

## ARDS AND NORTH DOWN BOROUGH COUNCIL

September 2022

Dear Sir/Madam

You are hereby invited to attend a virtual Special Meeting of the Planning Committee of the Ards and North Down Borough Council on **Tuesday 04 October** which will be held via Zoom commencing at **7.00pm**.

Yours faithfully

Stephen Reid  
Chief Executive  
Ards and North Down Borough Council

### A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee 06 September 2022
4. Planning Applications

|                  |   |
|------------------|---|
| LA06/2021/1031/F | Two storey replacement dwelling with integral garage<br>3 Bridge Road, Helen's Bay  |
| LA06/2022/0115/F | Demolition of existing garage and erection of two storey rear extension<br>8 Demesne Park, Holywood                               |
| LA06/2022/0774/F | Installation of roller shutter and ball net<br>Blair Mayne Wellbeing Complex and Leisure Centre<br>1 Dairy Hall Lane, Newtownards |

5. Update on Planning Appeals

#### **In Confidence**

6. Update on Planning Portal Replacement Project
7. Update on Judicial Review status

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

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

## ITEM 8.1

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**ARDS AND NORTH DOWN BOROUGH COUNCIL**

A meeting of the Planning Committee was held virtually on Tuesday, 6 September 2022 at 7.00 pm via Zoom.

**PRESENT:**

**In the Chair:** Alderman Gibson

**Aldermen:** Keery  
McIlveen

**Councillors:** Adair McKee  
Brooks McRandal  
Cooper Moore  
Cathcart Thompson  
Kennedy Walker  
McAlpine (19:03)  
McClellan (19:09)

**Officers:** Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough) Senior Professional and Technical Officer (G Kerr) and Democratic Services Officer (S McCrea)

1. **APOLOGIES**

An apology was received from Councillor P Smith and condolences were presented for his loss.

An apology was received from Councillor McClellan for lateness.

2. **DECLARATIONS OF INTEREST**

No declarations were made.

3. **MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 2 AUGUST 2022**

PREVIOUSLY CIRCULATED:- Minutes of the meeting held on 2 August 2022.

RECOMMENDED that the minutes be noted.

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

4. **PLANNING APPLICATIONS**

**4.1 LA06/2018/0608/O - Housing development for 8 No. detached dwellings, garages, and associated site works at 47 Manse Road, Glastry, Kircubbin**  
(Appendices \*)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Ards Peninsula

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

**Proposal:** Housing development for 8 No. detached dwellings, garages, and associated site works

**Site Location:** 47 Manse Road, Glastry, Kircubbin

**Recommendation:** Approval

The Senior Professional and Technical Officer outlined the detail of the application which sought outline planning permission for a housing development for 8 detached dwellings, garages, and associated site works at 47 Manse Road Glastry, Kircubbin. The application was appearing before members as it was an application that had received more than 6 objections contrary to an officer's recommendation. As the proposal was for an outline permission, it was the principle of development which was being considered and if found to be acceptable further details would be submitted at reserved matters stage.

**Site and Surroundings**

The site was located at 47 Manse Road, Glastry, Kircubbin and was approximately 0.6 hectares in size.

The settlement of Glastry was small and rural in character with the majority of existing dwellings being of traditional rural design. Glastry was mostly low density with existing buildings and dwellings well-spaced out and within generous plots

The site was located within the development limit of the small settlement of Glastry as defined in the Ards and Down Area Plan 2015. Although within development limits where there was a presumption in favour of development, the settlement and surrounding area was rural in appearance therefore any proposed development needed to reflect and be sensitive to the surroundings. The land on the opposite side of the road from the site was designated as a Local Landscape Policy Area (LLPA) incorporating the Presbyterian Church, Glastry House and surroundings therefore HED had been consulted on the proposal.

Given the material planning history, it was important to set out some context to the proposal and how it had evolved. The original proposal was for 15 dwellings which was found to be unacceptable as a portion of the proposed development lay outside the settlement limit and was within the countryside. The density was too high and was considered to represent overdevelopment of the site which would have been out of keeping with the character and established built form of the small settlement. Historic Environment Division also raised concerns regarding the impact of this original proposal on the setting of the adjacent listed church opposite the site.

Following lengthy negotiations, the proposal was finally reduced to 8 dwellings, all within the development limit.

This amendment also had a positive effect of the number of objections which had 14 objections to the original proposal and with no additional objections being received when the final scheme was re-advertised and neighbour notified.

As the application was for outline permission, the details of design would be submitted at a later stage if an approval is forthcoming.

The indicative layout showed two rows of detached dwellings positioned at a right angle to the Manse Road with a central green area onto which both rows of dwellings front. The two dwellings adjacent to the Manse Road, appeared to have been designed to have a double frontage on to both the Manse Road and the internal access roads. The specific design details of these dwellings could be considered at Reserved Matters stage to ensure that they provided an attractive frontage to both roads. The building line proposed was considered to be acceptable given that the established built form was characterised by buildings with a relatively close frontage to the road.

Each dwelling fronting the Manse Road would have a site frontage of over 50m which would provide a wide plot width between the two, reflecting the existing spacing between buildings and ensuring the low density feel of the area.

The central green area could also be landscaped and there was an opportunity to provide hedgerows along the road frontage of the site which would further help to soften the impact of the development and integrate it into its context. The application site was relatively level so there would be no issue with topography.

Contextual elevations of the development had been provided, which gave an indicative impression of the design, size and scale of the buildings and how they would appear within the setting of the listed church.

The dwellings were indicated as having a modest one and a half storey design which would be reflective of the rural setting of the small settlement and very much in keeping with existing adjacent dwellings.

As referred to earlier, 14 letters of objection had been received from 10 separate addresses, but it should be noted that no further objections were received in 2022 following re-advertisement and re-notifying of neighbours on the final amended scheme. Concerns expressed included areas such as; adverse impact on character and amenity of area and existing dwelling, size of development and excessive density, development outside settlement limit, impact on road safety and parking, inadequate utility infrastructure, development out of keeping with the LLPA, flooding, impact on setting of listed building, biodiversity, and asbestos (from the demolished building) and vermin.

All material issues had been addressed in the case officer report.

In summary, this proposal was considered to be acceptable on this site and would not cause any harm to the character or appearance of the area. The proposal had been significantly amended to be entirely located within development limits and reduced from 15 to 8 dwellings. All of the statutory consultees were content with the proposal and the objections raised had been fully considered in the officer's report.

RECOMMENDED that outline planning permission be granted.

Councillor Adair queried the possibility of street lighting given that similar projects elsewhere had resulted in frustrations by residents. The Senior Professional and Technical Officer advised that the application was only at the outline stage which addressed the principle of development but that DfI could provide conditions for street lighting. Alderman Gibson recalled the condition had been for a minimum of five houses in times gone by but could not speak with certainty as to contemporary regulations in that regard.

Councillor Cathcart referenced the privately owned status that the development would have and believed it could lead to issues for future residents with regard to maintenance issues. He asked how many iterations had occurred of the plans to their most recent state and when objections had been received. The Senior Professional and Technical Officer explained that it had gone through three iterations; from fifteen houses to eleven houses, to eight houses. Objections had been received at the first and second iterations but not at the third, however, the original objections still stood which pushed the threshold for referring to the Planning Committee. Councillor Cathcart believed if objections were received at each stage but not for the most recent iteration that it was safe to assume they were satisfied by the amendments. Alderman Gibson agreed that no objections had been received for the most recent plans but that did not mean that there were still not objections.

Councillor McAlpine shared Councillor Adair's concerns of street lighting and recalled that problems had existed at Glasry College for lighting and footpaths and that such issues would have to be discussed in Reserve Matters.

The Senior Professional and Technical Officer reminded Members that the application was only of outline in nature and that all an applicant was required to submit was a red-lined site but that more information had been shared to provide clearer indication as to future plans. The Head of Planning agreed, stating that the outlying application was to look at the red-line boundaries, and that access roads were for developments in excess of five dwellings which would normally be determined and adopted providing plans were of an appropriate standard. The Planning Department would contact the DfI at the next stage but The Head of Planning reiterated the need for plans to meet the DfI criteria.

Alderman McIlveen believed that individuals knew that they would be buying into private land and/or lanes as it was part of the Matter of Title that was explained to purchasers.

Councillor Thompson proposed, seconded by Alderman McIlveen that the recommendation be adopted, and outlying planning permission be granted.

**RESOLVED**, on the proposal of Councillor Thompson, seconded by Alderman McIlveen that the recommendation be adopted and that outlying planning permission be granted.

**4.2** **LA06/2022/0562/F - Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of 57-59 High Street Bangor**  
(Appendices \*)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Bangor Central

**Committee Interest:** An application made by Council

**Proposal:** Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

**Site Location:** Front of 57-59 High Street Bangor

**Recommendation:** Approval

The Senior Professional and Technical Officer outlined the detail of the application for a change of use of parking spaces to a parklet (for a temporary period of 3 years) consisting of planters and an area of public seating to the front of 57-59 High Street Bangor. The application was before Planning Committee as it was a Council application and was one of a number of applications for parklets made by the Council across the borough. No letters of objection were received in relation to the proposal. The recommendation was to grant planning permission

The site occupied a location towards the bottom of High Street in the town centre and proposed area of townscape character and consisted of a couple of on-street parking spaces. The site was located on the northern side of High Street approximately 60m east from the rear of the Flagship Centre. As matter of good practice, Environmental Health was consulted, and no objections were raised. The proposal was 11m long and 2m wide open towards the footpath/shops to be enclosed with timber-effect cladding/planters along the roadside.

It was of a scale that would not detract from the adjacent buildings within the ATC, and it was not considered it to be a dominant feature on the street. Overall, it was not considered the proposal will detract from the surrounding character of the area.

The impact on road safety and parking had been fully considered in the case officer report. The proposal would result in the loss of 2 existing parking spaces. Given the temporary nature of the development and the proximity of the site to alternative parking provision (both on-street and in car parks in the vicinity) on balance, it was considered that the loss 2 parking spaces was not of such significance to warrant refusal of the application. DFI Roads had been consulted and did not consider the proposal to prejudice the safety of road users and pedestrians (subject to a number of conditions).

The parklet was proposed for a temporary period and a condition could be added to ensure the parklet be removed and land restored to its former condition within 3 years.

RECOMMENDED that planning permission be approved.

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

Councillor Cathcart was excited to see the parklets being passed for approval given the applications had been placed two years ago.

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

**4.3 LA06/2021/1365/F - Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of 115-119 High Street, Bangor**  
(Appendices \*)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Bangor Central

**Committee Interest:** An application made by Council

**Proposal:** Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

**Site Location:** Front of 115-119 High Street, Bangor

**Recommendation:** Approval

The Senior Professional and Technical Officer outlined the detail of the application, for a change of use of parking spaces to a parklet (for a temporary period of 3 years) that consisted of planters and an area of public seating to the front of 115-119 High Street, Bangor.

The application was before Planning Committee as it was a Council application and was one of a number of applications for parklets made by the Council across the borough. No letters of objection were received in relation to the proposal. The recommendation is to grant planning permission.

The site occupied a location at what would more locally be known as the top of High Street in the town centre. The site was part of a larger parking located between the public footpath and retail units on one side, and the public road on the other. The area was noted for several eateries and shops. As matter of good practice, Environmental Health was consulted, and no objections were raised

The proposal was 11m long and 2m wide open towards the footpath/shops to be enclosed with timber-effect cladding/planters along the roadside.



It was of a scale that would not detract from the adjacent buildings and would not be considered to be a dominant feature on the street. Overall, it was not considered the proposal would detract from the surrounding character of the area.

The impact on road safety and parking had been fully considered in the case officer report. The proposal was to result in the loss of 2 existing parking spaces. Given the temporary nature of the development and the proximity of the site to alternative parking provision (both on-street and in car parks in the vicinity) on balance, it was considered that the loss 2 parking spaces was not of such significance to warrant refusal of the application. DFI Roads had been consulted and did not consider the proposal to prejudice the safety of road users and pedestrians (subject to a number of conditions).

The parklet is proposed for a temporary period and a condition could be added to ensure the parklet was removed and land restored to its former condition within 3 years.

RECOMMENDED that Council approve planning permission.

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

Councillor Cathcart spoke of the properties surrounding this particular parklet consisting of eateries and that the three year nature would allow for the Council to experiment with parklet success.

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

**4.4 LA06/2021/1366/F - Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating) to front of 78-80 Main Street, Bangor**  
(Appendices \*)

PREVIOUSLY CIRCULATED: Report outlining the planning application.

**DEA:** Bangor Central

**Committee Interest:** An application made by Council

**Proposal:** Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)

**Site Location:** Front of 78-80 Main Street, Bangor

**Recommendation:** Approval

The Senior Professional and Technical Officer outlined the detail of the application for a change of use of land to a parklet for a temporary period of 3 years (consisting of planters and an area for public seating). The site was located to the front of 78-80 Main Street, Bangor. The application was before Planning Committee as it was a Council application. There were no objections to the proposal and the recommendation was to approve planning permission.

The site location was located with retail and business units one side and the public road on the other. An on-street parking bay was adjacent. The area had a busy town centre character with few residential properties nearby. The Parklet proposal was 7.3m long and 2.5m wide and was located within the town centre and prime retail core. As matter of good practice, Environmental Health was consulted, and no objections were raised. The impact on road safety and parking had been fully considered in the case officer report. Given the temporary nature of the development and the proximity of the site to alternative parking provision (both on-street and in car parks in the vicinity) on balance, it was considered that the loss of parking spaces was not of such significance to warrant refusal of the application. DFI Roads had been consulted and did not consider the proposal to prejudice the safety of road users and pedestrians (subject to a number of conditions).

The parklet was proposed for a temporary period and a condition could be added to ensure the parklet was removed and land restored to its former condition within 3 years.

**RECOMMENDED** that Council approve planning permission.

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

Councillor Cathcart believed this application had been of an even better nature than others as it did not use car parking spaces.

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

**4.5 LA06/2021/1370/F - Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating to front of 31-33 Regent Street, Newtownards**  
(Appendices \*)

**PREVIOUSLY CIRCULATED:** Report outlining the planning application.

**DEA:** Newtownards

**Committee Interest:** An application made by Council

**Proposal:** Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating

**Site Location:** Front of 31-33 Regent Street, Newtownards

**Recommendation:** Approval

The Senior Professional and Technical Officer outlined the detail of the application as a change of use of land to a parklet for a temporary period of 3 years (consisting of planters and an area for public seating) located to the front to 31-33 Regent Street Newtownards. The application was before Planning Committee as it was a Council application. There were no objections received in relation to the proposal and the recommendation was to grant planning permission.

