

ARDS AND NORTH DOWN BOROUGH COUNCIL

27 May 2022

Dear Sir/Madam

You are hereby invited to attend a virtual meeting of the Planning Committee of the Ards and North Down Borough Council which will be held via Zoom on **Tuesday, 07 June 2022** 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. 19th May Planning Committee Minutes to be ratified by June Council and any matters arising considered at July Planning Committee
4. Planning Applications (Reports attached)

4.1	LA06/2021/0905/F	<p>Retention of existing agricultural shed 230m north of 121 Manse Road, Ballygowan</p> <p>Recommendation: Refuse Planning Permission</p> <p><u>Persons speaking in support of the application:</u></p> <ul style="list-style-type: none"> - Edwin Poots MLA - Mr Paddy Johnson (agent) - Mr George Burton (applicant)
4.2	LA06/2019/0518/O	<p>Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house. 25m north of 22 Lisbane Road, Comber</p> <p>Recommendation: Refuse Planning Permission</p> <p><u>Person speaking in support of the application:</u></p> <ul style="list-style-type: none"> - Mr Chris Cassidy, CMI Planners (agent)

4.3	LA06/2021/1293/F	<p>Demolition of existing primary school to accommodate erection of new 8 classroom primary school incorporating multi-purpose hall, associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn</p> <p>Recommendation: Approve Planning Permission</p> <p><u>Persons speaking in support of the application (to answer any questions from Committee Members):</u></p> <ul style="list-style-type: none"> - Mr Adam Larkin (agent) - Ms Abigail McConville (Education Authority) - Mr Sean Sloan (Architect)
4.4	LA06/2022/0231/F	<p>Retention of Open Space (Two year Time Extension to Temporary Permission issued under LA06/2020/0113/F)</p> <p>Land immediately east of 41 Hamilton Road and south of 1 Springfield Avenue, Bangor. (Site of former Hamilton House & Sea Scout Hall)</p>
4.5	LA06/2021/1364/F	<p>Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)</p> <p>To front of 2-4 Seacliff Road, Bangor</p>
4.6	LA06/2021/1372/F	<p>Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)</p> <p>15m east of Donaghadee Sailing Club, 20 Shore Street, Donaghadee</p>

4.7	LA06/2021/1371/F	<p>Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)</p> <p>To front of St Mary's Parochial Hall, 24 The Square, Comber</p>
-----	------------------	---

5. Update on Planning Appeals (report attached)
6. Retention and Disposal Schedule (report attached)
7. Neighbouring Council's (Belfast City Council) consultation in relation to Modification to Draft Plan Strategy and Suite of Supplementary Planning Guidance (report attached)

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

8. Update on Enforcement Matters (report attached)


MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2021/0905/F
Proposal	Retention of existing agricultural shed
Location	230m north of 121 Manse Road, Ballygowan DEA: Comber
Committee Interest	A Local development application 'called-in' to Planning Committee from the delegated list w/c 25 April by a member of that Committee - Called in by Ald McIlveen: <i>"For this matter to be called in for the Planning Committee to consider whether the evidence submitted by the applicant is sufficient to confirm that his agricultural business is currently active and established, whether the new building is necessary for the efficient use of the agricultural holding and the efficient functioning of the business, and that no suitable alternative buildings or sites are available pursuant to CTY 12 of Planning Policy Statement 21"</i>
Validated	05/08/2021
Summary	<ul style="list-style-type: none"> • Planning history - LA06/2018/0817/F -Agricultural building to be erected on land to be used in conjunction with farm business for storage and shelter for animals – recommended for refusal - 31.01.2019. Application was subsequently withdrawn 26.02.2019. • Shed then erected without benefit of planning permission • Farm business ID identified on the P1C has not been in existence for more than 6 years. • The business has not claimed SFP in the last 6 years. • The Business ID is in Category 3 and was issued on 17 April 2018. • Cat 3 business IDs are allocated to enable keepers of small number of animals (less than 5 cattle / 10 sheep) to operate a herd or flock. Businesses allocated with a CAT 3 business IDs cannot submit claims for payment.
Recommendation	Refusal
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report			
Reference:	LA06/2021/0905/F	DEA:	Comber
Proposal:	Retention of existing agricultural shed		
Location:	230m north of 121 Manse Road, Ballygowan		
Applicant:	George Burton		
Date valid:	05.08.2021	EIA Screening Required:	No
Date last advertised:	26.08.2021	Date last neighbour notified:	N/A
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads	Amended plan required.		
DAERA Water Management Unit	No objections.		
DFI Rivers	No objections.		
NI Water	No objections.		
Environmental Health	No objections.		
SES	No further assessment required.		
DAERA	<p>The farm business ID identified on the P1C has not been in existence for more than 6 years. The business has not claimed SFP in the last 6 years. The Business ID is in Category 3 and was issued on 17 April 2018. Cat 3 business IDs are allocated to enable keepers of small number of animals (less than 5 cattle / 10 sheep) to operate a herd or flock. Businesses allocated with a CAT 3 business IDs cannot submit claims for payment.</p>		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, integration and impact on rural character • Access and parking 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site consists of part of a large agricultural field close to Saintfield. The site occupies a roadside position and is fairly flat throughout. An agricultural shed exists on the site. It is finished in green cladding to the walls and roof. In terms of boundary treatment, the roadside boundary is defined by post and wire fencing. The northern boundary is defined by a hedgerow and the remaining boundaries are undefined as they make up part of the larger field. An area of trees and overgrown hedges has been included within the site in the southern section.

The site lies outside any designated settlement limit as per the Ards and Down Area Plan 2015. It is not within a special designation such as an AONB.

2. Site Location Plan



Figure 1 Site location plan



Figure 2 image of the existing agricultural shed on the application site in relation to the road



Figure 3 closer image of the existing agricultural shed on the application site

3. Relevant Planning History

On the application site

LA06/2018/0817/F – Lands 220m NE of 121 Manse Road, Ballygowan - Agricultural building to be erected on land to be used in conjunction with Mr Burton's farm business for storage and shelter for animals – Full permission recommended for refusal on 31.01.2019. Application was withdrawn on 26.02.2019.

Recommended refusal reasons were as follows:

The proposal is contrary to policies CTY 1 and CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the existing agricultural business is currently active and established; the new building is necessary for the efficient use of the agricultural holding and there are no suitable existing buildings on the holding or enterprise that can be used;

Furthermore, it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm holding and that the alternative site away is essential for the efficient functioning of the business

LA006/2019/0260/CA – Alleged unauthorised erection of agricultural shed. Decision pending.

Following a recommendation to refuse permission, an agricultural building was constructed on the site. An enforcement case was opened regarding the alleged unauthorised building which has led to the submission of this current application for retrospective permission for the building.

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is located outside any settlement and within the countryside as designated in the Ards and Down Area Plan 2015 and does not contain any designation or zoning affecting the site. It is silent in respect of proposals of the subject nature.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside

and that will contribute to the aims of sustainable development. This includes the erection of agricultural buildings in accordance with Policy CTY 12. The relevant criteria will be considered in the assessment below.

CTY12, in line with the provisions of the SPPS, states that permission will be granted for development on an active and established agricultural holding where five stated criteria are met. In determining what constitutes an active and established holding, Paragraph 5.56 of PPS21 refers to criteria set out in CTY10 and also in Paragraph 6.73 of the SPPS which both clearly state that the agricultural business must be currently active and established for a minimum of 6 years. The P1C form states that the farm business was established in June 2017 and a business ID was allocated on 17 April 2018. No farm maps have been made available. DAERA has confirmed that the business referred to on the P1C form has not been established for more than 6 years and that the business has not claimed SFP in the last 6 years. DAERA has also commented that the Business ID is in Category 3 and was issued on 17 April 2018. Category 3 Business IDs are allocated to enable keepers of small number of animals (less than 5 cattle / 10 sheep) to operate a herd or flock. Businesses allocated with a Category 3 Business IDs cannot submit claims for payment. It is considered that the agricultural holding has not been established for more than 6 years and therefore does not meet this initial part of the policy test.

Policy CTY 12 – Agricultural and Forestry Development

Planning permission will be granted 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.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of 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.

Criterion (a) of CTY12 requires it to be demonstrated that the proposed building to be necessary for the efficient use of the agricultural holding. In this case it has not been demonstrated that the applicant requires this building for the efficient use of the agricultural holding. The applicant advised that this application was submitted to retain the agricultural building as his application for a herd number was not accepted by the

Veterinary Section until the building was in place, and now that the building is in place the herd number has been allocated (393066). This information was stated in a letter from the applicant's agent however this was not accompanied by a supporting letter from DAERA. The applicant's agent also states that this is the only land Mr Burton owns at present and the only location possible for the location of the agricultural shed. He intends to ease back on his business which involves the sale of agricultural machinery and intends to potentially increase his farming activity to full time farming including the purchase of more agricultural land when the opportunity arises leading to an increase in his herd. The applicant provided a letter from DAERA confirming his application for a herd number had been approved and a copy of the notification of cattle movement in which it shows the cattle he has purchased and from who. The record shows that he currently has 4 cattle on the holding.

No other evidence was provided as to why the building is necessary for the efficient use of the agricultural holding. On this basis the proposal fails part (a) of Policy CTY 12 of PPS 21.

In terms of criteria (b), (c), (d) and (e), I am satisfied that the proposed building will not have an adverse impact on the visual appearance of the area. The building is sited against a number of existing trees and is finished in green cladding which helps to blend the building into the landscape. There are no neighbours in close proximity and the issue of loss of amenity does not arise.

Policy CTY 12 states that in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding that can be used
- the design and materials to be used are sympathetic to the locality and adjacent buildings
- the proposal is sited beside existing farm buildings.

No information has been submitted from the applicant to confirm any of the above. The applicant has stated that he lives at 10 Kilcarn Road which is located some 1.5miles away from the site. The property consists of a dwelling and a few outbuildings. It does not appear to be a working farm. On this basis I consider that the applicant has failed to demonstrate that there are no suitable existing buildings on the holding that can be used and failed to demonstrate that the proposal cannot be sited beside existing farm buildings.

The policy states that consideration may be given to alternative sites away from existing farm buildings provided there are no other sites available at another group of buildings on the holding. No information has been submitted from the applicant to demonstrate this. The policy also states that the building must be essential for the efficient functioning of the business or there are demonstrable health and safety reasons. No justification has been submitted by the applicant regarding these two issues.

The applicant's agent advised that he had submitted this application on the back of an appeal decision (PAC: 2014/A0056) where the applicant could not purchase any livestock as the vet needed a building for the animals before he would give a herd number. The PAC took the view that it would be necessary even for a small unit to have an agricultural building associated with the land as there was nothing else available. In this case the applicant had an active and established farm business for at least 6 years

and this was confirmed by DAERA – in the current application, the applicant does not have confirmation from DAERA that his business has been active and established for at least 6 years.

In terms of my assessment against CTY 12, it is my opinion that based on the information submitted in the application, the proposal does not meet the policy requirements of CTY 12 of PPS 21 and should be refused permission.

Integration and design of buildings in the countryside

The building is positioned adjacent to existing trees and together with the green cladding I am content that the building is integrated in the landscape and complies with Policy CTY 13 of PPS 13.

Rural Character

The building is not unduly prominent in the landscape and does not result in a build-up of development. I am satisfied that there is no loss of rural character as a result of this development and complies with Policy CTY 14 of PPS 21.

Residential amenity

The SPPS recognises there are a wide range of environment and amenity considerations which should be taken into account by planning authorities when managing development. Policy CTY 12 also sets out a test in relation to detrimental impact on the amenity of residential dwellings outside the holding. There are no dwellings in the immediate locality that will be subjected to a loss of amenity.

Access and Roads Safety

The proposal has been assessed against PPS 3 Access Movement and Parking. DfI Roads has been consulted and stated the following:

'Please ask the applicant for an amended plan clearly showing the proposed visibility splays for this proposal. The access should also be at 90 degrees to the public road as indicated on site layout on previous approval LA06/2018/0817/F'.

This is an application for retrospective permission and the access has already been constructed. Given the principle of the building is deemed to be unacceptable, it is not necessary to ask the applicant for amended plans, particularly when DfI Roads considered the proposed access as per the previous approval to be acceptable. If the principle of the development was considered to be acceptable, the applicant could amend the access on the ground to meet DfI Roads advice.

Flood Risk

A designated watercourse under the terms of the Drainage (Northern Ireland) Order 1973, is located approximately 80m to the west of the site and is known to DfI Rivers as 'Ballycloughan Burn'. An undesignated watercourse and a tributary of the Ballycloughan Burn flows generally in a southerly direction along the boundary to the

west of the site. DfI Rivers was consulted and is content that the proposal is in line with PPS 15.

Designated Sites and Natural Heritage

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. No Biodiversity checklist was submitted with the application.

Conclusion

The proposal has been considered having regard to all material considerations, including the statutory development plan, planning policy and comments received from statutory bodies.

The farm holding has not been established for a minimum of 6 years as confirmed by DAERA. It has not been demonstrated by the applicant that the proposed building is necessary for the efficient use of the agricultural holding. The applicant has failed to demonstrate that there are no suitable existing buildings on the holding that can be used and that the proposal cannot be sited beside existing farm buildings. No information has been submitted from the applicant to demonstrate that an alternative site away from existing farm buildings is acceptable provided there are no other sites available at another group of buildings on the holding. The policy also states that the building must be essential for the efficient functioning of the business or there are demonstrable health and safety reasons. No justification has been submitted by the applicant regarding these two issues.

Having weighed all material considerations, it is recommended that this application proceeds by way of a refusal of planning permission.

5. Representations

No representations have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to policies CTY 1 and CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the existing

agricultural business is currently active and established; the new building is necessary for the efficient use of the agricultural holding and there are no suitable existing buildings on the holding or enterprise that can be used;


Furthermore, it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm holding and that the alternative site away is essential for the efficient functioning of the business.

