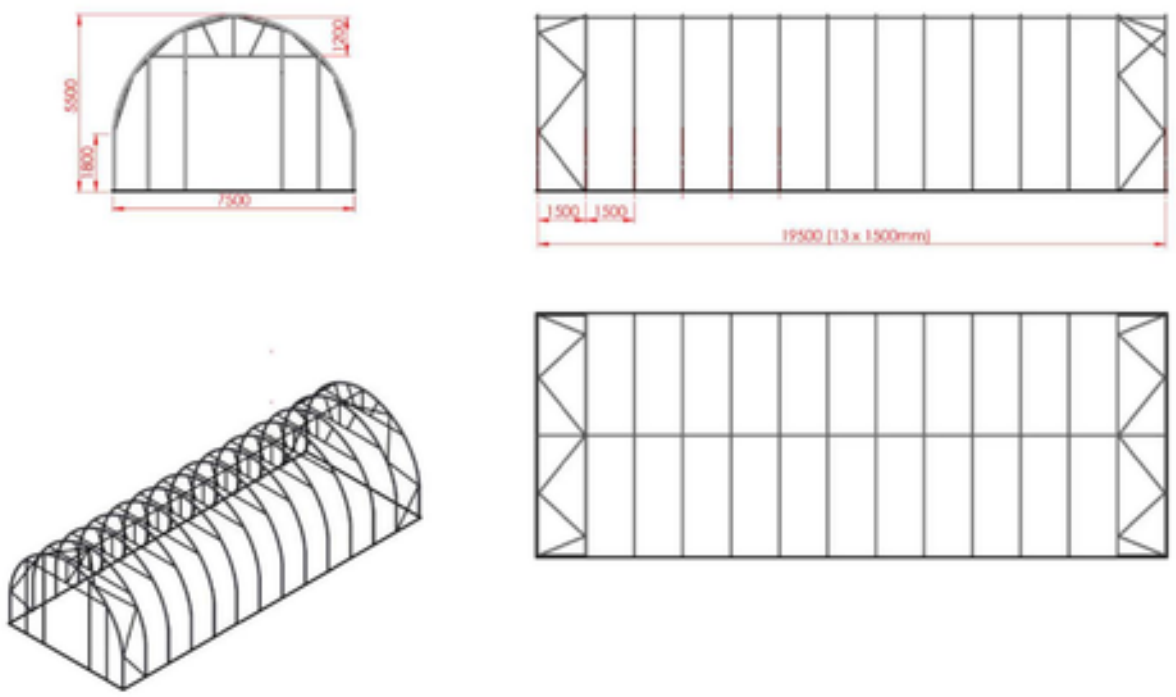


Proposed Plan

Drawing Reference LA06/2022/0904 04A-- Proposed Exhibition Room



Drawing Reference LA06/2022/0904 05 –Existing Shelter/Polytunnel



Drawing Reference LA06/2022/0904 04A– Polytunnel Technical



Photo 1 Sir Samuel Kelly Lifeboat & Shelter, Car Park Adjacent to Copeland Marina



Photo 2 Sir Samuel Kelly Lifeboat & Shelter, Car Park Adjacent to Copeland Marina



Photo 3 Sir Samuel Kelly Lifeboat & Shelter/Canopy tucked behind boats.



Photo 4 Sir Samuel Kelly Lifeboat & Shelter/Canopy with Car Park.



Photo 5 Samuel Kelly Lifeboat & Shelter, Donaghadee – View from Paths/Open Space



Photo 6 Samuel Kelly Lifeboat & Shelter, Donaghadee – View from Paths/Open Space



Photo 7 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Wider Coastal Setting



Photo 8 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Wider Coastal Setting



Photo 9 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Existing polytunnel on site



Photos 10 & 11 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee – Existing polytunnel on site



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
Photo 12 – Neighbouring properties (left of photo)



Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
Photo 13 – Neighbouring properties (view from Edward Street)



**Photo 14 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
Car park view near entrance**



**Photo 15 Sir Samuel Kelly Lifeboat & Shelter, Donaghadee
Wider Car park view**