The site was located in the town centre of Newtownards within the prime retail core on a wide section of pavement between the roadway and a row of traditional commercial properties. On-street parking bay was adjacent and west to the site. There was a public payphone and a couple of public benches in the immediate vicinity. The area was, at the time of writing, commercial in character with development for apartments occurring nearby. The proposal was 7.3m long and 3.3m wide. The structure was open towards the shops and enclosed by timber-effect cladding/planters on the two ends and along the roadside. As a matter of good practice, the Council's Environmental Health Department had been consulted and no objections were raised. The parklet was proposed for a temporary period and a condition could be added to ensure the parklet was removed and land restored to its former condition within 3 years.

RECOMMENDED that Council approve planning permission.

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

Alderman McIlveen explained that this had been one of the first sites identified for a parklet location and was pleased to see it reach planning approval.

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

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

(Appendices \*)

Councillor Adair left the meeting as he outlined he had a Declaration of Interest in Item 5.

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

### **New Appeals Lodged**

No new appeals had been lodged since date of last report.

### **Decisions**

The following appeal was upheld on 27 July 2022.

|                   |   |
|-------------------|---|
| PAC Ref           | 2021/A0089  |
| Application ref   | LA06/2016/0105/F  |
| Appellant         | Mullahead Property Co. Ltd  |
| Subject to Appeal | Change of use from external courtyard to function room to include new roof, external doors, ancillary mobile toilet facilities, associated site works and parking |
| Location          | Quintin Castle, 3 Kearney Road, Portaferry  |

The Council had refused planning permission on 15<sup>th</sup> April 2021 for the above development for the following reasons:

I. The proposal was contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by reason of the increased number of vehicles attracted to the site.

II. The proposal was contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would cause an unacceptable increase in traffic movements on the local road network.

III. The proposal was contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to the unacceptable use of the local road network by large vehicles.

IV. The proposal was contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it has not been demonstrated that there is an adequate provision for car parking for the proposed development.

V. The proposal was contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that access to the public road will significantly inconvenience the flow of traffic and therefore the nature and scale of the proposal is not appropriate for this rural location.

VI. The proposal was contrary to Policy TSM 7 of Planning Policy Statement 16, Tourism, in that access to the public road will significantly inconvenience the flow of traffic and that the existing road network cannot safely handle any extra vehicular traffic that the proposal would generate.

The Commissioner did not uphold any of the reasons for refusal listed above. It was found that subject to the agreement of a Sustainable Travel Plan and Service Management Plan, the proposal would not result in significant inconvenience to the flow of traffic on the surrounding road network on the basis of one event per day being held at Quintin Castle.

The Commissioner considered the main issues included whether the proposal would significantly inconvenience the flow of traffic on the surrounding road network and whether there is adequate provision for car parking and servicing of the development.

The Council's first refusal reason stated that the proposal would lead to an unacceptable level of conflict by reason of the increased number of vehicles attracted to the site. The Commissioner considered as the existing level of traffic on the local road network is so low, existing traffic would not be significantly inconvenienced by the appeal proposal therefore the first reason for refusal was not sustained.

The Council's second reason for refusal, also based on Policy AMP2, states that the proposal would cause an unacceptable increase in traffic movements on the local road network. The Commissioner found that the anticipated increase in peak traffic attending the site (around one extra car per minute over an hour) is within the capacity of the roads and that there were safe places for vehicles to pass if required.

The Commissioner considered that a planning condition could require a revised Event Management Plan specifying the means of encouraging the use of sustainable transport modes to be submitted to and agreed by the Council before the development comes into use and as he was of the opinion that the local roads could accommodate the projected increase in traffic and that the effects of this could be suitably managed through an Event Management Plan, the Council's second refusal reason, and related concerns of objectors, had not been sustained.

The third reason for refusal states that the proposal would lead to unacceptable use of the local road network by large vehicles. As a planning condition could require the agreement of a suitable Service Management Plan with the Council prior to the development coming into use this would ensure that any servicing routes respected the natural and historic environment of the castle grounds the Commissioner considered the concerns raised with regard to the servicing of the development were not determining and did not sustain the third reason for refusal.

As the Commissioner considered that the proposal complied with Policy AMP2 of PPS 3 due to no significant inconvenience to the flow of traffic it thereby followed that the proposal also complied with criterion (g) of Policy CTY4 and the fifth reason for refusal was therefore not sustained.

In addition, as there would be no significant inconvenience to the flow of traffic and the local roads could safely handle the increase in traffic, the sixth refusal reason relating to Policy TSM 7 of Planning Policy Statement 16: Tourism was not sustained.

In relation to car parking, the Commissioner was of the opinion that a total of 59 spaces would be required, a shortfall of five spaces. The Commissioner considered the shortfall of spaces to be within the flexibility envisaged under the fifth criterion of Policy AMP7 and attached weight to the appellant's willingness to incorporate more use of sustainable transport modes into the Travel Plan to be agreed with the Council before the new function room comes into use therefore the fourth reason for refusal relating to Policy AMP7 was not sustained.

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

RECOMMENDED that Council notes this report

Councillor Cathcart proposed, seconded by Councillor McKee that the recommendation be adopted, and the report be noted.

Councillor Cathcart asked if any indications existed of sustainable travel plans to the location. The Head of Planning explained that oftentimes, commuters would choose

their own cars for travel and that Planning Officers were unsure as to how the Council could enforce any measures that would be outlined in such a travel plan. She made reference that the application had outlined that although there was two separate functions, the applicant had outlined that two functions would never be hosted at the same time. However this would be difficult to check.

It was at this time that a correction to the original report was identified, "*The Council had refused planning permission on 15<sup>th</sup> April 2021 for the above development for the following reasons*". The date of 16<sup>th</sup> April 2020 should have read 15<sup>th</sup> April 2021 and has since been corrected from the date of this meeting.

**AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Councillor McKee, that the recommendation to note be adopted.**

## **6. QUARTERLY PERFORMANCE REPORT**

(Appendix \*)

PREVIOUSLY CIRCULATED: - Report from the Head of Planning stating that under the Local Government Act 2014, Council was required to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

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

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

### **Reporting approach**

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

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

The report for Quarter 1 2022-23 is attached.

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

- 70 householder development decisions were issued, of which 67 were processed within the internal 8 week performance target, the other 3 being issued within the 15 week statutory performance indicator target.
- 2 approvals issued on Major Development applications which were for a replacement school in Crawfordsburn and 29no. dwellings at High Street in Holywood, which were processed in 28.8 weeks and 78.4 weeks respectively. The Holywood proposals was subject to a number of amendments including relating to trees and landscaping within the proposed Area of Townscape Character.
- 255 applications in the local category of development were submitted and 266 decisions issued of which 2 were refusal, which an average processing time of 23.0 weeks.
- Enforcement staff continue to work through the backlog of new cases opened during COVID, and number of alleged breaches of planning control continue to remain high.

RECOMMENDED that Council note this report.

**AGREED TO RECOMMEND, on the proposal of Councillor Thompson seconded by Councillor McKee that the recommendation be adopted.**

## **7. RESPONSE FROM DFI REGARDING ROMPS**

(Appendix \*)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning.

The Head of Planning summarised the below report to members.

Members would have recalled a Notice of Motion which was discussed at Planning Committee in May 2022 (Item 7e attached) and the correspondence which issued from Council to the Department for Infrastructure in relation to that Notice of Motion. At May's Committee meeting, following review of the initial response from DFI's Chief Planner (Item 7b attached), it was determined to write further to the Minister for Infrastructure disagreeing with the approach as outlined by the Department.

A further letter issued dated 19 July 2022 (attached at Item 7c) and the Minister, John O'Dowd, responded on 01 August 2022 (attached at Item 7d). The Minister had attempted to reassure the Council that implementation of ROMPs is still some way off and that there would be opportunity for detailed engagement with the Councils as local planning authorities prior to commencement and implementation.

RECOMMENDED that the Council notes the content of the response from the Minister for Infrastructure in relation to the commencement of ROMPs

Councillor McKee proposed, seconded by Councillor McRandal that the recommendation be adopted, and the report be noted.

Councillor McKee was glad to see a robust letter had been sent to the Minister outlining the Council's position and was concerned of environmental damage.

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

## **8. ACKNOWLEDGEMENT TO BELFAST CITY COUNCIL REGARDING LDP MODIFICATIONS**

(Appendix \*)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning.

Further to the report put before the Planning Committee on 7 June 2022 regarding Belfast City Council's (BCC) consultation in relation to the proposed modification of the BCC Draft Plan Strategy, it was agreed that a response would be delegated to Planning officers and a copy presented to Council. Officers reviewed the content of the PAC Report and its recommendations in respect of a modification, alongside the Council's proposed approach. It was considered appropriate to issue an acknowledgement as opposed to any detailed objection. A copy was appended for Members' information.

The Head of Planning updated Members on the Steering Group that had occurred earlier in the day for those that may not have been able to attend. The Belfast strategy had been returned from PAC to DfI with instructions to carry out modifications to the strategy to align with the growth aspiration being used with NI Water and other infrastructures.

RECOMMENDED that Council notes the submission of the attached response by way of acknowledgement to the consultation.

**AGREED TO RECOMMEND, on the proposal of Councillor Cooper, seconded by Councillor McKee, that the recommendation be adopted.**

## **9. ITEM WITHDRAWN**

It was noted that this item had been withdrawn.

## **EXCLUSION OF PUBLIC/PRESS**

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



**10. REPORT ON NOTICE OF MOTION**

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

**NOT FOR PUBLICATION**

**SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDNG THAT INFORMATION)**

**11. QUARTERLY ENFORCEMENT REPORT**

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

**NOT FOR PUBLICATION**

**SCHEDULE 6 – INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE COUNCIL HOLDNG THAT INFORMATION)**

**READMITTANCE OF PUBLIC AND PRESS**

**RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman Keery, that the public/press be readmitted to the meeting.**


**TERMINATION OF MEETING**

The meeting terminated at 21:00.

## ITEM 4.1

## Ards and North Down Borough Council

|                    |  |
|--------------------|--|
| Application Ref    | LA06/2021/1031/F   |
| Proposal           | Two storey replacement dwelling with integral garage   |
| Location           | 3 Bridge Road, Helen's Bay<br>DEA: Hollywood and Clandeboye  |
| Committee Interest | A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation   |
| Validated          | 30/08/2021   |
| Summary            | <ul style="list-style-type: none"> <li>• Site located within development limit of Helen's Bay therefore presumption in favour of development</li> <li>• Site lies within the proposed Helen's Bay Area of Village Character (AVC) as defined in the Draft BMAP which is a material consideration</li> <li>• Dwelling to be replaced not considered to make a significant material contribution to the distinctive character of AVC therefore demolition acceptable</li> <li>• No impact on density of AVC given the proposal is for a replacement dwelling</li> <li>• HED consulted as site in close proximity to a listed building (Presbyterian Church on Church Road). Public views of proposal from Church Road as it is set behind and adjacent to the Presbyterian Church</li> <li>• 17 objections received from 10 addresses which include 2 received following amendments to the proposal – all material matters raised dealt with in case officer report</li> <li>• Consultees all content</li> </ul> |
| Recommendation     | <b>Approval</b>  |
| Attachment         | Item 4.1a – Case Officer Report  |

| <b>Development Management<br/>Case Officer Report</b>  |   | <br><b>Ards and<br/>North Down</b><br>Borough Council |            |
|--|---|--|------------|
| <b>Reference:</b>  | LA06/2021/1031/F  | <b>DEA:</b> Hollywood & Clandeboye   |            |
| <b>Proposal:</b>   | Two storey replacement dwelling with integral garage            |  |            |
| <b>Location:</b>   | 3 Bridge Road, Helen's Bay                                      |  |            |
| <b>Applicant:</b>  | Tory Gillespie & Nick Bell                                      |  |            |
| <b>Date valid:</b>   | 30/08/2021  | <b>EIA Screening Required:</b>   | No         |
| <b>Date last advertised:</b>   | 13/01/2022  | <b>Date last neighbour notified:</b>   | 31/12/2021 |
| <b>Letters of Support:</b> 0   | <b>Letters of Objection:</b> 17<br>(from 10 separate addresses) | <b>Petitions:</b> 0  |            |
| <b>Consultations – synopsis of responses:</b>  |   |  |            |
| Historic Environment Division  |   | Content subj to conditions   |            |
| NIEA: NED  |   | Content subj to conditions   |            |
| NIEA: WMU  |   | Standing Advice  |            |
| NI Water   |   | Content  |            |
| DFI Roads  |   | Content  |            |
| <b>Summary of main issues considered:</b>  |   |  |            |
| <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Parking and Access</li> <li>• Impact on Residential Amenity</li> <li>• Visual impact</li> <li>• Impact on Biodiversity</li> <li>• Impact on Area of Village Character (AVC )</li> </ul>   |   |  |            |
| <b>Recommendation: Grant Planning Permission</b>   |   |  |            |
| <b>Report Agreed by Authorised Officer</b>   |   |  |            |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://epicpublic.planningni.gov.uk/publicaccess/">https://epicpublic.planningni.gov.uk/publicaccess/</a> |   |  |            |

**1. Site and Surrounding Area**

The application site is located at 3 Bridge Road, Helen’s Bay. There is a detached two-storey dwelling on site, along with an attached outbuilding and a carport structure. The dwelling is finished in a mixture of white render and white pvc to the porch, with brown timber windows. The dwelling sits in a rectangular plot, with grassed gardens and patio areas located to each gable end. The site is accessed by a laneway leading from Bridge Road. The boundaries of the site are defined by hedging and thick vegetation. The levels of the site are predominantly flat.



The surrounding area is residential in nature, with varying house types found in the nearby vicinity.

**2. Site Location Plan**



### 3. Relevant Planning History

There is no relevant planning history.

### 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 3: Access, Movement and Parking
- Planning Policy Statement 6 (Addendum): Areas of Townscape Character
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas

Planning Guidance:

- Living Places
- Parking Standards
- Creating Places

### Principle of Development

The site described is located within the development limits of Helen's Bay as defined in the Draft BMAP and the North Down and Ards Area Plan 1984-1995 (NDAAP). The site lies within the proposed Helen's Bay Area of Village Character (AVC). It is also within close proximity to a listed building therefore HED have been consulted. A design and access statement was submitted alongside the application.

The SPPS states that the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms. In addition, the SPPS states that all new housing should demonstrate a high quality of design, and landscaping. Good design contributes to the creation of places to live that are safe and attractive and is also a key element in achieving sustainable development.

The proposal involves the demolition of the existing two-storey dwelling situated on the site. As mentioned previously in the above description, the dwelling is a two-storey detached dwelling finished in white render. It is not currently lived in and appears run-down. There are limited views of the existing dwelling given it is set-back from Bridge Road, along with the mature vegetation and hedging that screen it from

views along this Road. There are public views of the dwelling from Church Road as it is set behind and adjacent to the Presbyterian Church.