Case Officer Signature:		Date:	
------------------------------------	---	--------------	--

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2019/0518/O
Proposal	Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house
Location	25m north of 22 Lisbane Road, Comber DEA: Comber
Committee Interest	A Local development application 'called-in' to Planning Committee from the delegated list w/c 03 May by a member of that Committee- Called in by Ald McIlveen: <i>"I would like to call in the above application to allow the committee to determine whether the building meets the test of displaying the essential characteristics of a dwelling (and thereby meets the criteria of CTY3 of PPS21) and whether it complies with the requirements of Policy CTY1 (as a replacement dwelling) and CTY14 of PPS 21 in that it does not have an adverse impact on rural character and meets one of the exceptions set out in Policy CTY 1"</i>
Validated	17/05/2019
Summary	<ul style="list-style-type: none"> • Site located in the countryside • Building has been altered and adapted to be used for agricultural purposes/ancillary living accommodation and as such is not acceptable for replacement under Policy CTY 3. • The agent submitted historical information which indicated that the building was likely used a dwelling in the 19th century (source: Griffith's webpage). • Whilst the original use of the building may have been used as dwelling, it is clear it has been physically adapted for ancillary/storage use in the present day. • If a building no longer has the essential characteristics of a dwelling or if it has been physically adapted for another use either internally or externally i.e., storage/agriculture, it cannot be accepted as a genuine replacement. • Proposal will also create a ribbon of development- buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked. • No objections from consultees or 3rd parties.
Recommendation	Refusal
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2019/0518/O	DEA: Comber	
Proposal:	Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house		
Location:	25m North of 22 Lisbane Road, Comber		
Applicant:	Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house		
Date valid:	17/05/19	EIA Screening Required:	Yes
Date last advertised:	06/06/19	Date last neighbour notified:	10/06/19
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		No objection subj to condition	
NIEA: WMU		Standing Advice	
NI Water		Advice and Guidance	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Integration into Countryside • Potential Impact on AONB • Access and Road Safety • Biodiversity 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The building proposed to be replaced adjoins the two-story farmhouse at 24 Lisbane Road. The building is linear in form and is finished in white render.



The proposed location of the replacement dwelling is located between 22 and 22A Lisbane Road. The site comprises of grassland and a gravel area. The rear boundary of the site is defined by hedging and the boundary shared with No. 22 is defined by 1m high ranch style fencing. The topography of the site falls to the north boundary.

The site is located in the countryside as shown in the Ards & Down Area Plan 2015 and the surrounding area has a typical rural and agricultural character. The site is located within the Strangford and Lecale Area of outstanding Natural Beauty.

2. Site Location Plan



3. Relevant Planning History

X/2014/0438/O: Dwelling on a farm and domestic garage - Adj to 24 Lisbane Road Lisbane Comber – Permission Granted 07/01/15

LA06/2015/0418/F: Dwelling on a farm and domestic garage (in substitution of X/2014/0438/O) - Land adjacent to 24 Lisbane Road Comber BT23 6AF – Permission Granted 01/09/16

LA06/2018/0868/F: Off-site replacement dwelling and garage. Existing building to be retained for ancillary use to the main house. - 40m East of 22 Lisbane Road Comber BT23 6AF – WITHDRAWN

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking

- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

ADAP currently acts as the LDP for this area. Under the provisions of the plan, the site described above is in the Area of Outstanding Natural Beauty and outside any settlement; a Design and Access Statement was submitted as per statutory obligation.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes a replacement dwelling subject to complying with criteria listed in Policy CTY3. The relevant criteria will be considered in the assessment below.

With reference to the replacement dwellings, the SPPS allows for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so.

Policy CTY 3: Replacement Dwellings

From the submitted plans and per what was witnessed on site I am not content that the building identified to be replaced exhibits the essential characteristics of a dwelling and does not represent a valid replacement opportunity.

The building is located within an existing farm courtyard and displays the characteristics of an agricultural building/ancillary store. It is clear that the dwelling on site is the large two storey farmhouse which has an address point of 24 Lisbane Road. There are no other recognised address points within the grouping of buildings at the farm. The building itself does not have a front door as would be expected of a dwelling but instead has a sliding door, typical of an agricultural building. The building consists of a singular room and does not contain separate rooms which can be accessed internally such as a kitchen, living room, bedrooms, or a toilet. The building is also situated in the middle of the main farmhouse and an agricultural building and therefore is not a standalone unit. The floor of the building was a stone type and uneven. There does not appear to be an original chimney or fireplace, however a modern oil burner and flue has been installed in the building. The building does not appear to have been designed for use as a dwelling and now appears to be used for ancillary accommodation/store to the adjoining dwelling at 24 Lisbane Road and farm. It also appears to be used to store various domestic and agricultural items as seen in Images 1 and 2.



A planning manager visited the site on the 30/03/22 and agreed with the assessment above, stating in her opinion that the building was being used for ancillary accommodation/store.

I do accept that an off-site replacement would be acceptable as it would not be practical to build a replacement dwelling within an existing compact working farmyard as the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. However, I am not satisfied that the building meets the initial test of being a dwelling and it is my opinion that the building has been altered and adapted to be used for agricultural purposes/ancillary living accommodation and as such is not acceptable for replacement under Policy CTY 3.

The agent submitted historical information which indicated that the building was likely used a dwelling in the 19th century (source: Griffith's webpage). A photograph was also shown of the building with a brick chimney, which has now been removed and replaced with a chimney flue. Whilst the original use of the building may have been used as dwelling, it is clear it has been physically adapted for ancillary/storage use in the present day. If a building no longer has the essential characteristics of a dwelling or if it has been physically adapted for another use either internally or externally i.e. storage/agriculture, it cannot be accepted as a genuine replacement. The Planning Appeals Commission have taken this view, with the Commissioner in Appeal 2018/A0019 stating the following:

'In stating that "for the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings" the policy seems to indicate that there can be intervening uses of the building to be replaced. The evidence submitted by the Appellant strongly suggests that the building which has been in agricultural type use more recently may indeed have been previously used as a dwelling. However, even if conclusively proven, the wording of Policy CTY3 also requires that the current building to be replaced exhibit the essential characteristics of a dwelling. Therefore, while the intervening use of a building may change, policy still requires that the subject building presently possess the essential characteristics of a dwelling.'

In addition, it is unclear when the adjacent farmhouse was built as there is no planning history for it. If this dwelling replaced the building in question, it would not be eligible for replacement again. I informed the agent that it would need to be demonstrated that the newer farmhouse did not replace the existing application building, with evidence such as land registry maps/deeds. This evidence would need to demonstrate that following construction of the new farmhouse, the original building continued to also be used as a

dwelling i.e. it wasn't replaced and then used for ancillary purposes. This evidence was not submitted and given site evidence suggests the use of the building is for ancillary living/storage, it cannot be accepted that this building represents an existing dwelling which is eligible for replacement.

There is no evidence to suggest that the proposal falls into any of the other types of development that are acceptable in principle in the countryside under Policy CTY1 and no overriding reasons were presented as to why the proposal is essential at this location.

Integration and Impact on Rural Character

A dwelling on the site could be integrated into the landscape without causing an unacceptable adverse impact on the visual amenity and character of the surrounding rural area. As this is an outline application details of the design and external finishes have not been provided. It is not expected there will be any detrimental impacts as a result of these dwellings being constructed on the site, provided they are designed in accordance with the supplementary planning guidance 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside'. I would consider that a suitably designed dwelling would not be unduly prominent in the landscape. If the application went forward as an approval, a condition restricting the ridge height to 6.5m would likely be included.

There are no long-established natural boundaries for the site as it is bounded to the North and South by existing dwellings, to the east by a laneway and to the west by a hedge. However, I do believe that given the topography of the site and the proposed positioning between the two dwellings, a dwelling in this location could be well screened and integrated into the landscape. Please see Image 3 which shows the gap site between the two dwellings.



Image 3: Proposed site between No. 22 and 22A Lisbane Road

The proposed landscaping plan submitted indicates that new post and rail fencing, with new native hedging on the inside, will bound the site. As stated previously, given the proposed positioning between two existing dwellings and the fact the proposed dwelling

would be situated much lower than the adjacent road level, I do not believe this proposal would rely primarily on the use of new landscaping for integration and screening. As long as care is taken in the design of a future dwelling, I consider the proposal to visually integrate in accordance with the above policy.

I do consider that the proposal would result in a suburban style build-up of development when viewed with existing and proposed buildings. The proposed location of the replacement dwelling is in a gap site between two existing detached dwellings. The addition of this proposed dwelling, along with the existing neighbouring dwellings, will have adverse impact on the rural character of the area as it will create a suburban style cluster of dwellings.

The proposal will also create a ribbon of development, as the two adjoining dwellings are visually linked, and the proposal would create and reinforce a built-up appearance. As is the case in this instance, a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked.

As this is an outline application the exact design details of the ancillary works have not been provided so it is not possible to ascertain if the impact of ancillary works would damage rural character.

Sewerage Disposal

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

Residential Amenity

As this is an outline application, design details have not been provided therefore residential amenity issues such as overlooking, or loss of light cannot be assessed. If care was taken with the design of the proposed dwelling, with window placement and ridge heights, a dwelling could be placed in this position without causing any unacceptable impact to residential amenity.

Access and Roads Safety

The proposal will involve the modification of an access previously approved under LA06/2015/0418/F. DFI Roads offered no objection in principle but requested a scale plan and accurate survey at 1:500 (minimum) shall be submitted as part of any reserved matters application.

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).

The site is located within Strangford and Lecale AONB. Policy NH6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. A Design and Access Statement was submitted as part of the statement. As this is an outline application the exact design details of the development have not been provided so it is not possible to ascertain if there is an appropriate design, size and scale for the locality.

5. Representations

No representations were received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building does not meet the test of displaying the essential characteristics of a dwelling.
2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to paragraph 6.73 of SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal has an adverse impact on rural character and result in suburban style build-up of development when viewed with existing and approved buildings and creates a ribbon development.

Case Officer Signature:		Date:	
--------------------------------	--	--------------	--

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2021/1293F
Proposal	Demolition of existing primary school to accommodate erection of new 8 classroom primary school incorporating multi-purpose hall, associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas.
Location	Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn DEA: Holywood and Clandeboye
Committee Interest	A Major Planning Application
Validated	16/11/2021
Summary	<ul style="list-style-type: none"> • Site lies within both settlement limit (and Area of Village Character) and Countryside (and Rural Landscape Wedge) • Partial Encroachment into Countryside • No public objections received • All consultees content • No impact on Nature Conservation • No impact on access and Road Safety-Planning Gain resulting in much safer parking and access arrangements • Proposal can be integrated into the landscape and Maintains character of AVC. • Significant Community Benefit
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

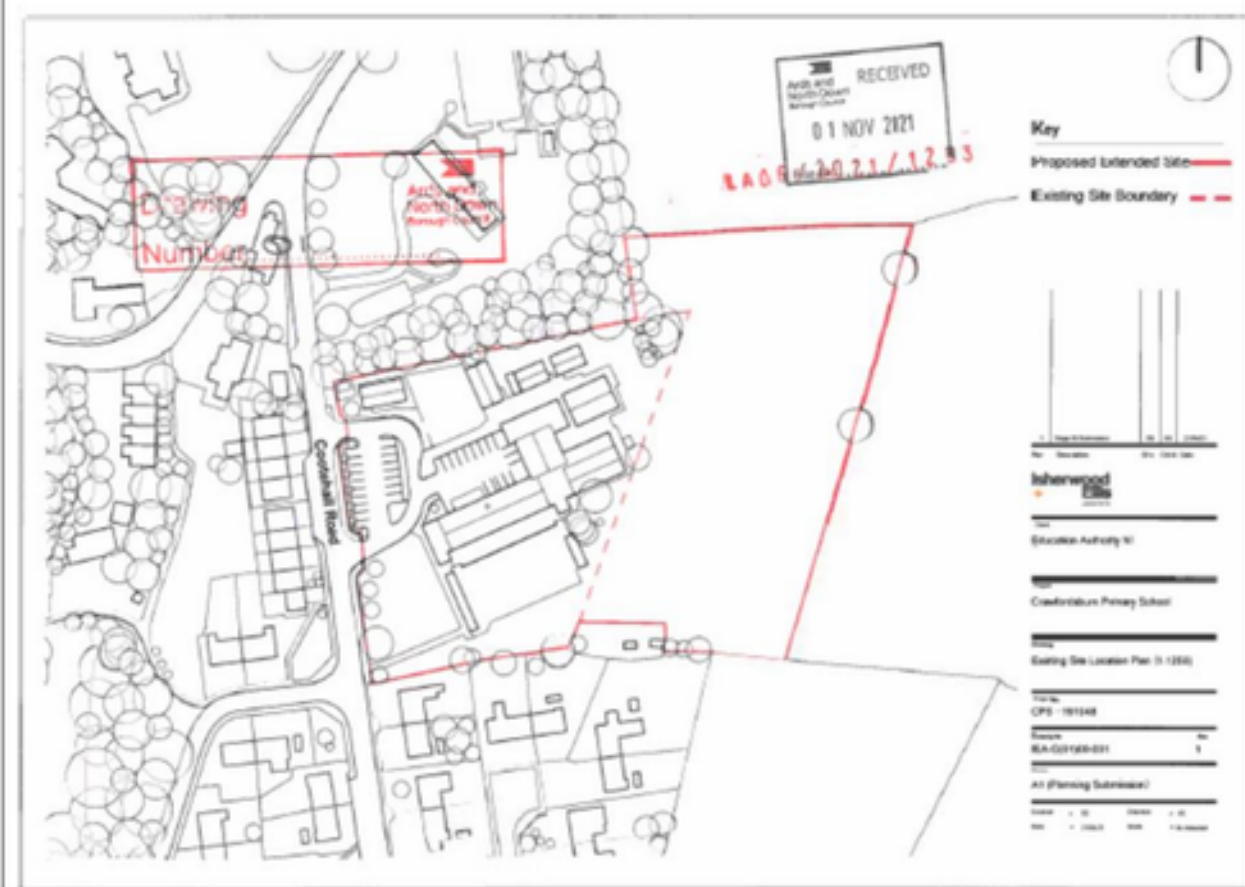
Development Management Case Officer Report

Application Ref: LA06/2021/1293/F		DEA: Holywood & Clandeboye	
Proposal: Demolition of existing primary school to accommodate erection of new 8 classroom primary school incorporating multi-purpose hall, associated outdoor play areas, landscaping and enhanced parking, drop-off and pick up areas			
Location: Lands at and to the east of Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn			
Applicant: Education Authority		Agent: Gravis Planning	
Date Valid: 16/11/2021		Env Statement Requested: No	
Date last Advertised: 25/11/2021			
Date last Neighbour Notified: 23/11/2021			
Consultations: Yes			
Representations: No			
Letters of Support	0	Letters of Objection	0
		Petitions	0
Summary of Main Issues:			
<ul style="list-style-type: none"> • Principle of development • Visual and residential amenity impacts • Access and road safety • Impact on Countryside • Environmental Health Issues • Impact on Natural Heritage • Impact on Built Heritage • Impact on Open Space • Flooding • Pre application community consultation report 			
Case Officer:	Paula Kerr		
Recommendation: Grant Planning Permission			
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. Description of Site and Surrounding Area

The site is located on the Cootehall Road and is comprised of a Primary school consisting of associated buildings, play areas, car parking and also a portion of agricultural land to the east. The topography of the site is level at the primary school portion whereas the agricultural field rises from north to south. The agricultural field is bounded by hedgerow. The overall site is surrounded by residential development to the north, south and west and agricultural fields to the east.

2. Site Location Plan





3. Relevant Planning History

LA06/2020/0438/PAN (Proposal of Application Notice) -

- Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals. The threshold for this proposal which falls under Retailing, Community, Recreation and Culture was that the development comprised 1,000 square metres or more gross floor space outside the town centre or the area of the site exceeded 1ha. The PAN was submitted to the Council more than 12 weeks in advance of the submission of this application.

The PAN submitted complies with the legislation and a community consultation event in respect of the proposal was held on line in line with Covid restrictions. A Pre-application community consultation report was submitted alongside this proposal and comments raised by the public were taken into consideration in the design of the proposal. On-line and remote consultation took place between 30th June 2020 and 28th July 2020.

LA06/2020/0147/PAD-Demolition of existing school buildings and erection of new primary school and associated/ancillary works.

- A Pre-Application Discussion (PAD) was held in 2020 with the Council's Planning Department prior to the submission of the application, involving the input of statutory and non-statutory consultees. The final proposal submitted under this application has been informed by the views expressed through the pre-application consultation process. This included key stakeholders, statutory and non-statutory consultees and the Council's Planning Department.

4. Planning Policy Framework

The relevant planning policy framework for this application is as follows:

- Draft Bmap 2015
- North Down and Ards Area Plan 1984-1995
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows:

Parking Standards

6. Consultations

Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed

Consultee	Response
Historic Environment Division	No objections
DFI Roads	No objections subject to conditions
NIEA Natural Heritage	No objection subject to conditions
Environmental Health	No objection subject to conditions
NI Water	No objection subject to conditions
DFI Rivers	No objections

7. Consideration and Assessment

Principle of Development

Section 6 (4) of The Planning Act (NI) 2011 states that 'Where, in making any determination under this Act, 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.'

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.

As there is an existing school on a portion of the site within the settlement limit the principle of development is acceptable here and the encroachment into the countryside will be discussed in detail throughout the report.

Development Plan

The relevant development plan for this proposal is the North Down and Ards Area Plan 1984-1995 with Draft BMAP 2015 being a material consideration.

The application site has a portion located within the settlement limit of the village of Crawfordsburn with a portion of the site located outside the settlement limit. Within Draft BMAP the site lies within an Area of Village Character, around half the site is located in the countryside (approx. 0.65ha of the 1.42 ha site) and within a rural landscape wedge. The lands associated with the school are designated as Existing Open Space. Within the extant plan the site lies within both the settlement limit and the countryside.

The proposal is in broad conformity with the plan. The encroachment of the proposal into the countryside will be discussed under the SPPS and PPS21 later in the report.

Strategic Planning Policy Statement (SPPS)

Under the SPPS (which came into effect in September 2015), the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

There is a presumption in favour of development for the portion of the site that is within the settlement limit of Crawfordsburn

With regard to the portion of land that lies outside the settlement limit, in the countryside which directly abuts the school site, it is important to note that the SPPS sets out at paragraph 4.13 and 4.14 that the planning system has an important role supporting Government with creation of shared spaces, places where there is a sense of belonging for everyone, through its influence on the type, location, siting and design of

development, which includes buildings that provide public services, including education.

The aforementioned area that lies outside the settlement limit is where the new school building is to be situated surrounded by grass and grass play areas.

The remainder of the site lies within the settlement limit and is in conformity with the plan and is the site of the existing primary school building and associated buildings and areas.

The SPPS states that during the transitional period existing Policy within the Planning Policy Statements that have not been cancelled will apply. Within this context PPS3, PPS2, PPS6, PPS15, and PPS21 will apply.

As this proposal does not fall neatly into the applicable subject Planning Policy Statements, the impact on visual amenity and neighbouring amenity will be assessed under the SPPS with regard to impact on interests of acknowledged importance and also PPS21 with regard to the portion of the site that lies outside the settlement limit.

Visual Amenity

The current building is comprised of a low rise main building block surrounded by associated buildings and modular units. The buildings on site are primarily single storey in terms of ridge heights

The proposal will have no impact upon key features of AVC-ATC2 also applies to Areas of Village Character. The development proposed will maintain the overall character and respect the built form of the area. HED were consulted as the site lies within an area of archaeological potential and they were content that the proposal was in line with PPS6 Planning Archaeology and the Built Heritage.

With regard to the impact of the demolition of the existing building within the area of village character there is a presumption in favour of retaining any building which makes a positive contribution to the AVC. It is deemed that the existing school building make no positive material contribution to the distinctive character of the village. The existing school building is a basic design with no distinctive features which would make any valuable contribution. The redevelopment of this site with the new building and associated ancillary development will ensure the maintenance of the character of the AVC.

The proposed main school building is to be located in the portion of the site that lies within the countryside. The building proposed is low lying and surrounded with grass play areas and an appropriate amount of landscaping to integrate the building into the countryside and to ensure there is a suitable buffer in order to not mar the settlement limit and is therefore in line with CTY15 of PPS21.

With regard to CTY13 and 14 of PPS21 integration and rural character, as the building is low lying and is approx. 69m from the Cootehall Road at closest point, the impact on character of area will be kept to a minimum and the low ridge will help the building to integrate into the site and the surrounding area. Under CTY1 of PPS21 this proposal is considered a necessary community facility. The school building is being located in the countryside portion of the site as the parking and road safety concerns currently being experienced at the site will be alleviated by such a layout. Taking the traffic off the road and into the site will have a wide reaching community benefit.

The proposal is of a high standard of design with a maximum ridge height of approx. 6.2 metres with the majority of the ridge being approx. 5.3 metres. The finishes are smooth sand render to be painted white with small sections of feature laminate composite cladding. The roof includes, solar panels and roof mounted ventilation unit. Windows and doors are to be powder coated aluminium in grey. The main entrance will consist of powder coated aluminium frame curtain wall glazing with double doors in grey.

The building is low lying and is of a simple design with high quality materials to be used, therefore given the existing school and its location closer to the road than this proposal it is unlikely that this proposal will have any further significant impact.

The boundary treatment for the proposal will be 1.8m fencing to the western boundary (Cootehall Road) and 2.4 metre fencing for all remaining boundaries. There will be retained trees and vegetation as well as additional planting and augmentation along all of the boundaries (alongside fencing) which will soften the visual impact and aid integration. Landscaping conditions will be added to any approval to ensure retention and maintenance in perpetuity. There will be additional landscaping and planting throughout the site as well as retention of existing trees and planting where possible and this along with grassed play areas will ensure that the portion of the site that lies within the countryside has no significant impact on character of area.

The agricultural field that lies outside the settlement limit is also within a rural landscape wedge where planning permission will only be granted for development where there is a site specific need, proposals are sensitively located and integrated into the landscape, visual separation between settlements is maintained, and there is no detrimental impact to nature conservation or natural heritage value.

The existing development on the site is acknowledged as already having a visual impact when travelling along the Cootehall Road.

With regard to the visual impact of the access and parking area this will integrate due to the landscaping, the grassed area to the right of the access road and layby and due

to the fact that existing school building and parking area is already highly visible from the Cootehall Road.

There is a refuse storage area appropriate to the proposed use of the development and it will be visually removed from public view.

Neighbouring Amenity

With regard to neighbouring amenity the adjacent properties with the most potential to be impacted upon are No's 6-12 Cootehall Road. The parking and access area are separated from No. 6 Cootehall Road and No's 1 and 2 Cootehall Gardens by in excess of 30m with the grassed play area acting as a buffer. Given that they already are located beside the existing primary school and the proposed building is to be pulled further away, there will be no significant impact on residential amenity for these properties. No3 Cootehall Gardens is in excess of 30m from its boundary to the proposed school building. Due to the separation distance and low ridge of the building this property will not suffer any significant impact on residential amenity. The well landscaped boundary treatment will also ensure that no loss of residential amenity is suffered.

With regard to No 2 Cootehall Road, the separation distances and mature vegetation both within the site and surrounding the site will ensure that no significant loss of amenity is suffered from either the parking area nor the new school building.

With regard to dwellings No's 1-17 Cootehall Road across the road from the site, these dwellings will benefit from the new parking arrangements and will be positively impacted upon by the proposed school. These dwellings will not suffer any loss of residential amenity due to their location and distance from school building.

There will be no significant loss of residential amenity for surrounding properties and there will be a benefit/planning gain with the new parking/access arrangement and as such I am satisfied with the proposal in this regard.

Planning Policy Statement (PPS) 2: Natural Heritage

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

Policy NH 1 - European and Ramsar Sites, International

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

A preliminary ecological appraisal was submitted with the application and NIEA had sight of this through the consultation process. NIEA were content with conditions to be attached to any approval.

Policy NH 2 - Species Protected by Law

Planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, a preliminary Ecological appraisal and protected Species report was submitted with the application and was considered by NIEA. NIEA had no objections to the proposal subject to conditions.

Planning Policy Statement (PPS) 3: Access, Movement and Parking

Policy AMP 2 - Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads was consulted on the proposal and has no objections subject to conditions. The proposal will result in improved access, movement and parking at this location. The arrangement of the existing school results in overspill of cars and buses onto the main road and irregular parking at drop off and pick up times. The proposed arrangements will ensure school traffic is directed off the main road and into the school site in a more orderly and safe manner. This proposal represents a vast improvement on the current access arrangements.

Policy AMP 6 - Transport Assessment

A transport assessment form was submitted with the application which was taken into account by DFI Roads. DFI Roads has no objection to the proposal.

Policy AMP 7 - Car Parking and Servicing Arrangements

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

The parking standards require 1 space per teaching staff, 1 space per 2 ancillary staff, and one half of total staff provision for visitors. The proposed development provides 50 parking spaces of which 4 are disabled parking spaces located in close proximity to the main building. 42 spaces are required under The Parking Standards. The parking provision conforms with the requirements of the current parking standards. The disabled spaces are provided close to the entrance.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

BH1-BH4 apply to archaeological sites and monuments. This site is affected by an area of archaeological potential. HED was consulted and were content that the proposal was compliant with PPS6.

Planning Policy Statement 8-Open Space, Sport and Outdoor Recreation

With regard to policy OS1 and the protection of open space the loss of these areas of open space associated with the existing school will be permitted as an exception as the community benefit outweighs the loss. Also the new school will bring with it, associated areas of landscaped open space.

Planning Policy Statement (PPS) 15 – Planning and Flood Risk

Policy FLD 1 - Development in Fluvial and Coastal Flood Plains

DFI Rivers reviewed a drainage assessment by OCSC date July 2021. DFI Rivers confirmed that the site does not lie within a coastal flood plain.

Policy FLD 2 - Protection of flood defence and drainage infrastructure

DFI Rivers confirmed that there was no water course designated under Terms of Drainage (NI) Order within the site however the site may be affected by undesignated watercourses and if these are discovered FLD2 will apply.

Policy FLD 3 - Development and Surface Water

Dfl Rivers considered the submission of the Drainage Assessment while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. As such DFI Rivers cannot sustain an objection to the proposed development from a drainage or flood risk perspective.

Planning Policy Statement 21 - Sustainable Development in the Countryside

As a portion of this proposal lies outside the settlement limit policy CTY 1 applies. Policy CTY13,14 and CTY15 have been discussed under the 'Visual Impact' section of this report.

Policy CTY 1 - Development in the Countryside

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

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.

Planning permission will be granted for a necessary community facility to serve the local rural population.

This is a relatively unique site for a primary school, with limited room to expand on site within the development limit. The site is already operating beyond capacity for both buildings and more notoriously, parking and access arrangements. The proposal represents a betterment of the current situation both for the primary school and the wider community as the proposal will alleviate a current problematic situation.

I am content that the breach of the settlement limit into the countryside for the proposed use is acceptable under the Policy with community benefit in mind. This proposal represents a necessary community facility to serve the local rural population.

Pre-application Community Consultation Report

There were a number of issues raised through the engagement pre-submission of the application in relation to provision of facilities some of which fall under the remit of the Department of Education Guidelines.

As a result of pre-application community consultation there was a redesign/reconfiguration of access and parking arrangements even though extensive attention had already been given to this as it was already a significant issue at the

current school site. As well as redesign and reconfiguration, following on from public comment parking was increased from 47 spaces to 50 spaces and an additional layby added.

Solar panels have been incorporated into the scheme after this was raised through the PACC process.

Other Material Considerations

Contaminated Land

A contamination assessment was submitted 23rd December 2021 and reviewed by EH who offered no objections subject to a condition.

With regard to invasive species NIEA commented that Salmonberry is present in the bordering habitat. NED agreed with the PEA in that it is unlikely to present a major risk to the proposed development as the building beside this area will be retained, however, biosecurity measures must be taken to ensure that any works do not cause it to spread either on or off the site and standard advice was included on NIEA consultation response.

Noise

Environmental Health was content that noise impact for the proposal on nearby residents was not deemed to be adverse for this proposal.

8. Consideration of Representations

No third party representation were received in respect of this application.

9. Conclusion

The proposal has been considered having regard to the Development Plan, prevailing planning policies and guidance, and all the material considerations including responses from statutory and non-statutory consultees. The proposal will not cause any significant impact on the character of the area nor will it create any significant loss of amenity for surrounding residents. The proposal will bring significant community benefit and approval is recommended.

10. Recommendation

Grant Planning Permission

11. Planning Conditions

1.The development hereby permitted must be begun within five years from the date of this permission.

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

2.The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance within the Proposed Site Layout Plan, Drawing No.13 bearing the stamp dated 01-11-2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3.The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site for the safety and convenience of road users.