I am not of the opinion that the dwelling makes any significant material contribution to the distinctive character of the area and therefore believe the demolition of this property is acceptable. Given this application is for a replacement dwelling, there will be no further housing units and as such this will have no impact upon the density of the AVC.

### Design, Visual Impact and Impact on Character of the Area and AVC

The surrounding context is one of predominantly detached dwellings on a variety of plot sizes and shapes. As the proposal relates to a replacement dwelling there will not be any sub-division of the plot, which will help maintain the character of the AVC.

It is considered that the proposed development respects the surrounding context in terms of the established pattern of development as there is no change to the plot size and there will be one dwelling in its own grounds and gardens. The proposed dwelling will be two-storey with a single-storey side portion to break up the overall massing of the structure. The levels of the site are flat so there will be no significant under build to the dwelling. The ridge height will be approximately 7.5m at the highest point and will have a maximum eaves height of 5.2m. The new dwelling will be larger in scale than the existing dwelling on site however, the overall footprint (including outbuildings and carports of existing layout) is similar as seen in figure 1. In addition, when taking into consideration the context of the large, detached dwellings in the surrounding area, the proposed dwelling is appropriate for the locality.

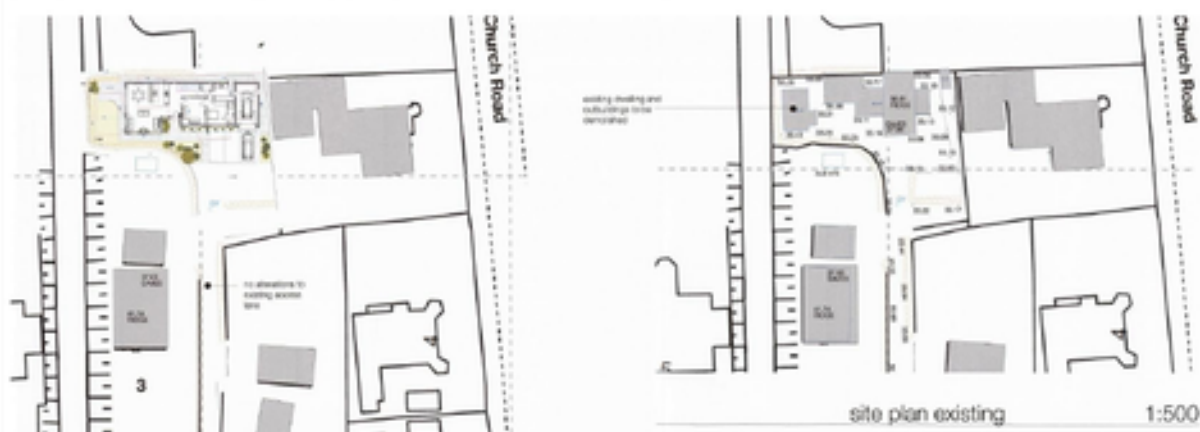


Figure 1: Proposed (left) and Existing Site Plan

The proposed finishes of the dwelling include a natural slate roof, smooth render, stone cladding to central element and grey/black aluminium windows and doors. These finishes will be in-keeping with the surrounding area, with many examples of white rendered dwellings located along Bridge Road and Church Road. The stone will tie in with the church located directly to the rear of the site. I am therefore of the opinion that the proposal will maintain the overall appearance and character of the AVC. Please see figure 2 which shows the proposed elevations of the replacement dwelling. It must also be noted that the agent worked with the Council and reduced the overall scale and massing of the proposed dwelling with amended plans submitted.



Figure 2: Proposed Elevations

Draft BMAP noted one of the key features of the AVC is the Presbyterian Church which is located to the rear of the site. Given its setting may be impacted upon by the proposed replacement dwelling, Historic Environment Division was consulted on the proposal. Details of this consultation will be discussed in section 'Archaeology and Built Heritage' below. I believe the proposed dwelling will have no greater detrimental impact upon the setting of the church than the existing dwelling in situ. The proposed materials including white render, stone and natural slate are considered sympathetic to the setting of the church.

**Residential Amenity**

The proposed design and layout have been assessed and I am satisfied that there will be no unacceptable adverse effect on existing or proposed properties. The main dwelling to consider is No. 6 Church Road which is situated directly adjacent to the site (east). When considering the relationship between the proposed replacement dwelling and No. 6, it is important to consider the existing relationship with the dwelling currently on site. Please see Image 1 below which shows the existing relationship.

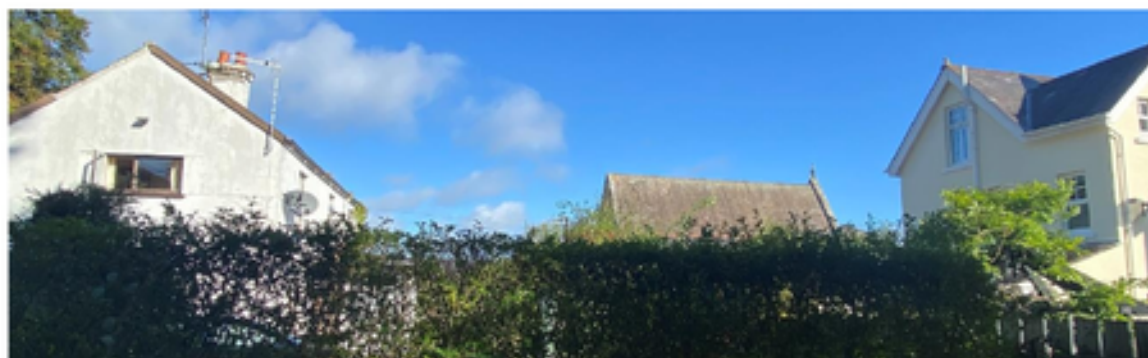


Image 1 : Existing dwelling faces rear elevation of No. 6

The proposed replacement dwelling will be sited so that the gable end of the house is the elevation directly facing the rear elevation of No. 6. There are no first-floor windows proposed to this gable end to ensure there is no direct overlooking given the limited separation distance of 2m.

There may be some overlooking of No. 6's garden area from the two first floor windows serving bedrooms along the front elevation of the dwelling however this will be limited given the positioning of the dwelling and the oblique angle. In addition, these first-floor windows are only 4m above ground level therefore this would reduce any overlooking. In any case, the proposed replacement dwelling will greatly reduce overlooking in respect of the current relationship between the existing dwelling and No. 6, given 3 existing first floor windows directly overlook this property.

A 1.8m high timber fence will be provided along this shared boundary with No. 6 to help screen the dwelling.

In terms overshadowing, the proposed dwelling will not have any greater impact on the rear windows of No. 6 compared to the existing arrangement. The window to the rear of No. 6 on the ground floor would be overshadowed by its own existing rear return in the late afternoon/early evening. The agent amended the plans to have a single-storey section closest to No. 6 and reduced the overall ridge height of the proposal. The proposed dwelling is not considered dominant in respect of the surrounding properties when considering the existing arrangement of the dwelling to be replaced.

The proposed first floor windows to the rear will overlook the public carparking area and the side elevation of the Presbyterian Church. There are ground floor windows along this side elevation of the church, with the proposed rear elevation of the dwelling being located just over 13m away. This overlooking is deemed acceptable given the public use of the church. The gable end of No. 3 Church Road is located over 23m away from the proposed dwelling therefore there are no concerns in terms of overlooking or overshadowing. The first-floor windows along this elevation of the proposed dwelling serve the landing, staircase and one bedroom. The bedroom window is located towards the rear area of the church site, therefore any public views from the church and public car park looking into this window will not be significant.

To identify the measures taken to reduce overlooking, dominance and overshadowing, I have included figure 3 to show the original plans submitted alongside this application, with the proposed new plans shown in figure 2. The overall scale of the dwelling has been reduced, max ridge height dropped from 8.3m to 7m, 1<sup>st</sup> floor windows and a 1<sup>st</sup> floor terrace (gable elevation) removed and better window placement to improve solid to void ratio.





Figure 3: Original proposed plans now superseded

### Security from Crime

I am satisfied that the development is designed to deter crime and promote personal safety. The dwelling is orientated to ensure supervision of the main driveway from the front elevation windows and the rear of the site will be enclosed and supervised from rear windows.

### Private Amenity Space

There will be approximately 62sqm of private amenity space provided. Creating Places states that private amenity space should be around 70sqm per house however it is stated that for any individual house an area less than around 40 sqm will generally be unacceptable. There will also be garden area provided to the front of the dwelling which will be well screened and therefore would also be considered private and be able to be utilised by the occupants. I am therefore satisfied that sufficient private amenity space will be provided for the replacement dwelling. It must also be noted that the garden space for the existing dwelling is limited, and there will be no overall reduction in private amenity space provided with the replacement dwelling.

### Archaeology and Built Heritage

HED (Historic Buildings) was consulted on the proposal and have considered the effects of the proposal on the setting of the following listed building:

- HB23 15 041: Presbyterian Church, Church Road, Helen's Bay, Co. Down (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

HED reviewed the amended plans and considered that the reconfigured roof massing, clipped eaves, reduced overall height and confirmation that all materials proposed are to be sympathetic, shall ensure that the overall proposal shall exert no greater demonstrable harm on the setting of the listed building than the existing dwelling on site. HED therefore considered the proposal to be compliant with policy. Conditions have been included below.

### **Access and Roads Safety**

The proposed dwelling will utilise an existing access onto Bridge Road. Ample parking will be provided in accordance with Parking Standards guidance. DfI Roads was consulted and offers no objections. The proposal will therefore not prejudice road safety or significantly inconvenience the flow of traffic or result in any additional intensification of the access.

### **Designated Sites and Natural Heritage**

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

In terms of protected and priority species, Part 2 of the Checklist was referred to and identified a scenario where survey information was required. A biodiversity checklist and Bat Survey were submitted within the process of assessing this application. NIEA were consulted on the proposal and stated that it was content with the methodology of the bat survey however the survey would only remain valid for 24 months therefore a condition has been added to reflect this. In addition, NIEA states that the building poses multiple entry/exit points for breeding birds therefore a condition has been requested in relation to works on building and vegetation clearance.

### **Other Planning Matters**

As checked through Flood Maps NI, the application site does not lie in any area prone to coastal, fluvial or surface flooding.

Consultation has been carried out with NIEA: Water Management Unit (WMU) and NI Water. No objections have been raised.

## **5. Representations**

A total of 17 objection letters were received from ten separate address points. It must be noted that several amendments have been made to the proposal. Two objections were received following the most recent amendments. The comments below have been considered by the agent and following changes made:

- **Overlooking from terrace and 1<sup>st</sup> floor windows facing No. 6 and 6A:**  
These have been removed from the plans.

- **Insufficient bat information:** A full bat survey was received, and NED have provided comments. Please review section 'Designated Sites and Natural Heritage' for details.
- **Noise disturbance from terrace:** The terrace area has been removed from plans.
- **Requesting information of plans:** A number of neighbours asked for ridge heights to be shown along with existing elevations of the dwelling. The agent has put levels and shown ridge heights on amended plans and Drawing 03 shows the existing elevations of the dwelling to be replaced.

Those material planning matters relevant to the amended plans are summarised below:

- **Overbearing design:** Neighbours and elected representatives stated that the proposed replacement is significantly larger in scale, height and footprint in place of the more modest dwelling it seeks to replace. I have discussed this under 'Design, Visual Impact and Impact on Character of the Area and AVC' above and I am content that the dwelling is not considered overbearing or dominant.
- **Overdevelopment of plot:** Other comments made were in relation to the overdevelopment of the plot and how this isn't in-keeping with surrounding area. The existing plot is restricted in size however when comparing the footprint of the existing dwelling and outbuildings with the proposed replacement, there is little difference in the overall space taken up on site. The amenity space will remain largely the same. It also must be highlighted that this application is for a replacement dwelling, therefore there will be no further housing units and as such this will have no impact upon the density of the AVC. It must also be noted that the existing dwelling could be extended through permitted development rights therefore reduce the overall space on the plot.
- **Design:** Several objectors stated that the overall design and materials are not in keeping with the surrounding properties and local area. I have discussed the design under 'Design, Visual Impact and Impact on Character of the Area and AVC' above and I am content that proposal is of an appropriate design for character of Area and AVC.
- **Overlooking of church:** I have discussed this above under 'Residential Amenity'. To summarise, any overlooking of the church is deemed acceptable given the public use. Any public views from the church and public car park looking into the proposed rear windows of the replacement dwelling will not be significant.
- **Detrimental impact upon setting of listed church and No. 6 Church Road:** HED was consulted and was content with the proposed replacement dwelling subject to conditions. No. 6 Church Road, whilst considered an attractive period building, is not listed nor is it mentioned as one of the key features of the AVC. I do not consider the replacement dwelling to have a detrimental impact on the setting of this building given it incorporates finishes of other dwellings in the local vicinity. The existing dwelling to be replaced is run-down

therefore its replacement is considered appropriate with the new dwelling considered to be a betterment in terms of visual appearance and amenity.

- **Sewers:** One neighbour mentioned that the sewer system is historically designed to support a much smaller dwelling. NI Water have been consulted and offered no objections to the proposal.
- **Damaging precedent:** One of the local Councillors stated that the proposal would result in long-term damage to the distinctive architectural environment of Helen's Bay. I have discussed the impact of the proposed dwelling on the AVC under 'Design, Visual Impact and Impact on Character of the Area and AVC' above.'
- **Overlooking and Overshadowing of No. 6 and 6A Church Road:** It must be noted that 6A Church Road is not identified as a listed address on the Council's GIS system. This address point is associated with the rear outbuilding/garage of No. 6 however there is no planning history for a dwelling therefore this dwelling is unauthorised (planning history for a granny flat under ref. W/1997/0299). An enforcement case regarding this unauthorised dwelling has been opened under ref. LA06/2022/0245/CA. The tenants and owners residing in these dwellings have stated that they are concerned with overlooking and overshadowing. I have gone into detail to assess these concerns under 'Residential Amenity' above. One of the comments made by the owners of No. 6 stated the following: *'We request that the siting of the dwelling is moved so that the side of the two-storey element comes no closer than the two-storey element of the existing dwelling.'* This request has been considered and met, with figure 4 below identifying the outline of the existing dwelling in red. I do not consider that the difference of less than 1m overall in the ridge height will result in any significant additional overshadowing of No. 6 and 6A and would not warrant a refusal based on loss of light.