5.No development activity, including ground preparation or vegetation clearance, shall take place until an Ecological Management Plan (EMP) has been submitted to and approved in writing by the Planning Authority. The approved EMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved EMP, unless otherwise agreed in writing by the Planning Authority. The EMP shall include the following:

- a) Details of updated bat surveys prior to any demolition works commencing and the development of any additional mitigation measures should bats be found;
- b) Details of the methodology and timing of works and the implementation of bat

mitigation measures;

- c) Details of the provision of alternative roosting locations for bats, including the number, model, specifications and location (including height and aspect) of bat boxes;
- d) Details of appropriate mitigation measures to protect badgers, including an updated survey prior to works commencing;
- e) Details of updated newt surveys prior to the removal of the pond and any mitigation measures that may be required;
- f) Details of the appointment of an Ecological Clerk of Works (ECoW) to oversee the implementation of mitigation measures and their roles and responsibilities

Monitoring, management and maintenance shall take place in perpetuity in accordance with the approved details unless otherwise agreed with the Council.

Reason: To mitigate for impacts on protected species.

6. No works shall be carried out on building 7 as identified in Figure: 'Building no.s and potential access points' of the Preliminary Ecological Appraisal report date stamped 01/11/21 by Ards and North Down Borough Council, until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To protect bats.

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

Reason: To protect breeding birds.

8. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Ards and North Down Borough Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

9. The rating level of the noise emanating from any plant or equipment associated with the development shall not exceed the existing background sound level as stipulated in the report entitled Crawfordsburn Primary School, 4 Cootehall Road Crawfordsburn, Noise & vibration study for Breeam Pol 05, prepared by FR Mark & Associates and dated 2017 (for both day and night-time hours) by more than 0dB. The sound level shall be determined at the nearest residential premises. All measurements and rating shall be made according to BS4142:2014 or the current appropriate standard.

Reason: To ensure the occupiers of nearby residential premises are not adversely affected by noise from the demolition works

10. Demolition works shall not take place outside the following hours:

07:00 – 19:00hrs Monday to Friday

Saturday 08:00- 13:00hrs and not at all Sundays or Public Holidays

Reason: To ensure the occupiers of nearby residential premises are not adversely affected by noise from the demolition works

11. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

12. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

13. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

14. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

15. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

16. All hard and soft landscaping works shall be carried out in accordance with the approved details in drawing No. 19 date stamped 1st November 2021. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the

Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area.

Reason: In the interests of the character and appearance of the area.

17. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

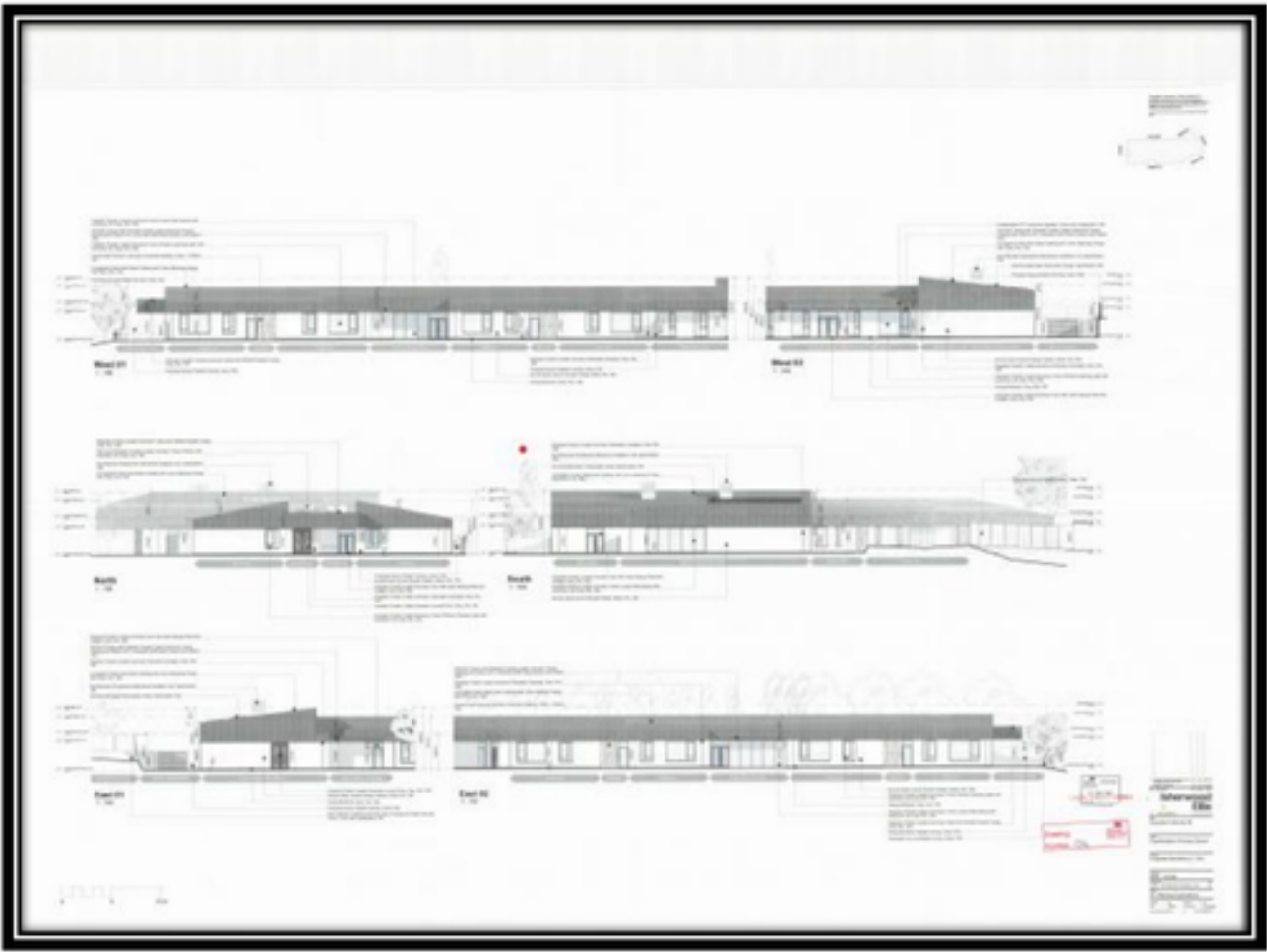
Existing site layout



Proposed site layout




Proposed Elevations



ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2022/0231/F
Proposal	Retention of Open Space (Two year Time Extension to Temporary Permission issued under LA06/2020/0113/F)
Location	Land immediately east of 41 Hamilton Road and south of 1 Springfield Avenue, Bangor. (Site of former Hamilton House & Sea Scout Hall) DEA: Bangor Central
Committee Interest	Application made by the Council
Validated	28/03/2022
Summary	<ul style="list-style-type: none"> • Proposal seeks Time extension to previous temporary permission • Site lies within ATC • No objections from 3rd parties • Site maintained in good condition by the Council • Time extension required to retain open space as an interim measure
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2022/0231/F	DEA: Bangor Central	
Proposal:	Retention of Open Space (Two year Time Extension to Temporary Permission issued under LA06/2020/0113/F)		
Location:	Land immediately east of 41 Hamilton Road and south of 1 Springfield Avenue, Bangor. (Site of former Hamilton House & Sea Scout Hall)		
Applicant:	Ards & North Down Borough Council (ANDBC)		
Date valid:	28.03.2022	EIA Screening Required:	No
Date last advertised:	07.04.2022	Date last neighbour notified:	01.04.2022
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	
Consultations – synopsis of responses: N/A (No consultations issued)			
Summary of main issues considered:			
<ul style="list-style-type: none"> Impact of proposal on the appearance and character of proposed Bangor Central Area of Townscape Character 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site occupies a triangular plot of land opposite the junction of Hamilton Road and Park Avenue. Ward Park lies to the south east on the opposite side of the road, whilst Springfield Avenue, which houses several private residential properties runs parallel to the rear of the site.

The subject plot has been cleared of all buildings which previously occupied the site (ie: Hamilton House and Sea Scout Hall which dated to the 1940's) and the area is laid out in grass with tarmac paths which facilitate pedestrian access between Springfield Avenue and Hamilton Road.

Boundaries are defined by a mix of ornamental hedgerows and timber board fencing in the north western corner of the site.

2. Site Location Plan



3. Relevant Planning History
<p>LA06/2020/0113/F – Demolition of former Hamilton House and Sea Scout Hall, and temporary permission for an area of open space</p> <p>Address: Lands at 43 Hamilton Road, Bangor</p> <p>Planning Permission Granted: 23.07.2020</p> <hr/> <p>LA06/2020/0947/NMC: Non Material Change to Planning Approval LA06/2020/0113/F (Reduction in length & height of the fence stipulated in Condition 3.)</p> <p>Address: Lands at 43 Hamilton Road, Bangor</p> <p>Consent Granted: 18.03.2021</p> <hr/> <p>The above planning history demonstrates that planning permission was previously granted on the site for the demolition of all derelict buildings within the plot and the consequent creation of an area of open space for a time limited period of two years.</p>
4. Planning Assessment
<p>The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:</p> <ul style="list-style-type: none"> • North Down & Ards Area Plan 1984-1995 • Draft Belfast Metropolitan Area Plan 2015 • Strategic Planning Policy Statement for Northern Ireland • Addendum to Planning Policy Statement 6: Areas of Townscape Character <hr/> <p>The application site is located within the settlement of Bangor, as defined within the extant Area Plan document and inside the proposed town boundary as outlined in draft BMAP.</p> <p>It is of note that the adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18th May 2017.</p> <p>In context of the same, the North Down and Ards Area Plan 1984-1995 (NDAAP) therefore remains the statutory development plan for the area with provision of the draft BMAP document remaining a material consideration.</p>

The site is situated within the proposed Bangor Central Area of Townscape Character (ATC). The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry.

The Commission recommended no change to the ATC and it therefore probable that, if and when BMAP is lawfully adopted, a Bangor Central Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

Principle of Development

As was determined by Council under the previous application (LA06/2020/0113/F), whilst the buildings which previously occupied the site were well-known local features within the town centre, Hamilton House and Sea Scout Hall were inclusive of building materials and architecture which was not reflective of the surrounding ATC.

It was additionally accepted that there were significant costs to the public purse in maintaining and securing the site due to antisocial behaviour which had resulted in a detrimental impact on neighbouring residents.

In context of the same, the proposal to demolish and clear the site of all buildings was accepted followed by the creation of an area of open space as a temporary design solution.

As presented, the current proposal seeks to retain the site as an area of open space for a further period of two years which was requested to allow for the Council to finalise its Estates Strategy and determine the best value for money use of the site for the benefit of the public purse.

With regards to the time which has elapsed since the granting of planning permission in July 2020, the resultant socio-economic conditions caused by COVID-19 Pandemic are acknowledged and I am therefore content that retention of open space remains acceptable as a 'mean-while' use until such time as the Council submits an appropriate replacement proposal.

This is comparable the approach taken at Queen's Parade through the installation of the Project 24 pods, rather than leave the site in a derelict state with the erection of fencing around the site, which could be subject to graffiti further eroding the character and appearance of this part of the ATC.

In conclusion therefore I consider it appropriate accept the proposal with inclusion of a time condition restricting the permission to a period of 2 years, in order that an appropriate replacement scheme is applied for within a reasonable timeframe.

Impact of Development on Surrounding Area and ATC Designation

As prevailing policy suggests, the test to be applied regarding ATCs is that development does not result in harm to the character of the ATC as a whole.

The principle of demolition has been established and carried out through the original planning application (LA06/2020/0113/F) and as was clear from my site inspection, the area of open space which has been consequently created is enclosed and well maintained.

Whilst it could not be said that, in its current state, the site contributes to the ATC, the subject area of open space does not detract from its overall appearance either.

As presented, the proposal to retain the site as an area of open space will have a negligible impact on the surrounding area or ATC designation and will continue to reduce and mitigate against anti-social behaviour within the site in the immediate future.

In my professional judgement then, I see no reason to find the current proposal contrary to policy and subject to appropriate conditions, I believe that the proposal to retain the site as an area of open space complies with prevailing planning policy.

5. Representations

No objections have been received.

6. Recommendation

The proposal is considered acceptable and would not detrimentally impact on the character or appearance of the proposed ATC designation.

Whilst the already completed demolition works has visually altered the street scene, the proposal to retain the site as an area of open space will not result in a detrimental impact on the setting or character of the surrounding area.

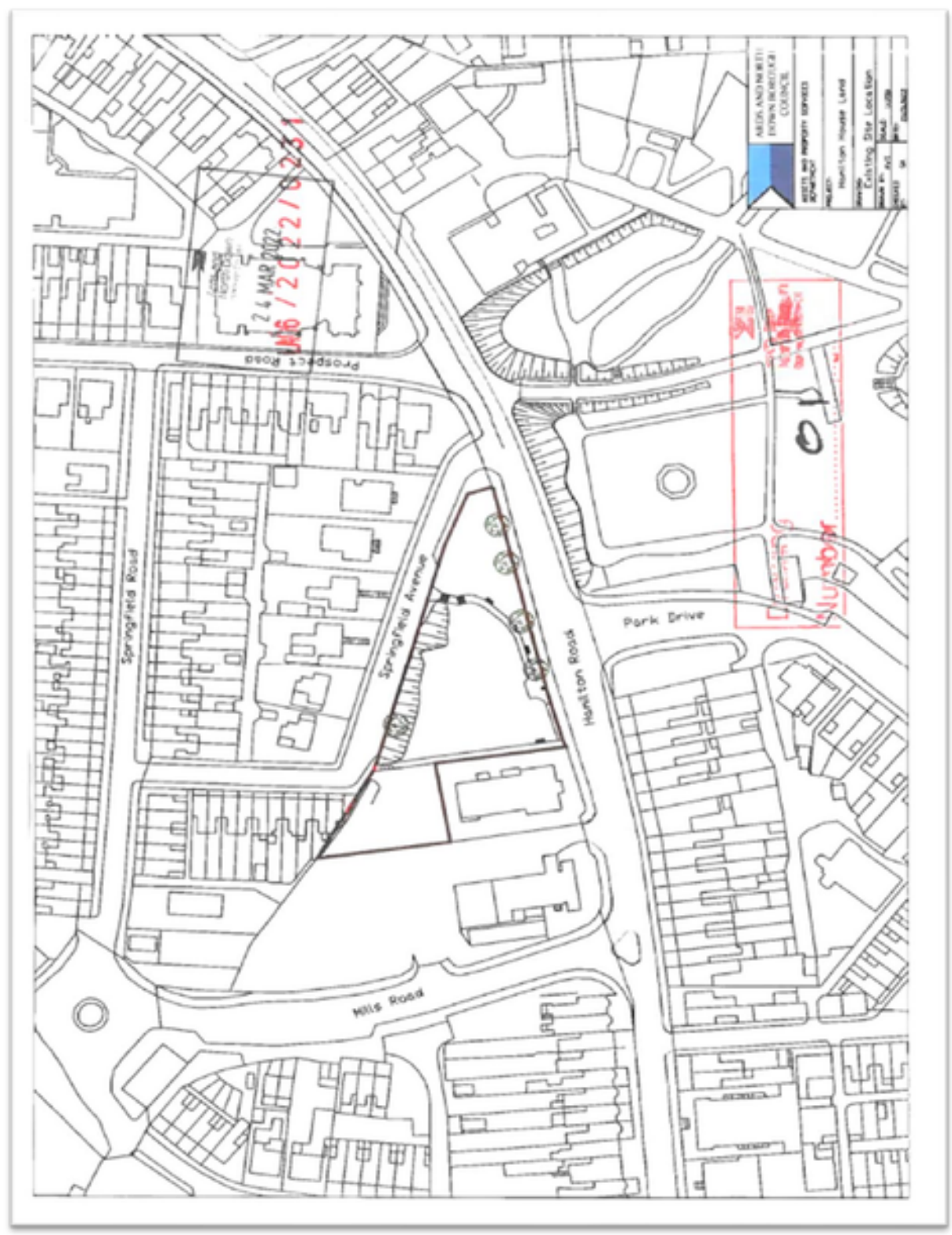
Approval is therefore recommended on a temporary basis.