Figure 4: Proposed front elevation of dwelling

## 6. Recommendation

## Grant Planning Permission

### 7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The proposal shall be as shown on drawing no. 02B bearing the date stamp 20 December 2021, with the materials to be as follows:

- a) The new glazed screen and doors shall be aluminium, powder coated, graphite grey;
- b) New windows shall be aluminium, powder coated, graphite grey;
- c) Roofs shall be natural slate;
- d) Rainwater goods shall be aluminium;
- e) Wall shall be smooth render with brick plinth and isolated area of stone cladding as shown on planning drawing no. 02B;
- f) Any eaves timbers e.g. fascias shall be timber, painted.

Reason: To ensure the detailed design respects the listed building in terms of scale, height, massing and alignment and to ensure the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building

3. The existing mature trees and native hedging to the existing boundaries, as shaded in green on Drawing 02B bearing the date stamp 20 December 2021, shall be retained in perpetuity.

Reason: To preserve the character and appearance of the AVC and to provide screening for amenity purposes

4. All hard and soft landscape works shall be carried out in accordance with Drawings No. 02B bearing the date stamp 20 December 2021. The works shall be carried out during the first available planting season after the occupation of any part of the dwelling.

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

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

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

6. If the works start more than 24 months from the completion of the bat survey: Within twenty-four hours prior to demolition, the existing buildings on the site shall be checked for bat presence by a competent ecologist. Should bats be found a licence will be required from the NIEA Wildlife Officer. A report of the pre-demolition checks shall be submitted to the Council within 2 weeks.

Reason: To ensure protection to bats and their roosts.

7. No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures 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 Council within 6 weeks of works commencing

Reason: To protect breeding birds.

8. No development activity shall take place until a Landscaping and Planting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include the following:
- a) The retention of mature trees and hedgerows on the site;
  - b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction –

Recommendations;

- c) Planting Schedule to include appropriate numbers of native species of trees/shrub;
- d) Details of the aftercare of all planting on the site.

Reason: To compensate for the removal of trees/shrubs/hedgerows/to minimise the impact of the proposal on the biodiversity of the site.

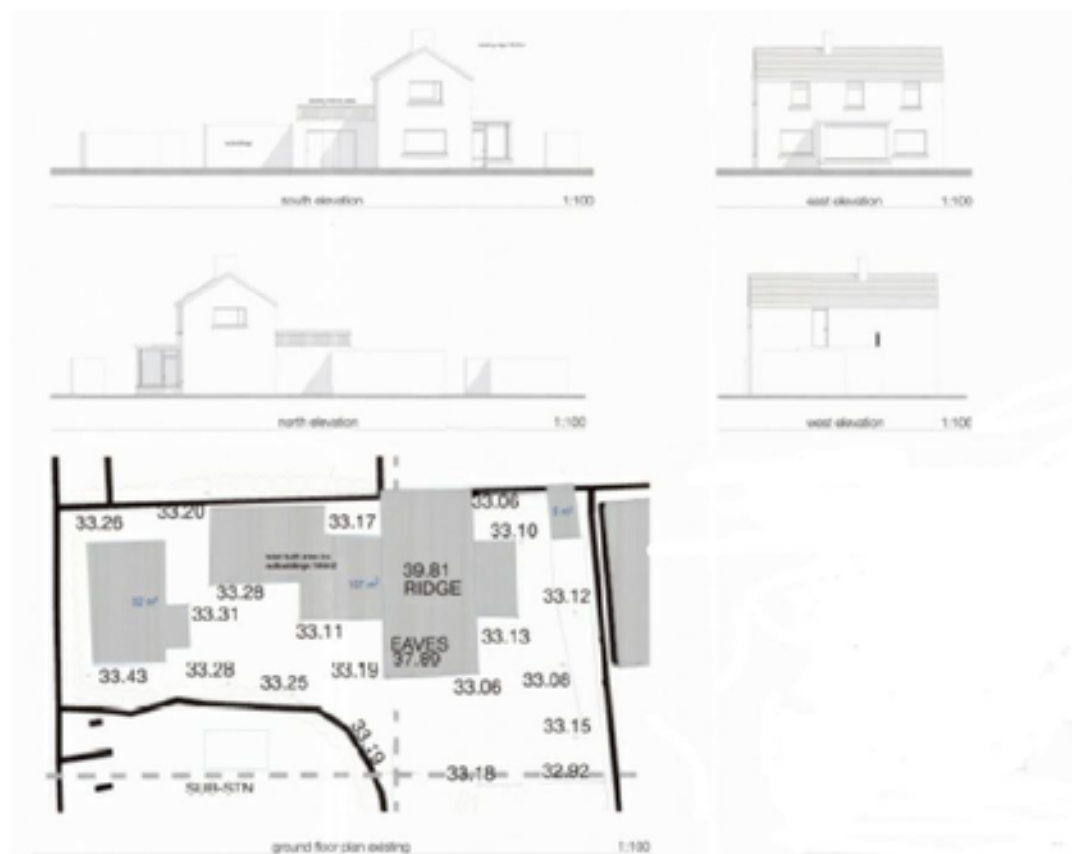
#### **Informative**

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

### Site Location Plan



### Existing Plans



### Proposed Plans





**Site Photos**



*Gable elevation of existing dwelling – on approach from driveway*



*Rear Elevation of existing dwelling (west)*



*Front Elevation of existing dwelling with small single-storey porch to front*



*Existing outbuildings and car-port on site*



*Images showing existing condition of dwelling*





*Relationship with listed church (dwelling shown to the left)*




*Relationship shown between existing dwelling and No. 6 (& 6a)*

## ITEM 4.2

## Ards and North Down Borough Council

|                    |  |
|--------------------|--|
| Application Ref    | LA06/2022/0115/F   |
| Proposal           | Demolition of existing garage and erection of two storey rear extension  |
| Location           | 8 Demesne Park, Holywood<br>DEA: Holywood and Clandeboye   |
| Committee Interest | A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation   |
| Validated          | 03/02/2022   |
| Summary            | <ul style="list-style-type: none"> <li>• Site located within development limit of Holywood therefore presumption in favour of development</li> <li>• Site lies within the proposed Area of Townscape Character (ATC) as defined in the Draft BMAP which is a material consideration</li> <li>• Structure to be demolished makes no material contribution to the distinctive character of ATC therefore demolition acceptable</li> <li>• Original proposal was deemed to be unacceptable due to scale with host building and 'box' appearance of extension therefore amended proposal submitted</li> <li>• 6 objections to original proposal with no further objections received once amendments were made to proposal</li> <li>• All material matters raised dealt with in case officer report</li> <li>• No consultations required for this householder proposal</li> </ul> |
| Recommendation     | <b>Approval</b>  |
| Attachment         | Item 4.2a – Case Officer Report  |

| <b>Development Management<br/>Case Officer Report</b>   |  |                                      | <br><b>Ards and<br/>North Down<br/>Borough Council</b> |                     |
|---|--|--------------------------------------|---|---------------------|
| <b>Reference:</b>   | LA06/2022/0115/F   | <b>DEA:</b> Holywood & Clandeboye    |   |                     |
| <b>Proposal:</b>  | Demolition of existing garage and erection of two storey rear extension. |                                      |   |                     |
| <b>Location:</b>  | 8 Demesne Park, Holywood, BT18 9NE                                       |                                      |   |                     |
| <b>Applicant:</b>   | Justin & Elizabeth McClay  |                                      |   |                     |
| <b>Date valid:</b>  | 03.02.2022   | <b>EIA Screening Required:</b>       | No  |                     |
| <b>Date last advertised:</b>  | 07.07.2022   | <b>Date last neighbour notified:</b> | 29.06.2022  |                     |
| <b>Letters of Support: 0</b>  |  | <b>Letters of Objection: 6</b>       |   | <b>Petitions: 0</b> |
| <b>Consultations – synopsis of responses:</b>   |  |                                      |   |                     |
| N/A   |  |                                      |   |                     |
| <b>Summary of main issues considered:</b>   |  |                                      |   |                     |
| <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Impact on Design and Appearance</li> <li>• Impact on the Character and Appearance of the Area</li> <li>• Impact on Residential Amenity &amp; Privacy</li> <li>• Impact on Biodiversity</li> <li>• Impact on Character and Appearance of the ATC</li> </ul> |  |                                      |   |                     |
| <b>Recommendation: Grant Planning Permission</b>  |  |                                      |   |                     |
| <b>Report Agreed by Authorised Officer</b>  |  |                                      |   |                     |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://epicpublic.planningni.gov.uk/publicaccess/">https://epicpublic.planningni.gov.uk/publicaccess/</a>                          |  |                                      |   |                     |
| <b>1. Site and Surrounding Area</b>   |  |                                      |   |                     |
| The site is located at 8 Demesne Park, Holywood and is occupied by a Chalet style, detached dwelling. The property is currently finished in dash render with timber framed  |  |                                      |   |                     |

windows. There is a large dormer window to the front of the dwelling which is characteristic of several properties within the immediate area. The property is bounded by a high, mature hedgerow at the sides and rear. The dwelling is currently unoccupied.



**Figure 1 - 8 Demesne Park**

Vehicular access to the property is via Demesne Park. The property is located within an established residential area, within the settlement of Holywood. Houses within the immediate area of Demesne Park are similar in scale in style, however, quite a few benefit from recent extensions and modernisation. There is a distinct building line within Demesne Park which is situated within the Holywood South ATC as defined by the draft Belfast Metropolitan Area Plan.

**2. Site Location Plan**



**Figure 2 – Aerial view of 8 Demesne Park**

**3. Relevant Planning History**

No relevant planning history.

#### 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 7: Addendum: Residential Extensions and Alterations
- Addendum to Planning Policy Statement 6 Areas of Townscape Character

Planning Guidance:

- Creating Places, Achieving Quality Residential Developments

#### Principle of Development

##### **Development Plan**

Until the new Development Plan Strategy is adopted the North Down and Ards Area Plan 1984-1995 is the statutory Development Plan for the legacy North Down area, with draft Belfast Metropolitan Area Plan remaining a material consideration. The site is within the settlement limit of Holywood. Within settlement limits in principle residential development is looked on favorably. The site is also located within the Holywood South ATC as defined by the draft Belfast Metropolitan Area Plan.

The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry and recommended no change to the proposed ATC with respect to the application site. Therefore, it is likely, that if and when BMAP is lawfully adopted, a Holywood South Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

The Commission also considered objections to the general policy (UE3) for the control of development in ATCs which is contained in draft BMAP. It was recommended that Policy UE3 be deleted and that a detailed character analysis be undertaken and a design guide produced for each individual ATC. As yet these design guides have not been published.

It would therefore be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of Holywood South ATC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However the impact of the proposal on the proposed ATC remains a material consideration and



can be objectively assessed. The impact of development on the appearance of the proposed ATC will be considered in detail under PPS 6 Addendum below.

### **Strategic Planning Policy Statement for Northern Ireland**

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

### **Design, Visual Impact and Impact on Character of Area**

#### **PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 1: Demolition Control in an Area of Townscape Character**

Policy ATC1 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area.

This application proposes demolishing an existing garage in order to extend the dwelling. It is considered that the proposed demolition and reconstruction is a betterment in terms of design. The garage proposed to be demolished does not make a positive contribution to the distinctive character of the ATC. It is located to the rear of the property and not highly visible from Demesne Park. Therefore, it is considered that the proposal complies with this policy.



Figure 3 - Garage proposed to be demolished.

#### **PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2: New Development in an Area of Townscape Character**

Policy ATC2 states that development proposals in an Area of Townscape Character will only be permitted where the development maintains or enhances its overall character and respects the built form of the area.

As no design guide has been produced for the proposed Hollywood South ATC, to identify the characteristics of the proposed ATC, it is difficult to assess what is considered acceptable in terms of how the proposal might affect the particular character of the area however the impact of the development on the overall appearance of the area can still be objectively assessed.

I am content that the scale, design and materials are sympathetic to the surrounding area. The development is to be contained within the curtilage and to the rear of the property. There will be limited views due to the mature boundary and location of the extension. I therefore consider that the proposal shall not detract from the visual amenity of the area and will respect the character and built form of the proposed ATC.

### **Addendum to Planning Policy Statement 7 Residential Extensions and Alterations**

*"The key objectives of this Addendum are:*

- *To promote high quality in the design of residential extensions and alterations; and*
- *To ensure that such works are sympathetic to the original property; respect the character of the local area; and protect neighboring residential amenity."*

Policy EXT1 of the Addendum states planning permission will be granted where all of the following criteria are met.

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.**

The application proposes a rear extension to the existing chalet-style bungalow located in Demesne Park. The extension will modernise the property and create more living space at both ground and first floor level.

The proposed extension will be to the rear of the existing property and will be 'set in' at both sides at first floor level with the continuation of the chalet style roof. This design respects the modest scale host property in terms of scale and design. The design also integrates sympathetically to the surrounding area.

The application will create more open-plan living at ground floor level with the addition of large glazed doors opening up onto a patio which will provide access to the applicant's garden/amenity space. The overall design of the proposal is contemporary and will bring the derelict dwelling up to modern standards but still respects the traditional style property. I consider that the proposal will improve the overall appearance of the property.



Figure 4 – Existing and Proposed Site Layouts



Figure 5 - Proposed Front/Side elevations

The proposed extensions shall be finished in painted render to match the existing dwelling house with aluminum window frames. The roof will be finished with slate tiles which respects the host property and character of the surrounding area. Properties within the immediate area benefit from similar extensions. I consider that the overall

appearance of the property will be enhanced which will have a positive impact on the surrounding area.

In addition to the ground floor extension, there will be a large dormer window installed at the rear of the property. This will allow for additional bedrooms. As the dormer is to be situated to the rear of the property, it will not be visible from the public road.



**Figure 6 - Proposed rear extension**

The proposed works are moderate in scale, they are in-keeping with the surrounding area and sympathetic to the host property. Finishes will be of a high standard and the overall appearance of the existing dwelling will be enhanced. The proposed works will not detract from the surrounding area which is made up of properties varying in scales and styles. Properties within the immediate area benefit from extensions of similar design and scale therefore a precedent has been set within the area.