Grant Planning Permission

7. Conditions

1. This temporary use is approved for a period of 2 years only from the date of decision.

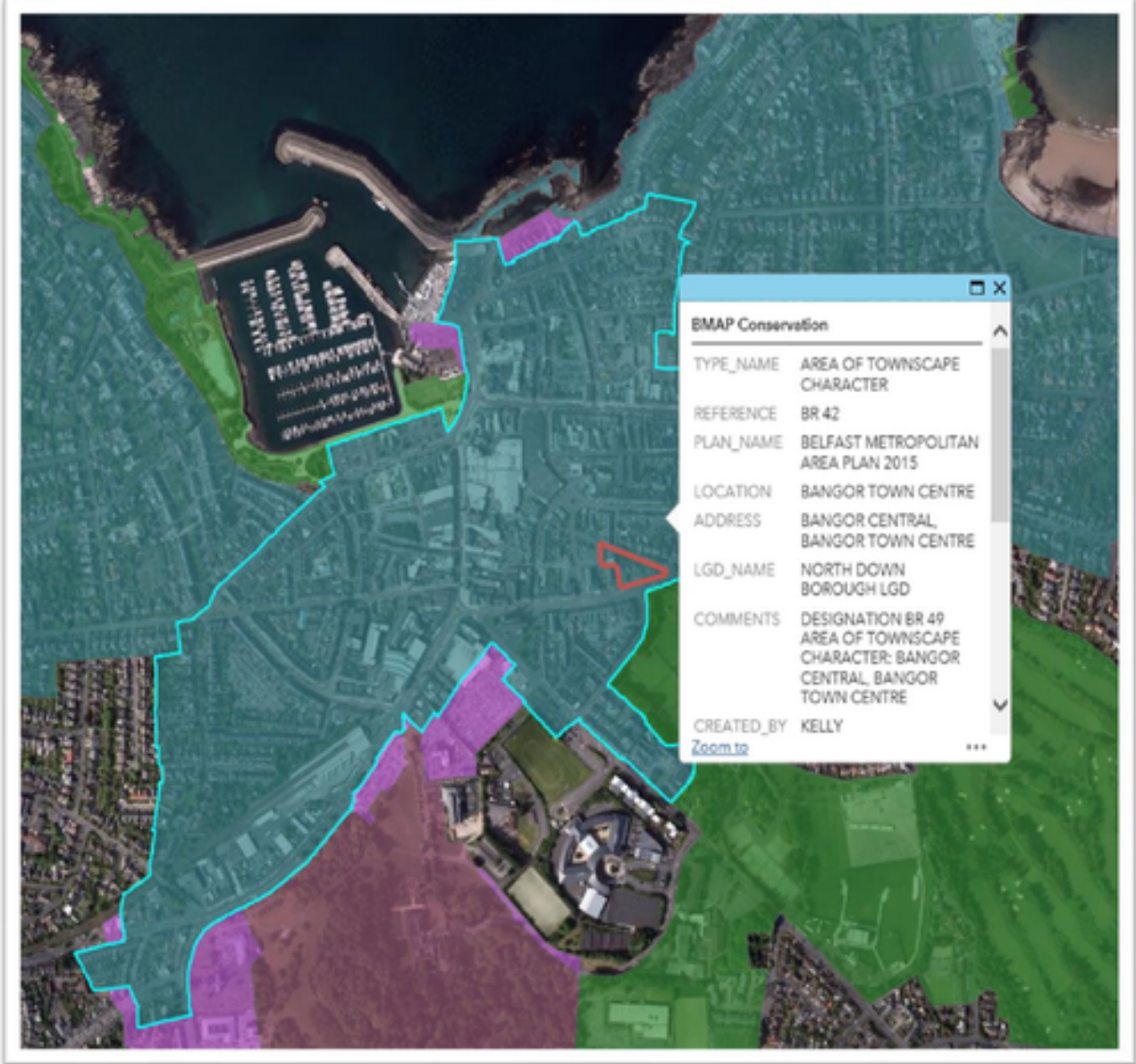
Reason: This type of temporary use is such that its permanent retention would harm the character and amenity of this draft Area of Townscape Character area.



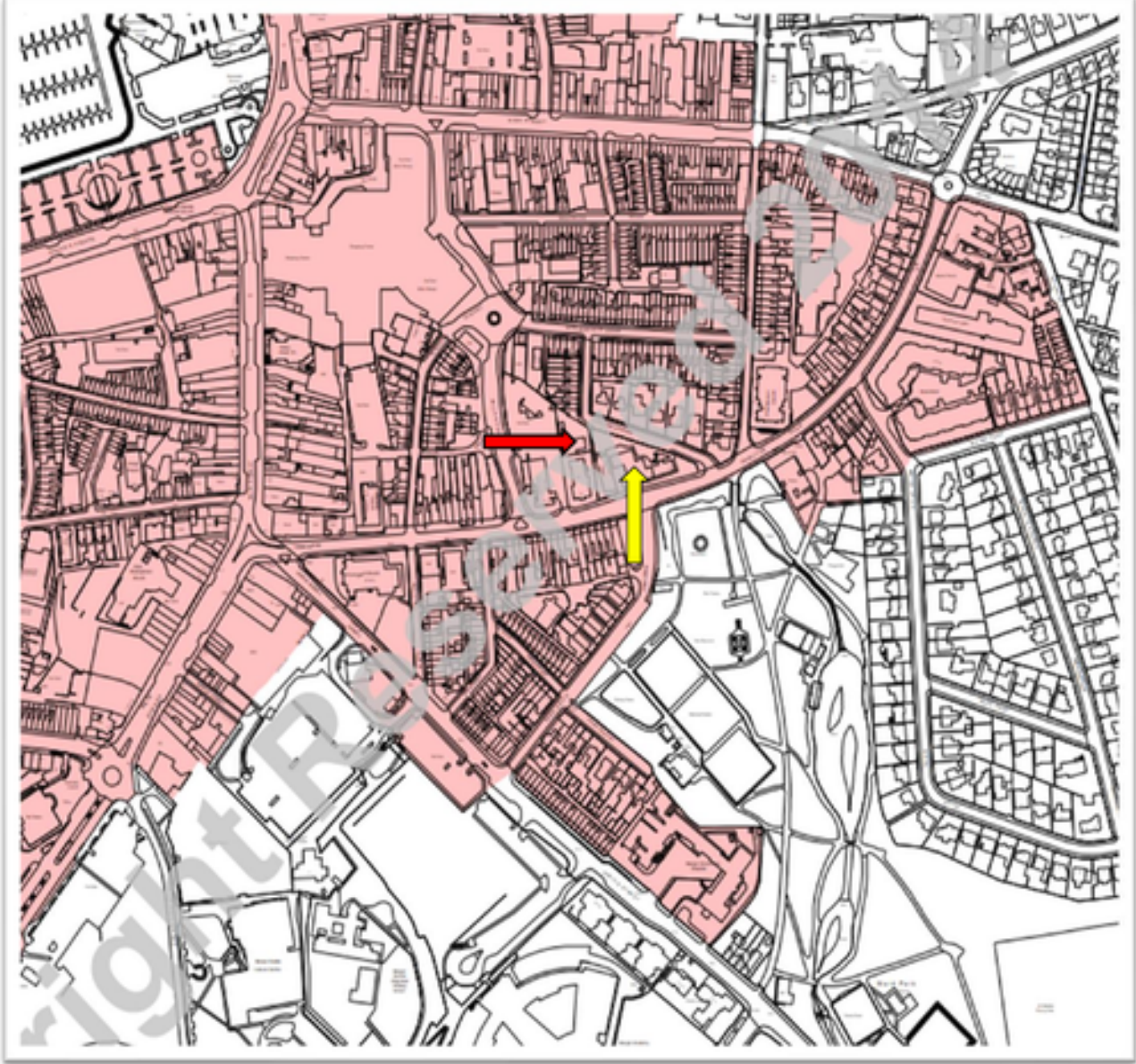
Extract of 1:1250 Site Location Map with site outlined in red



Aerial view of site outlined in red and showing footprint of former buildings now demolished



Map Extract showing site outlined in red within the boundary of Bangor Central Area of Townscape Character (Designation BR42 Draft BMAP 2015) outlined in light blue.



Belfast Metropolitan Area Plan 2015
BR 42 - Bangor Central Area of Townscape Character

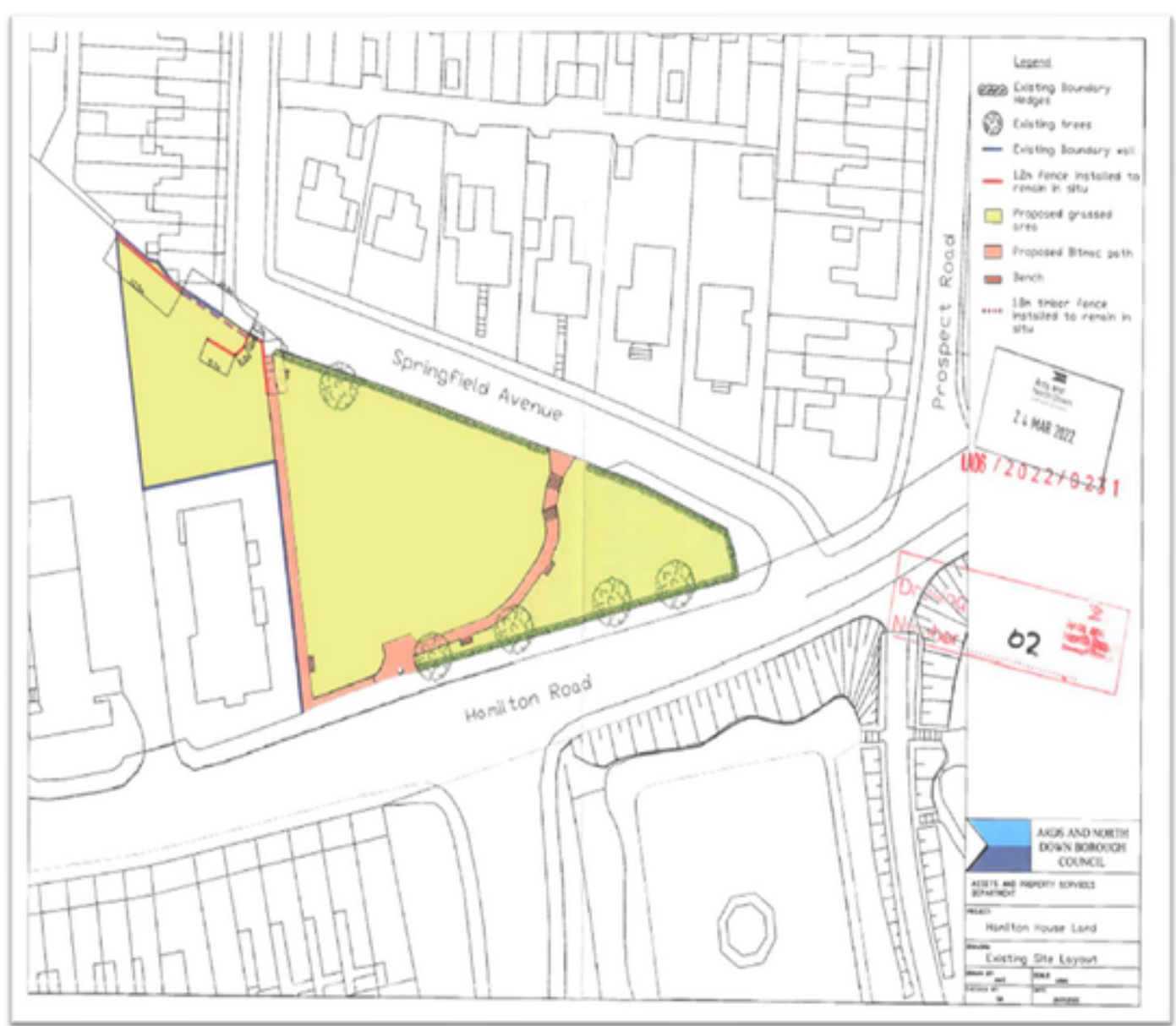
-  Settlement Development Limit
-  Area of Townscape Character



Red Arrow indicates location of Former Sea Scout Hall

Yellow Arrow indicates location of Former Hamilton House





Extract of 1:500 Site Layout showing arrangement of temporary open space.

Site Photographs (Spring 2022)



Site from Springfield Avenue, looking westwards towards gable of British Legion Building



Site from Springfield Avenue, looking Eastwards towards Ward Park



(Above and Below) Site from Springfield Avenue, showing fencing erected around former site of Sea Scout Hall






(Above and Below) Site now laid out in grass and access paths with hedging along boundaries



ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2021/1364/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of 2-4 Seacliff Road, Bangor DEA: Bangor Central
Committee Interest	An application made by the Council
Validated	23/11/2021
Summary	<ul style="list-style-type: none"> • Parklet is 7.3m long and 3.3m wide. • The area is characterised by a mix of commercial and residential properties. • 10 objections received from 9 separate addresses. Matters raised relate primarily to the impact on residential amenity. • Environmental Health object to the proposal on basis of the potential noise impact on adjacent residential properties. • Environmental Health has confirmed that there is a history of complaints in this area relating to noise impact from residential properties. • HED: HB stated that the development would detract from the settling of listed buildings but are prepared to support the proposal based on its temporary nature.
Recommendation	Refusal
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1364/F	DEA: Bangor Central	
Proposal:	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)		
Location:	To front of 2-4 Seacliff Road, Bangor		
Applicant:	Ards & North Down Borough Council		
Date valid:	23.11.21	EIA Screening Required:	No
Date last advertised:	23.12.21	Date last neighbour notified:	03.12.21
Letters of Support: 0	Letters of Objection: 10 from 9 addresses	Petitions: 0	
Consultations – synopsis of responses:			
Environmental Health		Objection	
DFI Roads		No objection	
Historic Environment Division		Content	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Refuse Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of three of on-street parking spaces in the centre of Bangor.