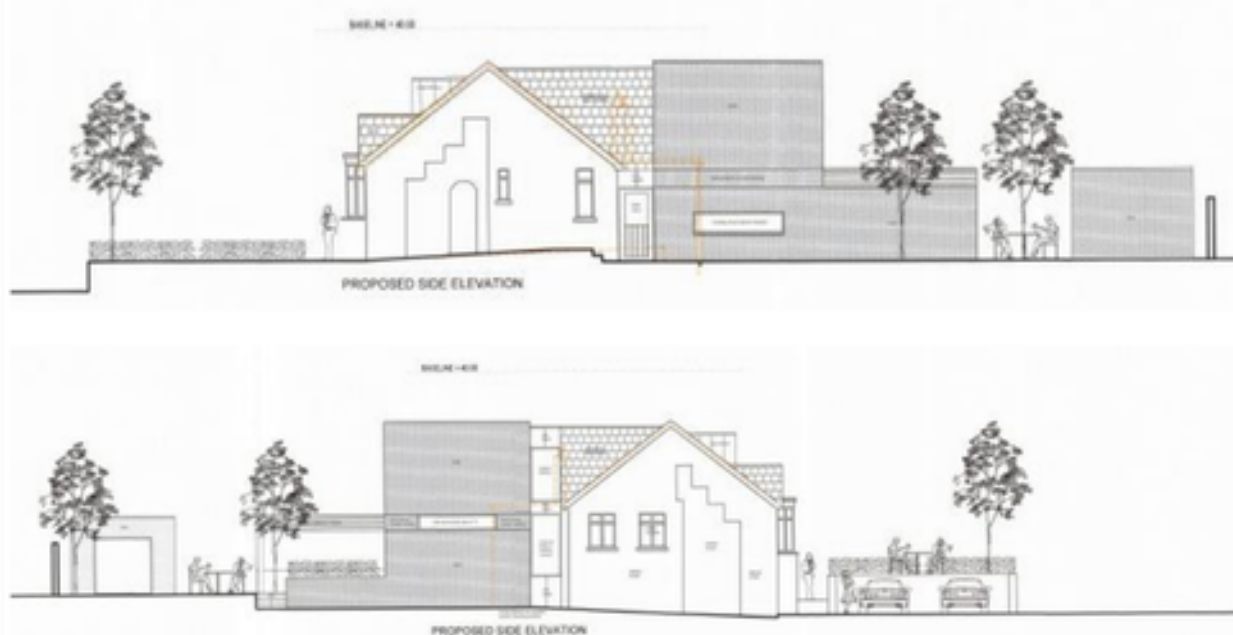
As the application site is located on an elevated site, the design of the proposal has been carefully considered so that it does not create any over-looking or over-bearing issues. Both the proposed gable walls of the extension do not bear windows at first floor level in order to alleviate any over-looking.

As other properties within the immediate area benefit from similar extensions it is considered that this proposal will not detract from the appearance and character of the surrounding area. The boundary treatment will help obscure views.



**Figure 7 - Aerial view which illustrates similar extensions within the immediate area**

Drawings originally submitted to planning were considered unacceptable in terms of scale, massing and design. The rear extension was excessive in terms of massing and not in-keeping with the modest host property or surrounding area. The agent was subsequently given the chance to amend the overall design aspect of the application so that it met policy. 6 letters of objection were received in regards the original design. The amended drawings were re-neighbour notified and no further objections were received.



**Figure 8 - Original proposed side elevations – large 'box like' rear extensions which was not subordinate/sympathetic to the host property or 'in-keeping' with the surrounding area.**

**b) the proposal does not unduly affect the privacy or amenity of neighbouring residents.**

The layout and scale of the proposed extension have been carefully considered and designed so that overlooking or unacceptable level of dominance are minimal. All additional side windows are at ground floor level and any views into the neighbouring property will be restricted by the boundary treatment.

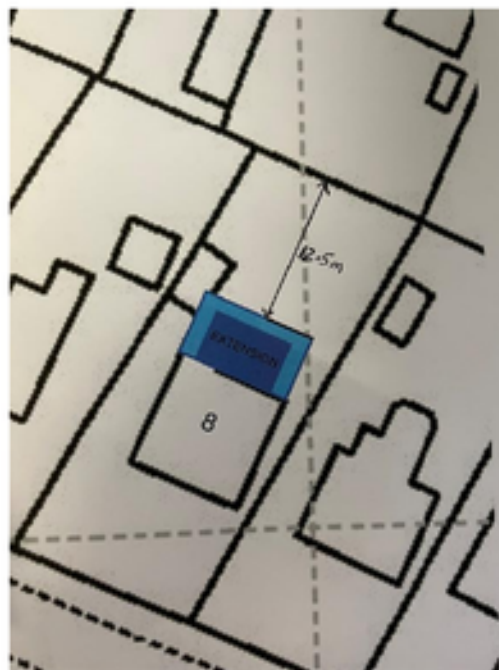
The proposed dormer at the rear of the extension shall be situated 12.5m from adjoining rear boundary at No. 7 Demesne Avenue. 'Creating Places – Achieving Quality in Residential Developments' states;

*7.16 Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.*

The separation distance in this instance exceeds the 10m minimum which is deemed acceptable. Properties within the immediate area benefit from similar extensions and

over-looking shall be minimal. The proposal meets the 20m 'back to back' distance as set out in the Creating Places guidelines.

Neighbouring property No. 10 benefits from a side dormer which looks directly into the application site. Works proposed within this application do not contain any windows which will look directly into the side of neighbouring properties. All additional windows are either at ground floor level or roof lights.



**Figure 9 - Proposed Block Plan – 12.5m separation distance between extension and adjoining property to rear**

The 45° light test as set out in the addendum was applied to this proposal and indicated no loss of light to the adjacent dwellings. Therefore, it is considered that this proposal will not unduly affect the privacy or amenity enjoyed by the neighbouring properties. Additional windows shall not create any over-looking issues.

- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.**

There are no protected trees on the site.

- d) space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.**

There shall be sufficient space remaining within the curtilage of the property for recreational and domestic purposes including parking and manoeuvring of vehicles. The application also includes hard surfacing to the front of the dwelling to allow for two additional car parking spaces.

## 5. Representations

6 objections received from 6 separate addresses. It should be noted that all of these were received in relation to the original submission. No further objections have been received following submission of the amended proposal. Original concerns raised are summarised as follows:

### 7 Demense Avenue

Residents at the above address, raised concerns that the extension will create over-looking into their property and loss of light. As discussed under Criterion EXT1 (b) above, the separation distance is deemed acceptable in terms of over-looking and there will be no loss of light into this property.



Application site highlighted in red, complaint's property highlighted in green

### 9 Demesne Avenue

Residents at this address objected on the following grounds;

#### 1) Loss of Privacy

The objector has stated that the proposal will affect the privacy of their living room, kitchen/ding area and first floor bedroom. The proposed extension will not cause any loss of privacy to these rooms. As discussed previously, the separation distance is deemed acceptable.

#### 2) Overlooking

The objector has stated that the proposal shall result in over-looking as there are currently no windows at first floor level. The proposal has been assessed and it has been determined acceptable. The objector also already benefits from a two-storey rear extension. There will be a separation distance of 12.5m between the proposed application and the boundary with No. 9 Demesne as discussed previously. 'Creating Places' recommends a minimum distance of 10m.

#### 3) Out of Character with the surrounding properties.

Originally, the proposed works were considered 'out of character' therefore the agent was asked to amend plans accordingly so that the proposed design would be more sympathetic to the surrounding area. Amended plans were submitted – the design is more sympathetic to both the host property and surrounding area.

4) Design & Appearance  
As above.

### **3 Demesne Avenue**

Residents at this address objected on grounds of the development being out of keeping with the character of other properties, loss of light and loss of privacy.

The amended style of the proposal (as discussed above) is in keeping with the surrounding area and sympathetic to the host property.

As previously discussed, there will be no loss of light. The extension is located in a residential, built-up area where a small loss of privacy is to be expected. The loss of privacy that comes with this application is minimal and does not warrant refusal. In terms of planning guidance, the application is acceptable.

### **10 Demesne Park**

Residents at the above address made the following objections;

- 1) Their sunlight will be affected, their light will be affected, and the extension is out of character.

Careful assessment of the application has indicated no loss of light/sunlight to their property. The design of the application is deemed acceptable.

### **Rachael Woods - Green Party**

Ms Woods objected on behalf of local residents stating Policy QD 1 contained within PPS7 stating that development is expected to meet the following criteria 'the design and layout will not create conflict with adjacent land uses and there is no acceptable adverse effect on existing or proposed properties in terms of over-looking, loss of light, noise or other disturbance'. Ms Woods has stated that some would contend that this proposal could over-look neighbouring properties.

The application has been assessed against relevant policy and meets the minimum distance. Over-looking issues will be minimal. As previously stated, the application site is located within a built up, residential area where a small degree of over-looking is to be expected. This proposal will not result in an adverse effect on existing properties in terms of over-looking.

### **Councillor Lauren Kendall**

Cllr. Kendall put forward similar concerns to those set out in Rachael Woods' letter.

In conclusion, it was accepted that the original plans submitted were out of character with the surrounding area. The agent was made aware of this and amended plans accordingly. The amended scheme was both re-neighbour notified and re-advertised in the local press. No further objections were received. I am satisfied that all the original concerns in regards the design have been addressed.

There are no issues raised that warrant a refusal. There are similar rear extensions within the immediate area and the settlement of Hollywood. The proposed extension does not deviate excessively from these extensions in terms of scale and design.



|   |
|---|
| <b>6. Recommendation</b>  |
| <b>Grant Planning Permission</b>  |
| <b>7. Conditions</b>  |
| <ol style="list-style-type: none"><li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.<br/><br/>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li></ol> |
| <b>Informative</b>  |
| <ol style="list-style-type: none"><li>1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.</li></ol>        |



**Demense Park**



**Front of property from Demense Park**



**Rear Garden**



**Rear of Property**



**Adjacent property No.10**



**Rear Garden**



Site Location Plan



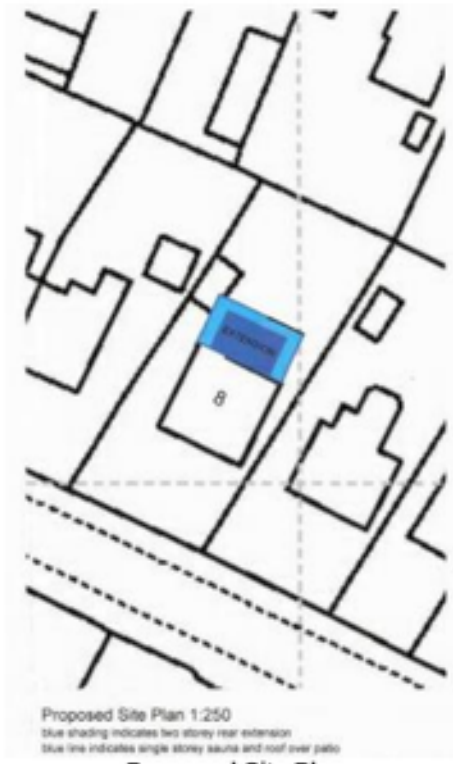
Existing Site Plan



Existing Ground and First Floor Plans



Existing Elevations



Proposed Site Plan



Proposed Ground and First Floor Plans




**Proposed Elevations**



## ITEM 4.3

## Ards and North Down Borough Council

|                    |  |
|--------------------|--|
| Application Ref    | LA06/2022/0774/F   |
| Proposal           | Installation of roller shutter and ball net  |
| Location           | Blair Mayne Wellbeing Complex and Leisure Centre, 1 Dairy Hall Lane, Newtownards<br>DEA: Newtownards   |
| Committee Interest | An application made by the Council   |
| Valid              | 10/08/2022   |
| Summary            | <ul style="list-style-type: none"> <li>• Site located in an area of Existing Open Space and Recreation and is within an Area of Archaeological Potential in Ards and Down Area Plan 2015 (ADAP)</li> <li>• Proposed roller shutter and netting will address anti-social behaviour occurring outside the main entrance after the building closes</li> <li>• 2.6m auto shutter door to be placed 4.5 m away from main entrance of leisure centre with netting above reaching 7m in height</li> <li>• No objections received from members of the public</li> <li>• No Consultations required</li> </ul> |
| Recommendation     | <b>Approval</b>  |
| Attachment         | Item 4.3a – Case Officer Report  |

| <b>Development Management<br/>Case Officer Report</b>   |   |  | <br><b>Ards and<br/>North Down<br/>Borough Council</b> |
|---|---|--|---|
| <b>Reference:</b>   | LA06/2022/0774/F  | <b>DEA:</b> Newtownards                  |   |
| <b>Proposal:</b>  | Installation of roller shutter and ball net   |  |   |
| <b>Location:</b>  | Blair Mayne Wellbeing Complex and Leisure Centre,<br>1 Dairy Hall Lane, Newtownards |  |   |
| <b>Applicant:</b>   | Ards and North Down Borough Council   |  |   |
| <b>Date valid:</b>  | 10.08.2022  | <b>EIA Screening<br/>Required:</b>       | No  |
| <b>Date last<br/>advertised:</b>  | 25.08.2022  | <b>Date last neighbour<br/>notified:</b> | 16.08.2022  |
| <b>Letters of Support:</b> 0  | <b>Letters of Objection:</b> 0  | <b>Petitions:</b> 0                      |   |
| <b>Consultations – synopsis of responses:</b><br>None required.   |   |  |   |
| <b>Summary of main issues considered:</b> <ul style="list-style-type: none"> <li>• Principle of Development</li> <li>• Compliance with the local development plan;</li> <li>• Planning history associated with the site and the principle of development;</li> <li>• Design, scale, layout and massing;</li> <li>• Impact on residential and visual amenity;</li> </ul> |   |  |   |
| <b>Recommendation: Grant Planning Permission</b>  |   |  |   |
| <b>Report Agreed by Authorised Officer</b>  |   |  |   |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="https://epicpublic.planningni.gov.uk/publicaccess/">https://epicpublic.planningni.gov.uk/publicaccess/</a>  |   |  |   |

### 1. Site and Surrounding Area

The proposal relates to the front entrance of the Blair Mayne Wellbeing Complex and Leisure Centre. The wider site contains the leisure centre building with associated outdoor play and activity facilities, parking and landscaping.



It is located to the south of the Town Centre. Residential properties are located in close proximity, as well as a school, NI Ambulance Station and Police station.

## 2. Site Location Plan



## 3. Relevant Planning History

X/2015/0156/RM - Construction of new leisure centre with associated outdoor play and activity facilities, parking and landscaping - Granted.

X/2010/0330/O - Leisure Centre (8000m<sup>2</sup>) with 1 outdoor pitch, 2 multi-use games area (MUGA), skate park and play area plus associated Roundabout Access Junction and associated floodlighting - Granted.

## 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 8: Open Space, Sport and Outdoor Recreation

### **Principle of Development**

ADAP currently acts as the LDP for this area. The site is located in an area of Existing Open Space and Recreation. It is also within an Area of Archaeological Potential.

The SPPS states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

### **Impact on residential and general amenity**

It is understood the proposed shutter and net will address anti-social behaviour which has been occurring outside the main entrance after the building closes. The shutter will ensure there is no access to this sheltered area and the net will ensure that no items are thrown over. In terms of the surrounding neighbouring residents there will be no adverse impact caused by the proposal, only potential benefits.

### **Design, scale, layout and massing**

The proposal is for a 2.6m auto shutter door to be placed 4.5 m away from the main entrance of the leisure centre. Above the shutter will be netting. The netting will reach 7m in height. It is understood the shutter door will only be closed to secure the building at night. The ball netting will be permanently fixed. In terms of scale, massing and design, the proposal is considered minor and will have minimal visual impact on the building and the surrounding area.

Thus, the proposal is considered acceptable.

## **5. Representations**

No representations were received.

## **6. Recommendation**

### **Grant Planning Permission**

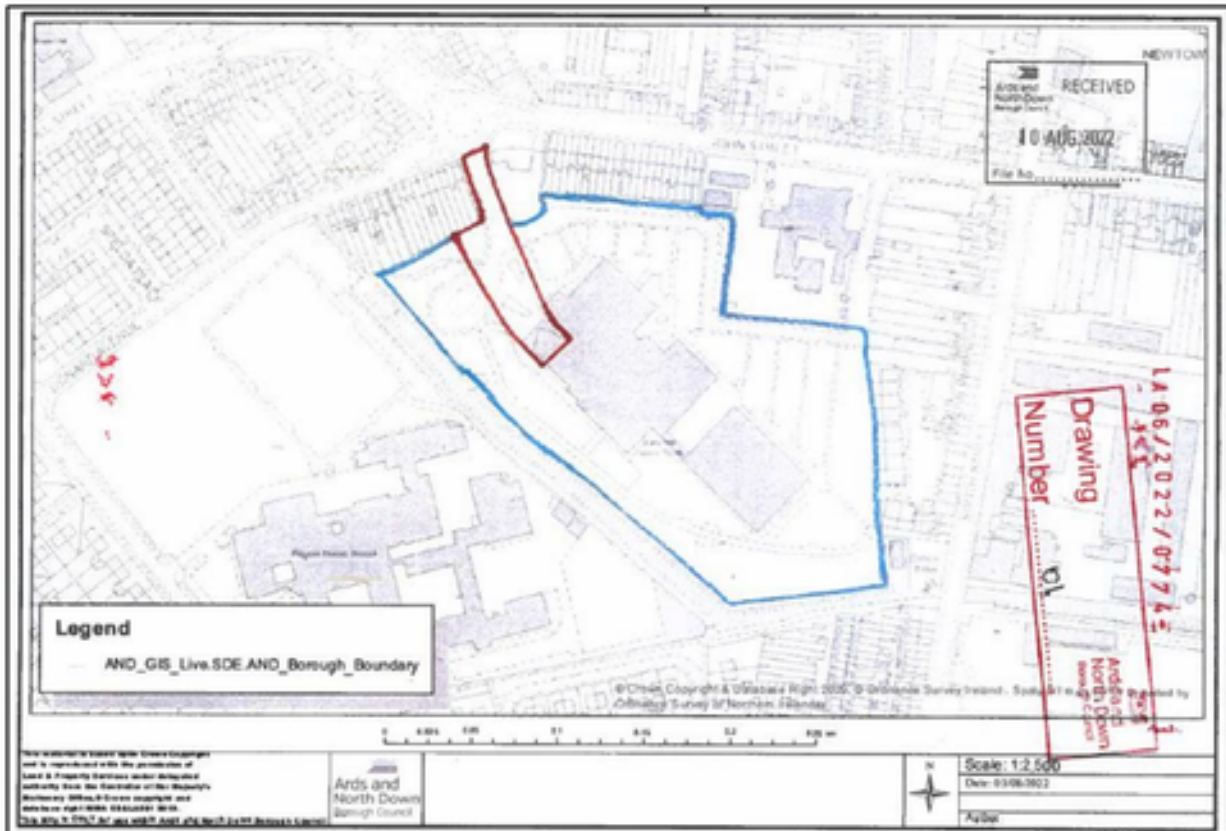
## **7. Conditions**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

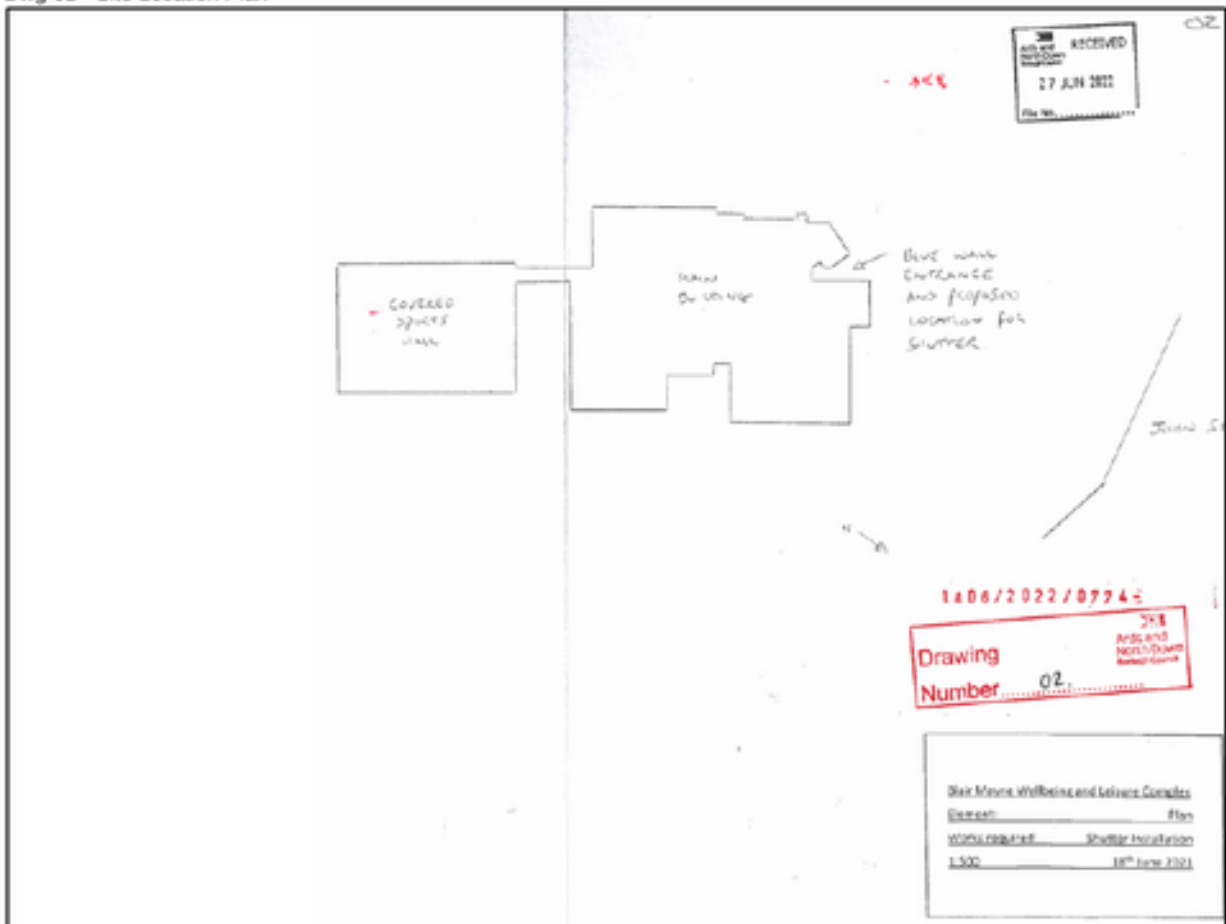
Reason: Time Limit.

**Informative**

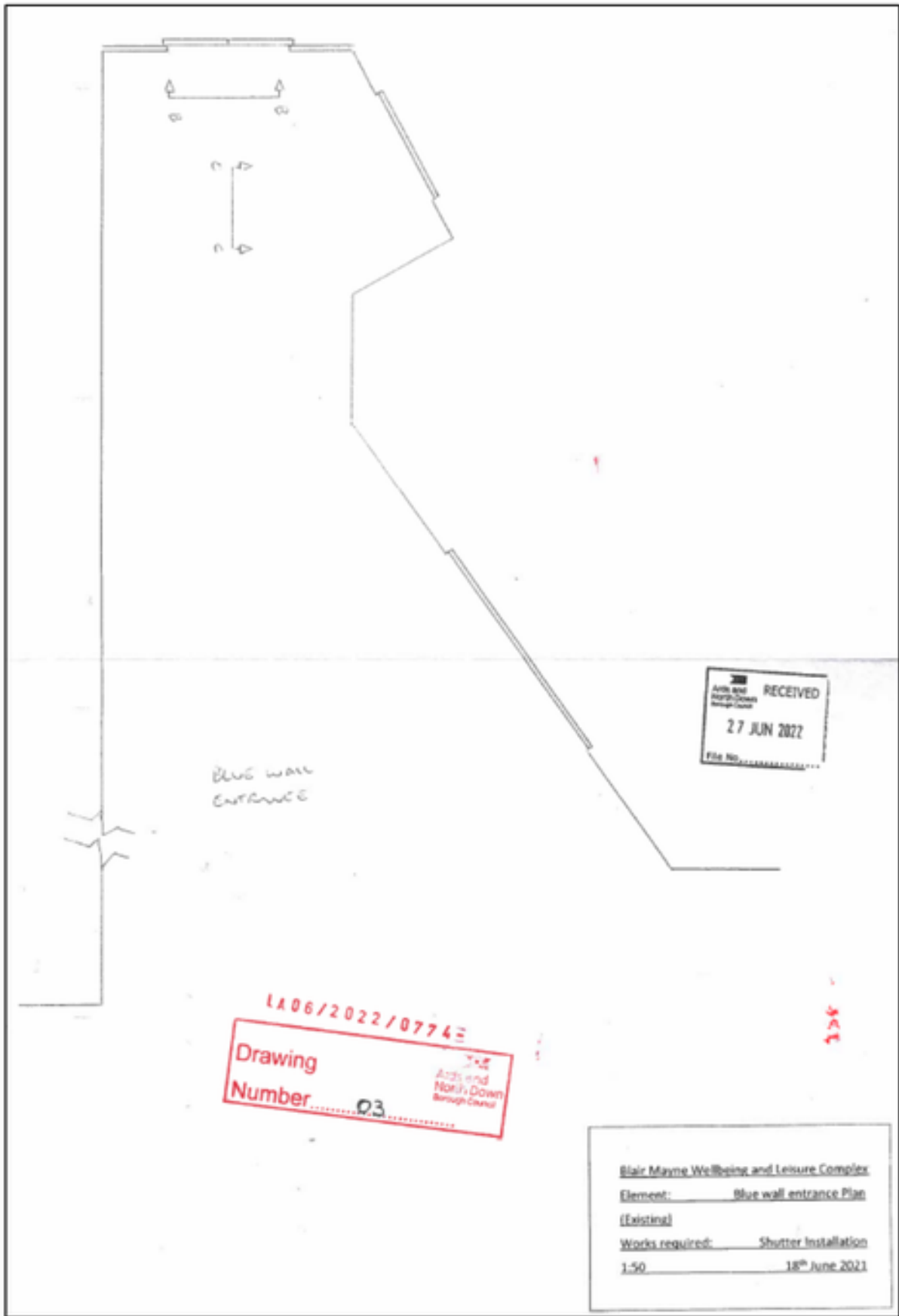
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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



Dwg 01 - Site Location Plan



Dwg 02 - Block Plan

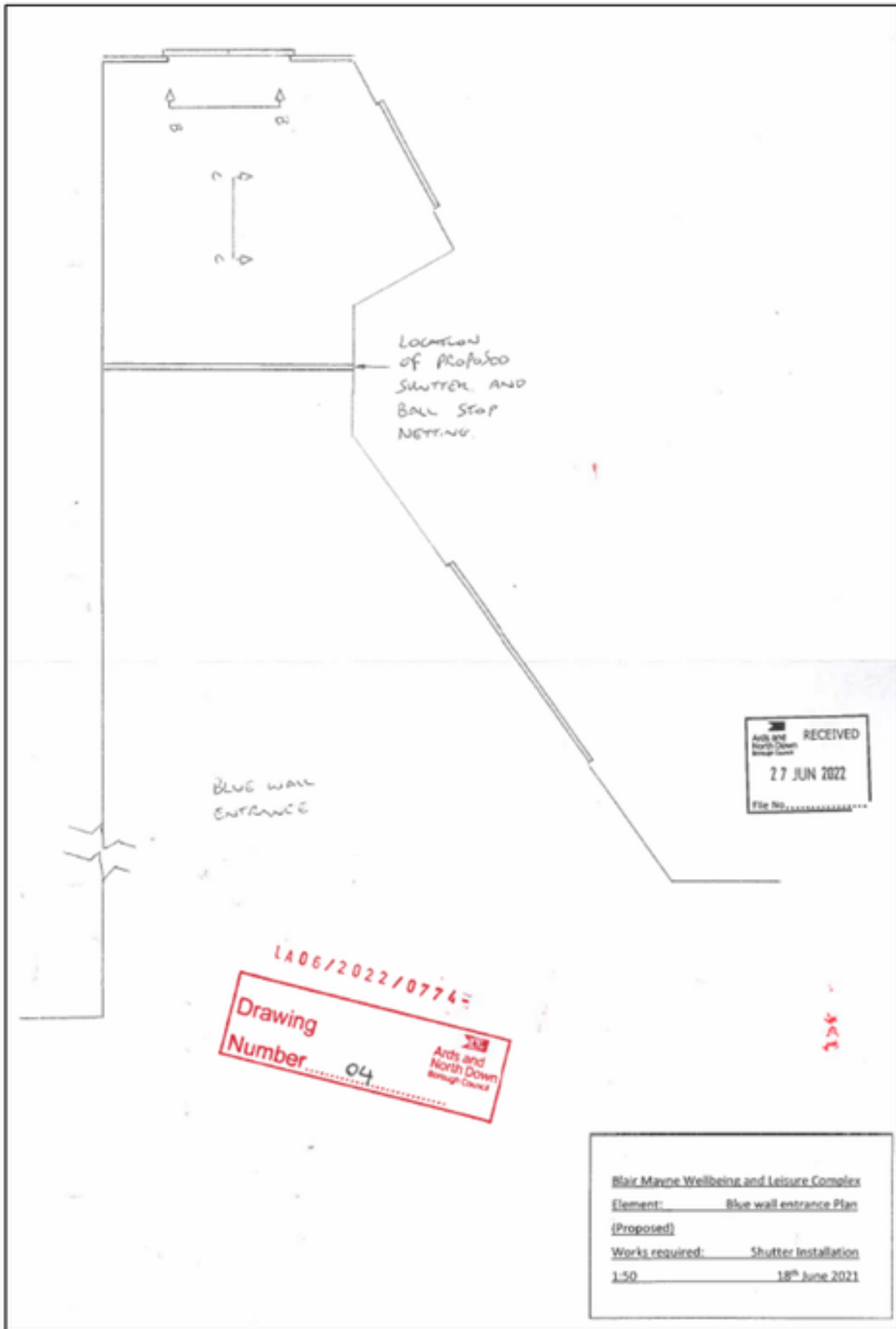


LA06/2022/0774E  
 Drawing  
 Number 03  
 Ardara and North Down Borough Council

RECEIVED  
 27 JUN 2022  
 File No. ....