The site is part of a larger on-street parking bay located in front of commercial units on Seacliff Road. The car park associated with the marina is on the opposite side of the Seacliff Road. The site has a corner location with the southern boundary facing onto Victoria Road. The area has a mixed character. There are commercial units directly opposite the site, residential units to the north along Seacliff Road and to the south on Victoria Road, and the large car park and public realm area opposite the site on the far side of Seacliff Road.

2. Site Location Plan



3. Relevant Planning History

No planning history material to the current application. The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Bangor, the site is within the Town Centre. There are no environmental designations affecting the site. The site is within Bangor Central Area of Townscape Character. There are a number of listed buildings in close proximity to the site (the Boat House on the opposite side of Seacliff Road, and four terraced properties on Victoria Road). The site is also within an Area of Archaeological Potential but as the works do not require any material excavation works it has not considered expedient to consult Historical Environment Division. The site also falls within the Bangor Area of Parking Restraint.

Whilst there are no material provisions in the plan in relation to parklets, dBMAP seeks to promote an urban renaissance and recognises town centres have a key role as prime foci for retail, service, administrative, leisure and cultural facilities. The proposal is therefore considered in broad agreement with the Plan subject to any prevailing regional policies.

Impact on Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

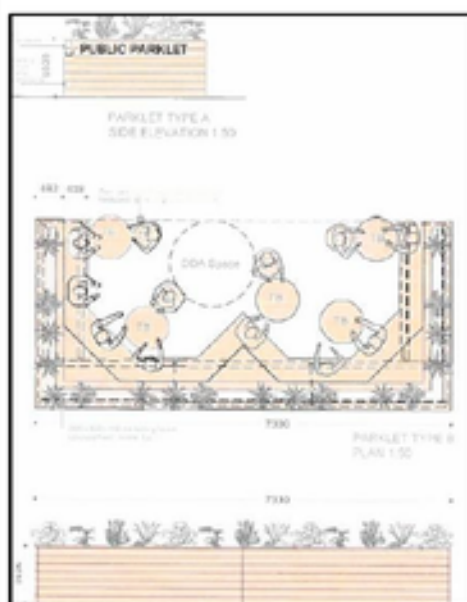
This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

Impact on Character of Area and ATC

The proposal is 7.3m long and 3.3m wide. The parklet is open towards the footpath/shops and enclosed by timber-effect cladding/planters on the two ends and roadside.



Location of the parklet outside the Guillemot Restaurant



Proposed floorplan and elevations

As referred to earlier, whilst within the Town Centre, there are a number of residential properties (apartments and houses) in close proximity to the site. Furthermore, the area is on the opposite side of the road from the marina and its associated carparking and public spaces. And, whilst the parklet will undoubtedly introduce a new feature in

the town, public seating and planters are a common feature across the town centre. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

In relation to the ATC, key features include the listed dwellings with oriels at 2-8 Victoria Road, and the rubble stone 17th century tower 35m southwest of the site. Given the scale and height of the proposal, the parklet will have no impact on views of the sea. The proposal will have no material impact on any of the key features of the ATC.

Impact on Residential Amenity

The SPPS also makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

The Council's Environmental Health Department has raised concerns about the impact of the parklet on residential amenity of neighbouring properties. Given the parklets would be open 24 hours a day, and as little could be done to control or mitigate potential noise levels, the Environmental Health Officer requested further consideration be given to relocation of the proposal in order to increase the separation distance to the nearby noise sensitive receptors. The response referenced the objection letters and also confirmed the Environmental Health Department has also received complaints regarding noise from commercial premises in the area.

The impact on residential amenity has featured prominently in several objection letters received as a result of the application. The letters stressed the site was in close proximity to numerous residential properties. The potential for the parklet to create a gathering point for outdoor socialising and drinking was a constant theme of objections. Associated problems such as litter and management of the parklet was also referenced in several letters. One objector referenced an outdoor seating area on the footpath adjacent to the site that operated from the start of the pandemic; it was claimed this led to noise from crowds, tethered dogs barking and general anti-social behaviour at night. The comments from the Council's EH Department would appear to give significant weight to the concerns of local residents. Whilst the parklet is directly in front of commercial premises, there is a 3.5-storey apartment block 15m to the north and terraced properties 12m to the south. The terraced properties, while on the opposite side of Victoria Road, actually face onto the side of the proposal. With a restaurant/bar to the north at the Salty Dog, the Guillemot directly in front, the boat house on the opposite site of the Seacliff Road, Rabbit Rooms to the south, it is not difficult to see how the proposal has the potential to exacerbate further noise and nuisance late at night. Given that mitigation measures are not practical, it is my professional planning judgement, the proposal would adversely affect the living conditions of residents on Seacliff Road and Victoria Road.



Proposal to be located on parking bays in mid-ground of photo



View from Seacliff Road; The Tower and Boat House visible to right of photo

Road safety/Parking

Clearly the proposal will result in the loss of three spaces. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. For new developments which create additional parking pressures, the planning policy provides for a reduction in provision where the location is highly accessible and one where the development is proposed close to existing public car parking.

Objection letters raised concerns regarding the impact on traffic and parking in the area. The fact the parklet is on a corner was mentioned by several objectors who considered this to be a 'blind' corner and would only serve to reduce visibility to vehicles and cyclists. The juxtaposition of the parklet with the other parking spaces in the bay was also suggested to prejudice safety for road users and pedestrians alike.

Surrounding streets are characterised by a significant amount of on-street parking, not to mention the large car park across the road at the marina. The loss of spaces must be balanced against the need to support measures to improve the town-centre

product and the wider availability of car parking spaces. DFI Roads has been consulted and did not consider the proposal to prejudice safety of road users and pedestrians (subject to a number of conditions).

The reduction of car parking spaces was also raised in objections letters. Within Draft BMAP, the site falls within an Area of Parking Restraint. This applies parking standards for new residential and non-residential developments. The proposal does not relate to the provision of new development that would increase the need for parking spaces. I do not consider the proposal to be therefore contrary to any of the objectives.

Impact on Listed Buildings

The proposal is in close proximity to a number of listed buildings: the Boat House Restaurant, The Tower House, and 2-8 Victoria Road. Historic Buildings has considered the proposal in light of the requirements of the SPPS and PPS 6, and more specifically Policy BH11 – Development affecting the Setting of a Listed Building. Historic Buildings considered the visual impact of the proposal to have a 'cluttering' effect and would detract from the existing sense of place and setting of the listed buildings. However, given the application is for a limited period, Historic Buildings was content to support the proposal subject to a condition removing the parklet on the expiration of 3 years.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 300m from nationally and internationally designated sites. Roadway and car park between the site and the coast. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, 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).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

Ten objections from 9 separate addresses have been received. The majority of the objections relate to the impact on the residential amenity (particularly noise, litter and general nuisance). As I have stated above, I consider these to be valid concerns and comments from EHO only further this conviction. Given the surrounding proximity of houses and other eateries, it is my professional planning opinion these concerns be given determining weight.

A loss of parking and road safety were also highlighted in the objections. However, given the amount of local car parks in the area, it is not considered this would be fatal

to the proposal. In terms of safety, I have consulted with DFI Roads and, subject to conditions, it did not raise any concerns.

Other matters were raised such as cleaning and sanitisation are beyond the remit of the planning process.

6. Recommendation

Refuse Planning Permission

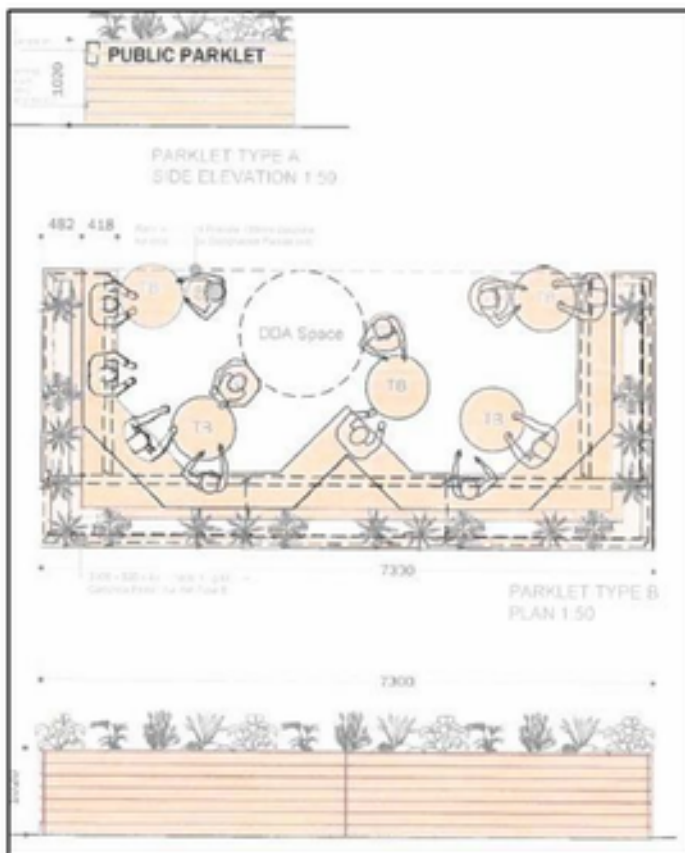
7. Conditions

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (2.3) in that it has not been demonstrated that the proposal will not result in a detrimental impact on the residential amenity of properties on Seacliff Road and Victoria Road.

ANNEX



Site Plan




Elevations and floorplans

ITEM 4.6

Ards and North Down Borough Council

Application Ref	LA06/2021/1372/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	15m east of Donaghadee Sailing Club, 20 Shore Street, Donaghadee DEA: Bangor East and Donaghadee
Committee Interest	An application made by the Council
Validated	23/11/2021
Summary	<ul style="list-style-type: none"> • Parklet is 7.3m long and 3.3m wide. • The proposal is considered supplementary to the existing use of the site as public open space. • No objections received from consultees or members of the public. • Ample separation to residential properties (closest housing approximately 30m to the west) • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.6a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1372/F	DEA: Bangor East & Donaghadee	
Proposal:	Change of use (temporary for 3 years) of public open space to parklet (consisting of planters and area for public seating)		
Location:	15m east of Donaghadee Sailing Club, 20 Shore Street, Donaghadee		
Applicant:	Ards and North Down Borough Council		
Date valid:	23 rd November 2021	EIA Screening Required:	No
Date last advertised:	23 rd December 2021	Date last neighbour notified:	9 th December 2021
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Office		No objections	
DFI Roads		No objections	
Shared Environmental Services		No objections	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a small area of informal green space along the shore front in Donaghadee. The site is located 25m north of the war memorial and facing the Sailing Club in an area of open space between the shore and the public road. The site is approximately 7m x 3m and is adjacent to the public footpath.

The area has a mixed character. Immediate area defined by the open space and adjacent roadway and on-street parking. Number of public benches in the area. Residential terrace and sailing clubhouse on opposite side of the road.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history on the site.
The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

The 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)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- PPS 3 Access, Movement and Parking
- PPS8 Open Space, Sport and Outdoor Recreation

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site described above is in the settlement of Donaghadee. The site is outside the Donaghadee Conservation Area and Town Centre. The site does not fall within any environmental or built heritage designation. The site does fall within an Area of Archaeological Potential but given the proposal will not require any material excavation works, it has not been considered expedient to consult Historical Environment Division.

There are no material provisions in the Plan in relation to this type of development. However, the development is in an urban area where there is a general presumption in favour of development subject to the prevailing regional planning policies.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Given its scale and urban location, the proposal will not be in conflict with the provisions of the SPPS.

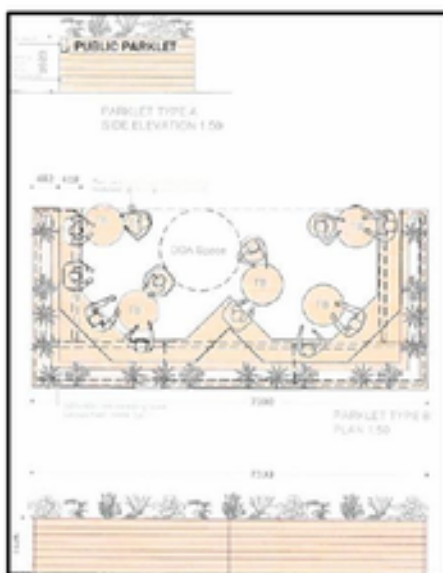
The proposal is considered supplementary to the existing use of the site as public open space.

Impact on Character of the Area

The proposal is 7.3m long and 3.3m wide. The parklet is open towards the shore and enclosed by timber-effect cladding/planters on the two ends and on the roadside.



Parklet to be located on open space adjacent to footpath



Proposed floorplan and elevations

The area is used by members of the public walking along the shore. There are a number of public benches in the immediate vicinity. The proposal will therefore supplement the existing seating provision and be in keeping with the wider character of the area. The parklet will be 1m in height, and the overall scale is such that the proposal will not be dominant or detract from the surrounding area. Given the context and scale of the proposal, I do not consider there to be any harm to the character of the surrounding area.

Impact on Residential Amenity

The SPPS makes good neighbourliness a yardstick with which to judge proposed developments and The Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

Closest housing is on the opposite side of Shore Street (30m to the west). Given the existing context, I do not consider that the parklet would have any greater significant impact on amenity than what is currently experienced. The existing open space is enjoyed by locals/visitors and I do not consider the proposal to have the potential to significantly affect amenity of neighbours. As a matter of good practice, the Council's Environmental Health Department has been consulted and no objections were raised.

Road safety/Parking

The proposal will have no impact on parking or a vehicular access.