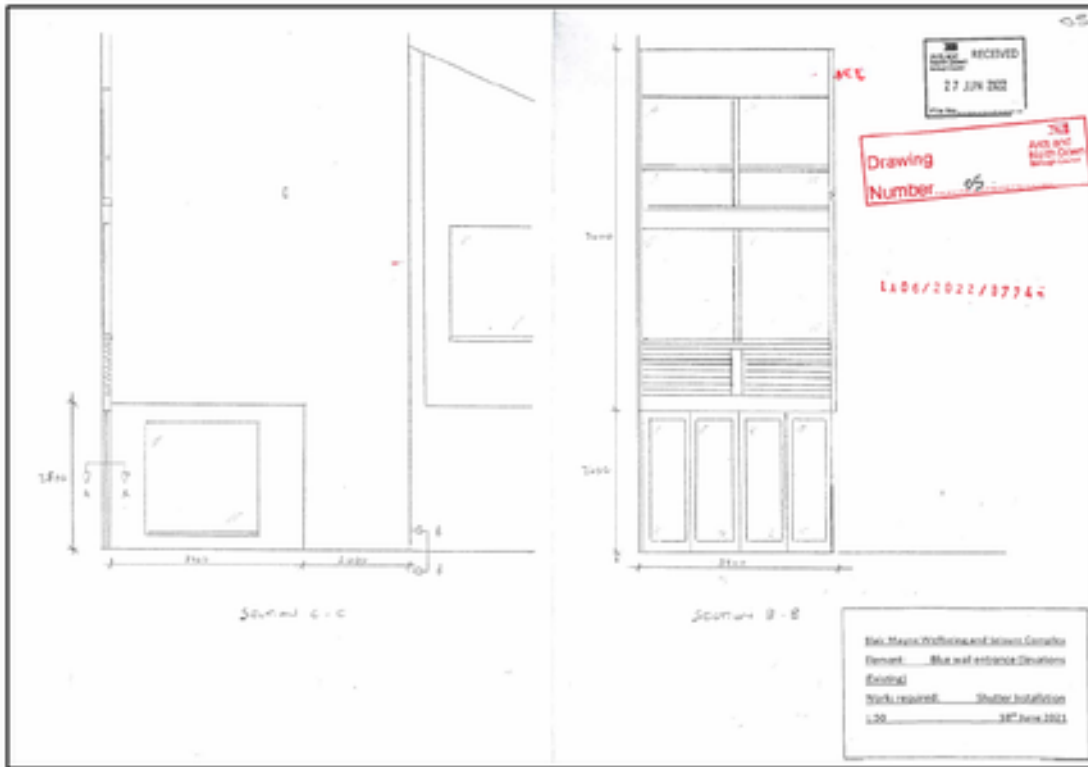
Blair Mayne Wellbeing and Leisure Complex  
 Element: Blue wall entrance Plan  
 (Existing)  
 Works required: Shutter Installation  
 1:50 18<sup>th</sup> June 2021

Dwg 03 – Existing floor plan

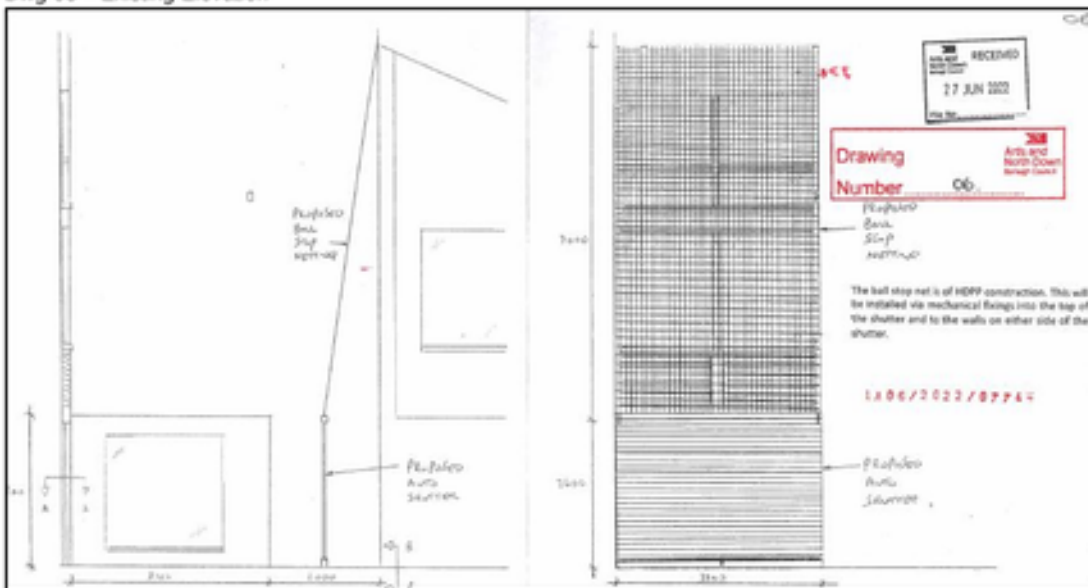


Dwg 04 – Proposed Floor Plan





Dwg 05 - Existing Elevation



Dwg 06 - Proposed Elevation

## ITEM 5

## Ards and North Down Borough Council

|                             |   |
|-----------------------------|---|
| Council/Committee           | Planning Committee  |
| Date of Meeting             | 04 October 2022   |
| Responsible Director        | Director of Regeneration, Development and Planning  |
| Responsible Head of Service | Head of Planning  |
| Date of Report              | 15 September 2022   |
| File Reference              | Planning Committee  |
| Legislation                 | Planning Act (NI) 2011  |
| Section 75 Compliant        | Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/> |
| Subject                     | Update on Planning Appeals  |
| Attachments                 | Item5a–PACdecision 2019/A0234   |

## New Appeals Lodged

1. No new appeals lodged since date of last report.

## Decisions

2. The following appeal was withdrawn on the 02 September 2022.

|                   |  |
|-------------------|--|
| PAC Ref           | 2021/A0100   |
| Application ref   | LA06/2018/0324/O   |
| Appellant         | Belfast Central Mission  |
| Subject of Appeal | Development of 24 no. extra care living units and shared communal facilities |
| Location          | Lands at 95 & 97 Donaghadee Road, Millisle                                   |

3. The following appeal was upheld on 15 September 2022.

|                   |  |
|-------------------|--|
| PAC Ref           | 2019/A0234   |
| Application ref   | LA06/2018/0417/F   |
| Appellant         | J & W Wightman   |
| Subject of Appeal | Erection of farm shed as cattle house and general purpose shed with underground slurry tank and hardstanding |

|          |  |
|----------|--|
| Location | Agricultural fields 415m SW of No. 4 Drumhirk Way, Newtownards |
|----------|--|

The Council refused planning permission on 04 December 2019 for the following reasons:

- i. The proposal is contrary to Policy CTY 1 and Policy CTY12 of PPS 21 - Sustainable Development in the Countryside in that it has not been demonstrated that the site is on an active and established agricultural holding and:
  - it is necessary for the efficient use of the established agricultural holding;
  - it is appropriate to this location due to the unacceptable scale of the development;
  - the development, if permitted, would visually integrate into the local landscape; and
  - the development would not have an adverse impact on natural heritage.
- ii. The proposal is contrary to Policy CTY12 of PPS 21 -Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm:
  - there are no suitable existing buildings on the holding that can be used; and
  - why the proposal is not sited beside existing farm buildings.
- iii. The proposal is contrary to Policy CTY12 of PPS 21 -Sustainable Development in the Countryside, and does not merit being considered as an exceptional case as it has not been demonstrated that health and safety reasons exist to justify an alternative site away from existing farm buildings or that the alternative site away from existing farm buildings is essential for the efficient functioning of the business.
- iv. The proposal is contrary to Policy FLD 3 of PPS 15, Revised Planning and Flood Risk as insufficient information has been submitted to demonstrate that the proposal will not be at risk from flooding or that it may increase the risk of flooding elsewhere.
- v. The proposal is contrary to Policy NH1 of PPS 2, Natural Heritage, as insufficient information has been submitted to demonstrate that the proposal, if permitted, would not be likely to have a significant effect on Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA, Outer Belfast Lough ASSI, Blaeberry Island Bog ASSI, Ballymacormick Point ASSI, Craigantlet Woods ASSI, Outer Ards ASSI/SPA/Ramsar, Strangford Lough SAC/SPA/Ramsar/Part 1 ASSI, Scrabo ASSI & Whitespots ASSI.
- vi. The proposal is contrary to Policy NH5 of Planning Policy Statement 2, Natural Heritage, as insufficient information has been submitted to demonstrate that the proposal, if permitted, would not have an unacceptable adverse impact on priority habitats and other natural heritage features worthy of protection.

- vii. The proposal is contrary to the SPPS as insufficient environmental information has been submitted to demonstrate that the proposal will not have significant adverse impacts on the water environment.

The appellant submitted information not made available during the processing of the application including farm maps and other supporting evidence relating to the location of the rented lands and buildings. Whilst the Commissioner was of the view that it would have been helpful for the Council to have had this information earlier, it nevertheless had to be considered and he did not consider that its introduction posed any prejudice to any party.

The Commissioner was of the view that the appeal site, although being a more recent acquisition compared to the long-term rented lands along with the farm business when taken as a whole has, nevertheless, now been established for more than 6 years.

It is pertinent to highlight the following dates:

- The Refusal Decision issued **04 December 2019**
- The Appeal was lodged on **26 February 2020**
- The Appeal Hearing took place on **11 November 2021**
- Compliance with the requisite six-year period was achieved in **June 2022**
- The Commissioner's decision issued on the **15 September 2022**

From the submitted evidence and the Commissioner's own observations it was considered that there are no suitable buildings on the holding that can be used therefore the first additional criterion of Policy CTY12 is met. There was no dispute that the appeal development would not be sited beside an existing building given it would be the first building on that part of the holding. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from existing farm 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. This element of the policy includes the matters pertaining to necessity of the building encompassed within criterion (a) of Policy CTY12. It was accepted that the appeal building would be essential for the efficient functioning of the business and although the Appellants would have to travel from their home to the appeal development, that did not persuade him that the proposed building would not be essential. The exceptional test under Policy CTY12 of PPS21 is therefore met.

The Commissioner considered that although the building would be evident in the landscape travelling either direction, it would have the benefit of backdrop from the line of vegetation to the east, along with sections of intervening vegetation along the roadside, obscuring a large proportion of the overall development, including much of the hardstanding therefore it was considered that the appeal development satisfies criteria (b) and (c) of Policy CTY12.

The Commissioner considered that the proposed development satisfies Policy CTY12 of PPS21 read as a whole and accordingly it also meets Policy CTY1 of

PPS21 and the related provisions of the SPPS and therefore the Council's first, second and third reasons for refusal are not sustained.

The application as considered by the Council required a Drainage Assessment given the expansive area of hardstanding accompanying the proposed building. However, as referenced earlier the additional information submitted included an amended Site Layout showing a reduced hardstanding area below the threshold in the policy of 1000m<sup>2</sup> therefore Policy FLD3 is not engaged and the Council's fourth reason for refusal is not sustained.

During processing of the application, Council was advised of potential for contaminants in the land given the previous nearby industrial uses, constituted of several quarries and lands associated with an old railway line. The Council stated that there was insufficient information to assess the extent of any contamination at the site, the nature and extent of unacceptable risks and whether they could be mitigated through a remediation strategy. Concerns were also raised at potential adverse impacts on the water environment.

The Commissioner's assessment of the evidence submitted at the appeal and on-site observations led him to have no reason to disagree with the analysis and conclusions of the information submitted and found the development would satisfy the policy provisions of the SPPS in this respect and the Council's seventh reason for refusal is not sustained.

During the processing of the application NIEA Natural Environment Division and Shared Environmental Service considered there was insufficient information provided to undertake an assessment on any features of protected designations against the appeal development. The concerns pertained to the potential impacts of ammonia emissions altering the vegetation community structure within those sites and degradation of the aquatic environment arising from contaminated run-off during construction and operation of the development, as well as nitrogen deposition.

The Commissioner considered the submitted information and was of the opinion that subject to conditions relating to a maximum number of cattle housed in the proposed building at any one time, along with implementation of the Nitrates Management Plan as submitted there would not be likely to have a significant effect on any of the identified designated areas. In addition, the recommendation pertaining to implementation of a buffer along the eastern site boundary during construction to protect the watercourse would be necessary and can be secured by a condition in the event of permission being granted. The Commissioner therefore considered Policies NH1 and NH5 of PPS2, as well as the related provisions of the SPPS were satisfied and the Council's fifth and sixth reasons for refusal are not sustained.

The PAC report is attached to this report.

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

#### **RECOMMENDATION**

It is recommended that Council notes this report.



# Appeal Decision

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|-------------------------------|--|
| <b>Appeal Reference:</b>      | 2019/A0234.  |
| <b>Appeal by:</b>             | J & W Wightman.  |
| <b>Appeal against:</b>        | The refusal of full planning permission.   |
| <b>Proposed Development:</b>  | Erection of farm shed as cattle house and general purpose shed with underground slurry tank and hardstanding area. |
| <b>Location:</b>              | Agricultural fields 415m SW of No. 4 Drumhirk Way, Newtownards.  |
| <b>Planning Authority:</b>    | Ards & North Down Borough Council.   |
| <b>Application Reference:</b> | LA06/2018/0417/F   |
| <b>Procedure:</b>             | Hearing on 11 November 2021.   |
| <b>Decision by:</b>           | Commissioner Mark Watson, dated 15 September 2022.   |

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## Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions below.

## Preliminary Matters

2. In their Statement of Case the Appellants submitted an amended drawing showing a reduced hardstanding area below 1000 sq. m in order to avoid the need for submission of a Drainage Assessment (DA). The Council witness considered this to be inadmissible. The reduced hardstanding area is a response to the matter of a potential requirement for a DA, itself one of the Council's reasons for refusal. Having regard to Section 59 of the Planning Act (NI) 2011 I do not accept that the drawing would represent a new matter that was not before the Council. Rather, it is a response to the particular reason for refusal. The reduced hardstanding area does not go to the heart of the appeal development or alter it in any material way that would prejudice any third party unaware of this amendment. As such I find the amended drawing with a reduced area of hardstanding to be admissible.
3. A further refined version of that drawing containing the reduced hardstanding area was submitted post-hearing. There were no alterations to the proposed development itself, but rather additional detail provided on drainage for the appeal development. Again, for the same reasoning as above I consider that it would not be at odds with Section 59 of the Act, or result in prejudice to any third party unaware of the amended drawing. I shall therefore consider it in place of the original submission. The issue pertaining to whether or not a DA is required shall be addressed within the consideration below.