In relation to the safety of pedestrians and road safety, the roads authority has been consulted and no objections were raised.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. Whilst the site will be within 50m of nationally and internationally designated sites, the works will not involve heavy excavation and pouring of foundations etc. There is a buffer of 20m (including a footpath abutting the shoreline) between the siting of the parklet and the shore. With reference to impact on such environmentally sensitive areas, I informally consulted Shared Environmental Services and it was considered no further actions were required. No protected habitat on the site. Therefore, 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).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

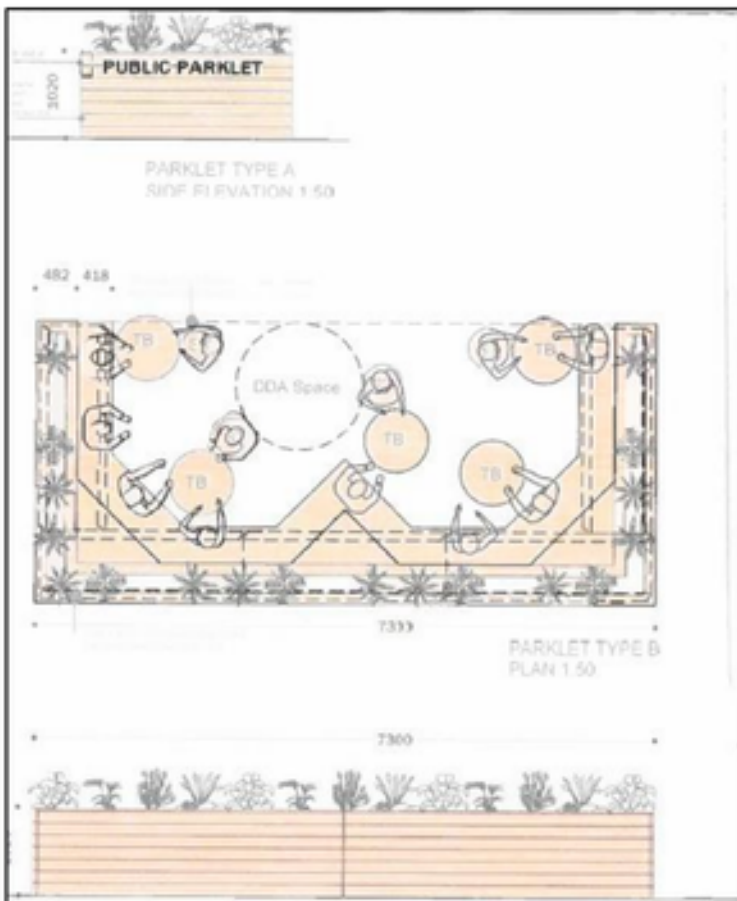
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.

Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area.



Site location




Elevations and floorplans

ITEM 4.7

Ards and North Down Borough Council

Application Ref	LA06/2021/1371/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of St Mary's Parochial Hall, 24 The Square, Comber DEA: Comber
Committee Interest	An application made by the Council
Validated	23/11/2021
Summary	<ul style="list-style-type: none"> • Parklet is 7.3m long and 3.3m wide. • No objections received from consultees or members of the public. • Ample separation to residential properties (closest housing approximately 40m to the south) • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.7a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1371/F	DEA: Comber	
Proposal:	Change of use (temporary for 3 years) of public pavement to parklet (consisting of planters and area for public seating)		
Location:	To front of St Mary's Parochial Hall, 24 The Square, Comber		
Applicant:	Ards and North Down Borough Council		
Date valid:	23/11/2021	EIA Screening Required:	No
Date last advertised:	23/11/2021	Date last neighbour notified:	14/12/2021
Letters of Support: 1		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Department		No objections	
DFI Roads		No objections	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a small area of public footpath on the eastern side of the Square in Comber. The site is located on what is a wide section of footpath in front of the local Parochial Hall and adjacent to a commercial unit. The site is approximately 7m x3m; on-street parking adjacent to the footpath.

The area has a largely mixed character. There are a number of shops, restaurants and pubs nearby, church buildings in the corner of square, the wide pavement, parking bays and nearby park/war memorial give the area a strong public-realm element. Some residential properties along southern side of the square.

2. Site Location Plan



3. Relevant Planning History

No planning history material to the current application.
The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

The 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)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site described above is in the settlement of Comber. The site is also in the town centre and 'The Square' Area of Townscape Character. There are no environmental or architectural designations affecting the site. The site falls within an Area of Archaeological Potential and Archaeological Site and Monument, but as the works do not require any material excavation works it has not considered expedient to consult Historical Environment Division.

The Town Centre designation is to ensure the continuance of a compact and attractive shopping environment, offering both choice and convenience. Given the nature of the development, it is not considered the proposal will prejudice the objectives of the plan in relation to retail and town centres and it is considered the proposal is in general conformity with the plan, subject to the prevailing regional planning policies.

Impact on Town Centre

In relation to Town Centre and Retailing, the SPPS acknowledges it is important that planning supports the role of town centres and contributes to their success. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions.

This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Town Centre. The proposal will not prejudice the objectives of the SPPS and will likely be supplementary to the role and function of the town centre.

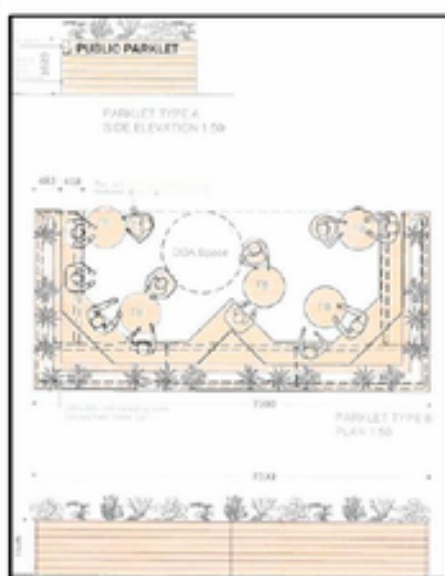
Impact on Character of the Area and the ATC

The proposal is 7.3m long and 3.3m wide.

The parklet is open towards facing the square; sides and rear enclosed by timber-effect cladding/planters.



Parklet to be located on eastern side of Comber Square



Proposed floorplan and elevations

There are a number of public benches and planting in the immediate vicinity and the area is a natural hub for locals and visitors to sit out (the proposal will actually involve the re-siting of an existing bench). There is a small pedestrianised area located in the centre of the Square. The parklet is close to a public house which during the summer months places tables and chairs outside for the benefit of patrons. Whilst the design of the parklet will be different to the existing street furniture, I do not consider it to have a detrimental impact on the character of the area or of the ATC in particular. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a dominant feature on the street. The parklet is innovative and will be complementary to the existing town centre.

Impact on Amenity of Neighbouring Residents

The SPSS also makes good neighbourliness a yardstick with which to judge proposed developments and the Council considers it important that the amenity of all residents is protected from 'unneighbourly' developments.

As referred to earlier, the site has a mixed character with a number of uses in the area. The closest residential properties are 40m to the south (along the southern side of the square). Given the existing public seating around the square and the number of commercial and public uses, I do not consider the proposal to have any significant additional impact on residential amenity. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Road safety/Parking

The proposal will have no impact on parking or on vehicular access. The roads authority has been consulted and it was considered there will be no prejudice to road users and pedestrians.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 900m from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Unlikely the proposal will require works of heavy construction. Therefore, 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).

In terms of protected and priority species, the proposal did not trigger a scenario which would reasonably require additional survey information. There is considered to be negligible impact on any species protected under law.

5. Representations

One representation was received. The Council received correspondence from the adjacent St Mary's Church. The church appears to have been in consultation with local regeneration and commerce groups and were aware of a previous design showing a parklet with a roof. I am not privy to the process of selecting the current design, and I have informed the applicant of the letter should they wish to address this directly with the church. The letter ended by offering broad support for the proposal.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

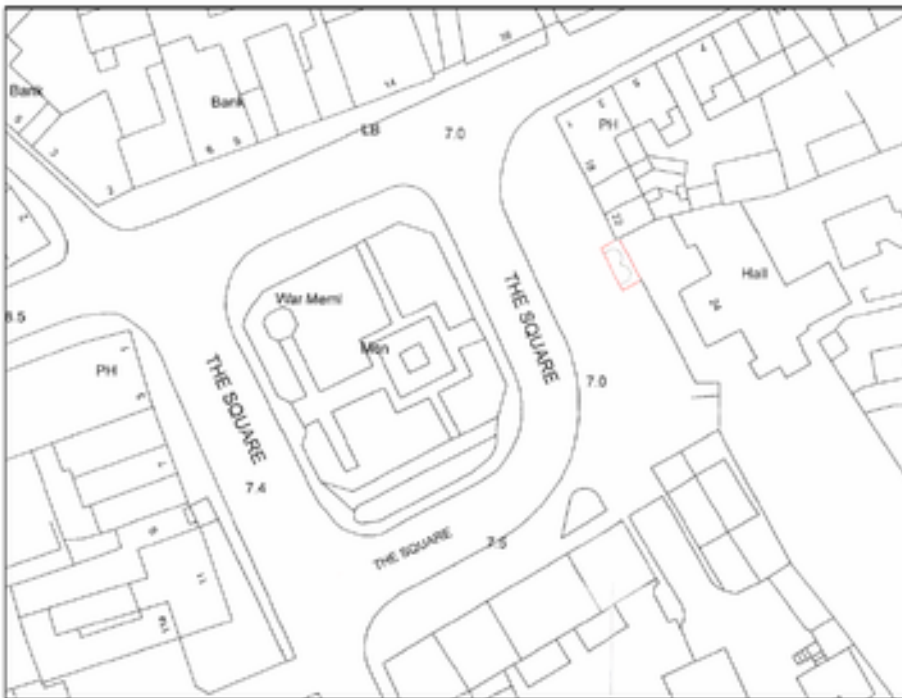
2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.

Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area.

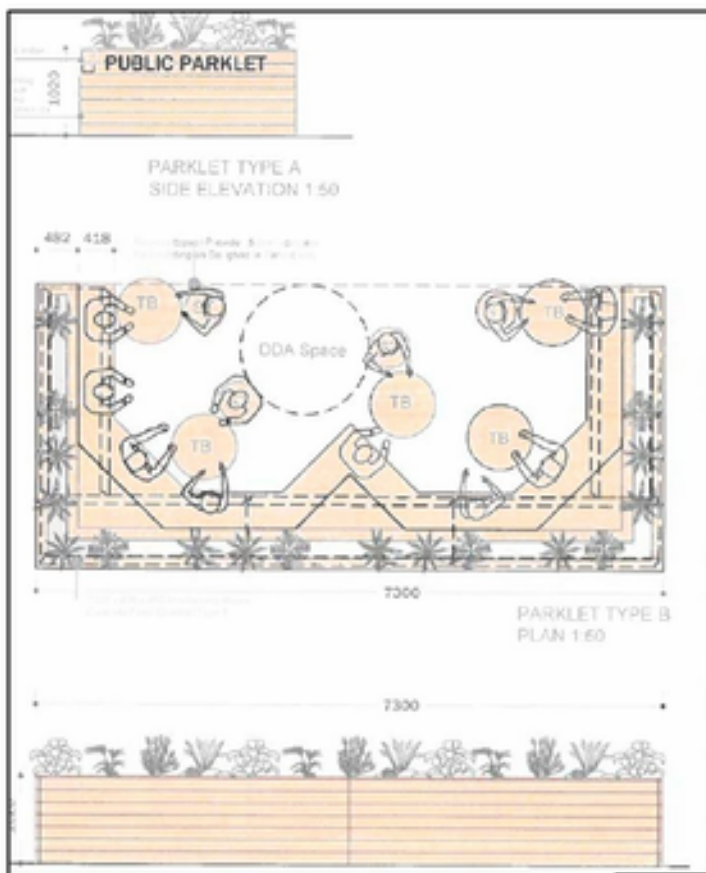
Informative

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

Annex



Site Location Plan



Elevations and floorplans

Unclassified

84

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	07 June 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	16 May 2022
File Reference	
Legislation	The Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Planning Appeals
Attachments	None

Decisions

1. The following appeal was withdrawn on 07 April 2022.

Appeal reference:	2021/E0077
Application Reference:	LA06/2020/0019/C
Appeal by:	D Graham
Subject of Appeal:	Alleged unauthorised removal of two trees protected by a Tree Preservation Order (TPO)
Location:	Lands adjacent to 5 Bennett House and to the rear of 2b Fort Road, Helens Bay

Unclassified

85

New Appeals Lodged

2. The following appeal was submitted on 28 April 2022.

Appeal reference:	2022/A0023
Application Reference:	LA06/2021/0698/LBC
Appeal by:	Mr James Woods (Castlereagh Ltd)
Subject of Appeal:	Demolition of structurally unsound and dangerous listed building HB24/01/139
Location:	2-4 Church Street, Portaferry

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

RECOMMENDATION

It is recommended that the Council notes this report.

Unclassified

86

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	07 June 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	25 May 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>
Subject	Retention and Disposal Schedule
Attachments	Item 7a - 2021 Retention and Disposal Schedule Item 7b 2022 Draft Retention and Disposal Schedule

Retention and Disposal Schedule for Planning Service

1. Following transfer of the majority of planning powers to local Councils on 1 April 2015, the Council's Retention and Disposal Schedule (RADS) for planning files remained in line with the previous DOE Planning schedule, pending review.
2. All 11 Councils, through the Planning Senior Administrative Officer Group, and in liaison with representatives from PRONI, reviewed the position and a revised RADS schedule (copy enclosed) consistent across all Councils was presented and agreed in February 2021. The RADS schedule allows the Council to comply with both the current Data Protection Act 1988 and the General Data Protection Regulations which came into operation in May 2018. The revised RADS was also envisaged to be taken into account in the specification for the new Planning Portal system to enable Councils to apply the retention and disposal requirements to both hard copy and electronic files.

Unclassified

3. The revised RADS remains broadly in line with the previous DOE Planning schedule. The main changes are noted as:
 - Preliminary Enquiries and PADs have been called out as non-statutory and for destruction after 6 years from the date of the last paper/action on the file once it's closed/concluded.
 - Invalid cases have been noted for destruction 6 years from the date of the last paper/action on the file once it's closed/returned.
 - Third party representations on planning application files have been noted for destruction 3 years from the date of the last paper/action on the file once it's closed/concluded.
 - The retention period for Enforcement files has been increased from 1 year to 2 years (from date of last paper/action on the file once case is closed/concluded). This increase is because the annual statistical reports are usually not pulled from the system until June at the earliest i.e. month 15, and may need to be pulled again later in the year should a fault be noticed during the analysis of the data. Therefore, if the 1-year rule was applied, enforcement cases that have been closed with no action having been taken during the first 3 months of the reporting period would be destroyed and consequently missing from the statistical data. (Note - Cases that proceed to Notice stage would be unaffected as they will be retained for the Enforcement Notice Register).
4. Members are asked to note that Section 242 of the Planning Act (NI) 2011 requires the permanent retention of a Public Register and, therefore, the main documents from planning application files such as the application form, decision notice and stamped drawings, and any other documents relevant to Section 242 of the 2011 Act, are to be permanently retained.
5. Once approved, this Schedule will be sent to PRONI for notification.

RECOMMENDATION

It is recommended that Council agrees the revision to the RADS schedule for planning files.

Planning – Retention & Disposal Schedule

Item 6a

88

Service Area	Example of Records	Statutory Provisions / Authority	Retention Period	Action at end of administrative life of record (and retention period)
Development Management	Public Register as per Section 242	The Planning Act (Northern Ireland) 2011	Permanent	Permanent retention by Council
	Planning Applications Files to include but exclusive to:- (Outline/Full/Reserved Matters/Pre Application Discussion/Pre Application Enquiry/Non Material Change/Certificate of Lawful Use or Development/Proposal of Application Notice/Listed Building Consent/Advertising Consent/Discharge of Condition)	The Planning Act (Northern Ireland) 2011; The Planning Regulations (Northern Ireland) 2015	6 years (after date of last paper in the file)	Destroy
	Public Register of Section 26 (Regionally Significant Applications) & Section 29 (Call-In Applications)	The Planning Act (Northern Ireland) 2011	Permanent	Permanent retention by Council
	EIA Assessment Register	The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	Permanent	Permanent retention by Council
Enforcement	Register of Enforcement Notices/Listed Building Enforcement Notices/Stop Notices/Discontinuance Notices/Hazardous Substances Contravention Notices/Breach of Condition Notices	The Planning Act (Northern Ireland) 2011	Permanent	Permanent retention by Council
	Enforcement Files	The Planning Act (Northern Ireland) 2011	1 year after Case Closed (only where no formal	Destroy after 6 years

Planning – Retention & Disposal Schedule

Item 6a

89

			enforcement action taken)	
Development Plan	Records associated with all aspects of the process, preparation and publication of development plans from plan initiation to plan adoption stages.	The Planning Act (Northern Ireland) 2011; The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Background Information - 6 years after adoption of plan	Destroy
			Published Plan	Permanent Retention by Council. Transfer a copy to PRONI after 6 years
	Records associated with Publications (Conservation Area Design Booklets, Design Guides etc.)	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Background Information - 6 years after publication	Destroy
			Publications	Permanent Retention by Council. Transfer a copy to PRONI after 6 years
Trees	Tree Preservation Orders	The Planning Act (Northern Ireland) 2011; The Planning (Trees) Regulations (Northern Ireland) 2015	Permanent	Permanent retention by Council
	Provisionals served but not confirmed; Sites considered for TPO but not served		1 year following decision	Destroy
Correspondence	General Correspondence - CITOS, Complaints, FOI/EIR, Data Subject Access Request		6 years	Destroy (unless connected with ongoing NIPSO investigation or JR proceedings) – then destroy after further one year

Retention and Disposal Policy for Planning Records (2022)

Item 6b

PLANNING - Paper and Electronic Records				
Sub-work Area – Basic Work Activities	Type of Records	Statutory provisions/Authority	Retention Period	Action at end of administrative life of record (and retention period)
Development Management	All Planning Registers: <ul style="list-style-type: none"> • Register for Applications* • Register for Simplified Planning Zones and Enterprise Zones • Register of Enforcement Notices • Register of Orders and Directions <p>*This includes Section 26 (Regionally Significant Applications), Section 29 (Call-In Applications) and EIA Assessments & Statements.</p>	Section 242 (1) of the Planning Act (Northern Ireland) 2011 Articles 24, 25, 26 and 27 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	Permanent	Permanent retention by Councils Councils may choose to use electronic storage for these registers.
	Planning Application files including related Appeal, Public Inquiry and Judicial Review records. Case Types included: Advertisement; Conservation Area Consent; Discharge of Condition; Request for EIA Determination; Determination - Listed Buildings Consent; Section 26 Determination; Full; Hazardous Substance Consent; Hazardous Substances Deemed Consent; Listed Building Consent; Certificate of Lawfulness (Existing); Certificate of Lawfulness (Proposed); Modify or Discharge a Planning Agreement; Non Material Change; Outline; Proposal of Application Notice; Reserved Matters; Review of Mineral Permissions; Section 54 Application; Transboundary Application; Tree Preservation Order; Urgent Crown Development; Urgent Crown Listed Building Consent; and Works on Protected Trees.	The Planning Act (Northern Ireland) 2011	6 years (from date of last paper / action on the file once case is closed / concluded)	Information required for Planning Registers is retained but remaining data and documentation to be destroyed
	Preliminary Enquiries and Pre-Application Discussions (PADs)	Non-statutory	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
	Invalid applications	The Planning Act (Northern Ireland) 2011	6 years (from date of last paper / action on the file once case is closed / returned)	Destroy
	Third party representations on Planning Application files, including related Appeal, Public Inquiry and Judicial Review records	The Planning Act (Northern Ireland) 2011	3 years (from date of last paper / action on the file once case is closed / concluded)	Destroy

Retention and Disposal Policy for Planning Records (2022)

Item 6b

91

	Applications for Certificate of Alternative Development Value (CADVs)	The Certificates of Alternative Development Value Regulations (Northern Ireland) 2015 The Land Compensation (Northern Ireland) Order 1982	6 years (from date of last paper / action on the file once case is closed / concluded)	Destroy
Enforcement	Register of Enforcement Notices	Section 242 (1) of the Planning Act (Northern Ireland) 2011 Article 26 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017	Permanent	Permanent retention by Council
	Enforcement Files	Planning Act (NI) 2011	2 years (from date of last paper / action on the file once case is closed / concluded)	Information required for Register of Enforcement Notices is retained but remaining data and documentation to be destroyed.
Development Plan	Records associated with all aspects of the process, preparation and publication of development plans from plan initiation to plan adoption stages	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Background Information - 6 years after adoption of plan	Destroy
			Published Plan	Permanent Retention by Council. Transfer a copy to PRONI after 6 years.
	Records associated with Publications (Conservation Area Design Booklets, Design Guides etc)	The Planning (Local Development Plan) Regulations (Northern Ireland) 2015	Background Information - 6 years after publication.	Destroy
			Publications	Permanent Retention by Council. Transfer a copy to PRONI after 6 years.

Unclassified

92

ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	07 June 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	25 May 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>
Subject	Neighbouring Council's (Belfast City Council) consultation in relation to Modification to Draft Plan Strategy and Suite of Supplementary Planning Guidance
Attachments	Item 8a - Correspondence from Belfast City Council - Modification to Plan Strategy Item 8b Correspondence from Belfast City Council - Supplementary Planning Guidance

Following Independent Examination and subsequent direction from Department for Infrastructure, Belfast City Council has prepared an additional policy for inclusion in a final adopted plan in relation to phasing of development in line with infrastructure provision. Public consultation is now taking place and closes on Thursday 7 July 2022. (Item 8a - letter received by Chief Executive's office on 18 May 2022 refers).

Planning officers will be reviewing the PAC report along with the report from DfI and the wording of the new policy. It may be that there are no issues to raise, and to simply acknowledge the modifications to the plan or, following review, a response may be required.

In addition, in advance of the adoption of a final version of a Plan Strategy, Belfast City Council has issued for consultation, a suite of Supplementary Planning Guidance (SPG) to accompany the policies as set out in the Strategy. (Item 8b letter refers). The 17 SPG are available to view online from the Belfast City Council

Unclassified

93

website and consultation closes on 4 August 2022. Topics include Retail and Main Town Centre uses, Sustainable Urban Drainage Systems, Affordable Housing and Housing Mix, Loss of Zoned Employment Land, Sensitive uses (full list set out on letter).

Planning officers will be reviewing the 17 SPG documents to ascertain if any response is required. However, Members are asked to note that it is out with any further scrutiny as SPG is not subject to IE scrutiny so it is unclear how any comments would lead to effectual change and it may not be beneficial to comment, unless being challenged.

RECOMMENDATION

It is recommended that Council:

1. notes the consultation, and
2. Members provide any comments to Planning that they wish to address, and that delegated authority is given to Planning Officers to respond or not, as appropriate, with an update report provided to Council in due course.

Dr RDP

Item 7a

94

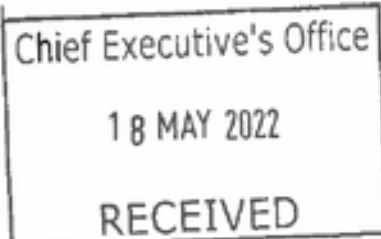
Place and Economy Department
Planning and Building Control



Belfast
City Council

Our Ref: DPS_PED004

Stephen Reid
Chief Executive
North Down Borough Council
Town Hall
Castle Park Avenue
Bangor
BT20 4BT



Local Development Plan
Belfast Planning Service
Cecil Ward Building
4-10 Linenhall Street
BELFAST
BT2 8BP

Tel: 028 90 500510

Date: 11 May 2022

Dear Stephen Reid

Belfast Local Development Plan - Plan Strategy: 'Draft Plan Strategy Modifications Consultation Overview' and 'Addendum to Sustainability Appraisal Report'.

Following the Independent Examination of the Belfast LDP draft Plan Strategy, The Planning Appeals Commission issued a report to the Department for Infrastructure (Dfi) in September 2021. The Dfi subsequently issued a Direction under section 12(1)(b) of the Planning (NI) Act 2011 directing Belfast City Council to adopt the draft Plan Strategy with the modifications specified in the Direction.

In accordance with Required Modification ref. nos. MOD05, MOD06 & MOD11, the City Council has prepared an additional policy for inclusion in the final adopted Plan Strategy. This generally relates to the phasing of development in line with infrastructure provision.

Dfi has also directed to Council to undertake appropriate public consultation on the specific above-mentioned Required Modifications. Accordingly, the additional policy and supporting documentation, including in relation to the Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitat Regulations Assessment, Rural Needs Impact Assessment and draft Equality Impact Assessment, will be available for public inspection from Thursday 12 May 2022. The Dfi Direction (with all Required Modifications) and the report of the Planning Appeals Commission Independent Examination will also be made available for inspection.

Submissions may be made **only** in connection with the additional policy and supporting text and supporting documentation relating to MOD05, MOD06 and MOD11. Submissions can be submitted online using the Belfast City Council consultation site accessible at www.belfastcity.gov.uk/LDP. Submissions may also be made by email to: localdevelopmentplan@belfastcity.gov.uk or by post to: Local Development Plan, Belfast Planning Service, Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT2 8BP.

The public consultation period will close at 5pm on Thursday 7 July 2022. Submissions received after this time will not be considered. Submissions on other matters, including the other Required Modifications, cannot be considered. All the above documentation will be available online at www.belfastcity.gov.uk/LDP from Thursday 12 May 2022. It will also be available for inspection at the main reception in Belfast City Hall during normal public opening hours.

If you have any queries on the draft SPG and the adoption of the LDP Plan Strategy, Belfast Planning Service may be contacted on 028 9050 0510 or Planning@belfastcity.gov.uk.

Yours Sincerely



Kate Bentley
Director of Planning and Building Control

Dir LDP

Item 7b

Place and Economy Department
Planning and Building Control

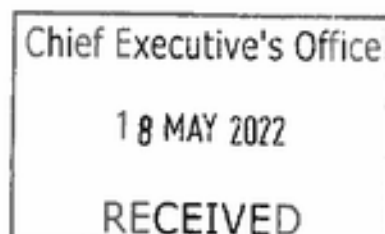


Belfast
City Council

96

Our Ref: DPS_PED005

Stephen Reid
North Down Borough Council
Town Hall
Castle Park Avenue
Bangor
BT20 4BT



Local Development Plan
Belfast Planning Service
Cecil Ward Building
4-10 Linenhall Street
BELFAST BT2 8BP

Tel: 028 90 500510

Date: 11 May 2022

Dear Stephen Reid

Belfast Local Development Plan - Plan Strategy: Draft Supplementary Planning Guidelines

The council made a commitment in the draft Plan Strategy (dPS) to prepare Supplementary Planning Guidance (SPG) to support and clarify policies included within the Local Development Plan (LDP). A suite of SPG has been prepared to supplement a number of emerging policies in the dPS. SPG represents non-statutory planning guidance that supports and clarifies planning policies and is intended to assist policy implementation.

As the Department for Infrastructure (DfI) has now directed the council to carry out modifications and progress work towards the adoption of the dPS it is now appropriate to consult on the proposed suite of SPG that will support the implementation of an adopted Plan Strategy.

In advance of the formal adoption of the Plan Strategy, the Council is publishing the draft SPG for public consultation to ensure that comments received can be taken into account, and that finalised guidance can be published alongside the Plan Strategy when adopted.

The draft SPG documents will be available for public inspection from 12pm Thursday 12 May 2022 and submissions may be made during the public consultation period, which will close at 5pm on Thursday 04 August 2022. Submissions received after this time will not be considered.

The draft SPG comprises the following LDP topics and policies:

- Advertising and Signage
- Affordable housing and housing mix
- Development Viability
- Evening and Night time Economy
- Loss of zoned employment land

- Masterplanning approach for major development
- Placemaking and Urban Design
- Planning and Flood Risk
- Residential Design
- Residential extensions and alterations
- Retail and Main Town Centre Uses
- Sensitive uses
- Sustainable Drainage Systems (SuDS)
- Tall buildings
- Transportation
- Trees & Development
- Waste Infrastructure

The draft SPG documents will be available online at www.belfastcity.gov.uk/LDP from 12pm Thursday 12 May 2022. They will also be available for inspection at the main reception in Belfast City Hall during normal public opening hours. Submissions can be submitted online using the Belfast City Council consultation site accessible at www.belfastcity.gov.uk/LDP. Submissions may also be made by email to: localdevelopmentplan@belfastcity.gov.uk or by post to: Local Development Plan, Belfast Planning Service, Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT2 8BP.

If you have any queries on the draft SPG and the adoption of the LDP Plan Strategy, Belfast Planning Service may be contacted on 028 9050 0510 or planning@belfastcity.gov.uk.

Yours Sincerely



Kate Bentley
Director of Planning and Building Control