## Reasons

4. The main issues in this appeal is whether or the development would:
  - be acceptable in principle in the countryside;
  - adversely impact on the rural character of the area;
  - require a Drainage Assessment to accompany it;
  - be at risk from land contamination, whilst also posing a contamination risk to the water environment; and
  - be likely to have a significant effect on several protected environmental designations.

### *Policy context*

5. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan (LDP) for the proposal. In it, the site lies in the countryside and there are no LDP policies or designations relevant to the appeal development. The ADAP is not material to the appeal development.
6. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). The same is the case in respect to Planning Policy Statement 2 – Natural Heritage (PPS2). PPS21 and PPS2 remain the applicable policy context to consider the proposed development under.
7. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development, including agricultural development in accordance with Policy CTY12 of PPS21. Policy CTY12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets several criteria. It follows that if the development satisfies Policy CTY12 it will also satisfy Policy CTY1 of PPS21.

### *Proposed development*

8. The appeal site comprises a portion of land situated to the eastern side of the A21 Newtownards Road dual carriageway. The Drumhirk Way road, which affords access onto the Newtownards Road from the appeal site, lies adjacent and north of the host field the appeal site is part of. The appeal site itself is relatively flat in nature and covered in grass. The eastern site boundary is defined by a line of mature vegetation with a watercourse traversing its length, though it is culverted in parts. The other proposed boundaries are undefined. A mature hedge line bisects the appeal site approximately halfway through it, traversing the landscape in an west – east alignment. The proposed building is to be sited next to this hedge. An area of hardcore has been laid onto part of the site as a laneway.
9. The proposed building is a round-roofed structure, with an adjoining sloping, monoplane roofed section attached to its side. The overall building would measure approximately 30m by 19.4m, with the highest part of the round-roof being approximately 7.2m from ground level. The interior would be subdivided into a general purpose storage shed, with the remainder given to 4 animal pens and a passage area running from front to back. The pens are designed to accommodate

cattle or sheep according to particular requirements at any time. An underground slurry storage tank is to be placed under the two most 'rear' pens. The building is to be finished in concrete panel walls and green tin cladding, with the roof also finished in green tin. Two concrete areas totalling approximately 986 sq. m in area are proposed to the southern 'front' and northern 'rear' of the building. Landscaping in the form of a new hedgerow to the western site boundary is proposed to link into the existing hedge line that bisects the site just south-west of the appeal building's proposed location, along with a new hedge planted along the northern site boundary.

*Principle of development*

10. Paragraph 5.56 of PPS21 states that for the purposes of Policy CTY12 the determining criteria for an active and established business will be that set out in Policy CTY10, i.e. that the farm business is currently active and has been established for at least 6 years. Under Policy CTY10 applicants are expected to provide the farm's business ID number and other evidence to prove active farming over the required period. The Department of Agriculture, Environment & Rural Affairs (DAERA) consultation response confirmed that the Appellant's farm business (ID number 631964) had been established for 6 years or more. It also stated no claims for single farm payment had been made, but that Basic Payment Scheme claims had been submitted in 2017 and 2018.
11. Mr J Wightman and his son Mr W Wightman operate the farm business together. The farm business is comprised of a holding of 23.14 hectares split between several different parcels of land. The Appellants rent land, buildings and a yard area at Ballywoolley Lane, off the Crawfordsburn Road, Bangor. These have been rented for many years and the lease is renewed on an annual basis. The appeal building is proposed on a separate parcel of land approximately 4km away. The Appellants farm Limousin cattle as well as sheep. An elected representative submitted a letter in support of the Appellants' case. Numerous receipts and documentation pertaining to veterinary and fodder bills, as well as the sale and purchase of animals had been submitted to the Council at application stage. Further evidence in the form of farm maps and other supporting evidence relating to the location of the rented lands and buildings were submitted as part of the appeal submission. Whilst it would have been helpful for the Council to have had this information earlier, it nevertheless is before me now for consideration.
12. The three fields in the Appellants' ownership off Drumhirk Way, which include the appeal site, were purchased in late June 2016. The Appellants stated that it was impractical to buy an entire farm holding for cost reasons, but that when the subject lands at Drumhirk Way came up for sale, they viewed it as a logical step to grow their business. The Council considered that the business as a whole had not been established for more than 6 years, pointing to several appeal decisions relating to this issue, as well as quoting correspondence from the Appellants during the application process, where it stated that the appeal development was their chance to "start their very own farm holding". To my mind this comment pertained to actual ownership rather than utilising only rented land and buildings. In any event, although this particular portion of the overall farm holding is a more recent acquisition compared to the long-term rented lands, the farm business taken as a whole has, nevertheless, now been established for more than 6 years. From my onsite observations at the appeal site and the land and buildings at Ballywoolley



- Lane, the farm business is active. The Appellants' farm business is active and established for the purposes of the policy.
13. The Council's objections related to the first four criteria of Policy CTY12 and two of the three additional criteria of that policy. Criterion (a) of Policy CTY12 is that the development is necessary for the efficient use of the agricultural holding. The matter of the necessary for the building shall be considered in due course below.
  14. The first additional criterion of Policy CTY12 is that there are no suitable existing buildings on the holding that can be used. During my site inspection I visited the various parcels of land comprising the Appellants' holding, including the land and buildings at Ballywoolley Lane, off the Crawfordsburn Road. I observed cattle and sheep whilst there. The buildings were in varying states of repair though I accept they were not without need of improvement. The Appellants considered that it was illogical to pay to improve buildings not actually in their ownership. I also noted that the buildings used to house the animals were fully utilised and according to the Appellants have limited capacity, which provides no scope for isolating animals that might become sick. I did not see any buildings that were not already fully utilised, either for animal accommodation, fodder or equipment. Nor did I observe any other buildings on the other parts of the holding. From the submitted evidence and my own observations I would agree that there are no suitable buildings on the holding that can be used. The first additional criterion of Policy CTY12 is met.
  15. The third additional criterion is that the proposal is sited beside existing farm buildings. There was no dispute that the appeal development would not be sited beside an existing building given it would be the first building on that part of the holding. This additional requirement of Policy CTY12 is not met and the exceptional test of that policy is therefore engaged. Policy CTY12 states that exceptionally, consideration may be given to an alternative site away from existing farm 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. This element of the policy includes the matters pertaining to necessity of the building encompassed within criterion (a) of Policy CTY12.
  16. I was told that the rented land at Crawfordsburn Road, Bangor has since been granted planning permission for residential development. The Appellants told me that the present owner and his adult children are more interested in its future development for housing than letting it remain agricultural. I accept the Appellants' proposition that this adds doubt to whether or not the same land and buildings will continue to be available and makes forward planning for their farm business more difficult and uncertain.
  17. The Appellants stated that at present fodder and other items cannot be delivered directly to the rented buildings given the narrow width of the laneway and bends. The Appellants' deliveries are dropped at Mr Wightman Jr's work place at a nearby industrial estate. He then transports them to the buildings at Ballywoolley Lane. This is an inefficient means of delivery. I drove this myself and accept that large vehicles such as delivery lorries cannot readily traverse it, in contrast to what would be a more accessible location at the appeal site.

18. I was told that it is dangerous to transport sheep when pregnant and they require shelter when lambing. The appeal building would facilitate this without the need for transportation between the appeal site and rented buildings. The Appellants stated that tuberculosis (TB) is becoming an issue for cattle in the locality, with four adjoining farms recently having had reactors. DAERA requirements state that such animals require isolation from the rest of the herd until retesting takes place. In the summer such isolation can take place by dividing off a field, however, during winter when cattle are housed indoors, this cannot take place. There is a 60 day gap between retesting and the need for 2 clear tests before the cattle can return to the general herd. This therefore means that in instances where positive TB tests occur, there is a period up to 120 days when a portion of land or accommodation cannot be used for other animals. The Appellants consider that the new building would provide this facility for isolation whilst still providing accommodation for other animals when need be. The design of the building and its internal arrangement are such that I accept that it would afford such scope, in contrast to the less flexible arrangement of the older buildings at Ballywoolley Lane.
19. The Council considered the appeal building too large for the stated purpose and thus not necessary for, or essential to, the efficient functioning of the business. The building itself is sizeable, but not particularly large given its purpose for accommodation of animals, equipment and fodder. The design is very typical of more modern agricultural buildings. I do not agree that the appeal building is unnecessarily large, but rather, to my mind, has been specifically designed for the intended purpose of meeting the needs of the Appellants' farm business. In terms of general space it would provide, it broadly accords with the combined size of the existing animal accommodation at Ballywoolley Lane, but in a more modern, compact and readily managed form, whilst also allowing for on-site storage for fodder and equipment. Again, access for delivery of fodder and supplies would also be more convenient and efficient at the appeal site compared to the long, narrow and difficult to manoeuvre laneway to the rented lands and buildings.
20. Whilst the Appellants have managed to operate using the rented buildings and yard, along with the various parcels of land for some time, I accept that this is not the most efficient means of operation. From the evidence before me I agree that the appeal development would provide a fixed place of operation that would provide accommodation for the Appellant's cattle and sheep, whilst also affording storage space for equipment and fodder. It would not be subject to annual renewal of a lease nor be under potential threat of no longer being available due to redevelopment.
21. The appeal building would also facilitate isolation of potentially sick or infected animals whilst still allowing for space for other animals. Although animal welfare is a material consideration, I am not persuaded that the case presented would in itself meet the policy threshold for health and safety reasons contained within the exceptional test of Policy CTY12. However, for the reasons given above I accept that the appeal building would be essential for the efficient functioning of the business. Although the Appellants would still have to travel from their home in Bangor to the appeal development, that in itself does not persuade me that the proposed building would not be essential. The exceptional test under Policy CTY12 of PPS21 is therefore met.

*Visual impact and landscape character*

22. Criterion (b) of Policy CTY12 requires that the development in terms of character and scale be appropriate to its location. Criterion (c) of the same policy requires that it must visually integrate into the local landscape and additional landscaping is provided as necessary. The Council's issue in these respects pertained to the scale of the building and its visual impact. The fact there are presently no buildings in the vicinity of the appeal site does not in itself demonstrate its unsuitability for an agricultural building, with the exceptional test under Policy CTY12 accounting for instances where a new building would not be sited beside existing farm buildings. Nor does it follow that the introduction of a new agricultural building into the landscape where there are currently none would necessarily harm rural character.
23. Again, although the proposed shed is sizeable, it is of a typical agricultural design and the reduced area of hardstanding split between two sections to either end of the building, is not expansive when viewed in the context of the site and broader landscape it lies within. The appeal site lies below the level of the Newtownards Road and although the building would be evident in the landscape travelling either direction, it would have the benefit of backdrop from the line of vegetation to the east, along with sections of intervening vegetation along the roadside, obscuring a large proportion of the overall development, including much of the hardstanding. Some of these views would also be peripheral to the direction of travel along the A21, particular when traveling past southwards. Views from Drumhirk Way itself would be confined to views at the site access given the mature hedge along the roadside and northern boundary of the host field the site lies within. New planting along the northern and western boundaries is proposed. In the event of permission being granted a condition requiring its implementation, along with a requirement to replace any damaged or drying plants within the first five years of planting, would be necessary in order to preserve rural visual amenity. For the above reasoning I find that the appeal development satisfies criteria (b) and (c) of Policy CTY12.
24. Given my conclusions above, along with my later conclusions pertaining to natural heritage below, I find that the proposed development satisfies Policy CTY12 of PPS21 read as a whole. Accordingly it also meets Policy CTY1 of PPS21 and the related provisions of the SPPS. The Council's first, second and third reasons for refusal are not sustained.

*Drainage assessment*

25. Policy FLD3 of Revised Planning Policy Statement 15 – Planning and Flood Risk states that a DA will be required for all development proposals that exceed any of a number of thresholds, including a change of use involving new buildings and / or hardsurfacing exceeding 1000 sq. m in area. The Council considered that the appeal development required a DA for this reason given the expansive area of hardstanding accompanying the proposed building. However, as outlined earlier, the amended Site Layout entailed a reduced hardstanding area of approximately 986 sq. m, thus falling slightly below the threshold in the policy. As such Policy FLD3 is not engaged and the Council's fourth reason for refusal is not sustained.

*Potential contamination*

26. During processing of the planning application, the Council was advised that there was potential for contaminants in the land at the appeal site given the previous nearby industrial uses, constituted of several quarries and lands associated with an old railway line. The Council stated that there was insufficient information to assess

the extent of any contamination at the site, the nature and extent of unacceptable risks and whether they could be mitigated through a remediation strategy. Concerns were also raised at potential adverse impacts on the water environment.

27. The Appellants submitted a Preliminary Contamination Risk Assessment (PCRA) document with their Statement of Case. The PCRA identified that there were no private water supplies or groundwater abstraction licences in the vicinity of the appeal site. It also stated that no significant sources of contamination were present at the appeal site itself and that the environmental setting was deemed low risk given the lack of open watercourses within or near the site and the underlying bedrock did not represent a significant groundwater resource. The quarries were down gradient from the appeal site and the railway lands had been decommissioned some 60 years ago and ground conditions were of generally low permeability.
28. The PCRA concluded that no significant contamination sources were identified at the site and there was no likely risk of harm to human health or the water environment by the site itself. It also concluded that any potentially contaminating land uses in the surrounding area are not likely to pose any unacceptable risks to the site. The Northern Ireland Environment Agency (NIEA) Regulation Unit consultation response concurred with these conclusions. From my assessment of the evidence and on-site observations I have no reason to disagree with the analysis and conclusions of the PCRA. Subject to the imposition of conditions pertaining to discovery of any previously unknown contaminants and a suitable remediation strategy in such an instance, I find the development would satisfy the policy provisions of the SPPS in this respect. The Council's seventh reason for refusal is not sustained.

#### *Natural heritage*

29. Policy NH1 of PPS2 states that 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). The policy goes on to state that where a development is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department (or in the case of this appeal, the Commission) shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. This policy requirement derives from Article 6(3) of the Habitats Directive which establishes the requirement that any plan or project likely to have a significant effect on a SAC site shall be subject to an Appropriate Assessment (AA).
30. Policy NH5 of PPS2, also raised by the Council, states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known: priority habitats, priority species, active peatland, ancient and long-established woodland, features of earth science conservation importance, features of the landscape which are of major importance for wild flora and fauna, rare or threatened native species, wetlands (including river corridors), or other natural heritage features worthy of protection. Criterion (d) of Policy CTY12 of PPS21 also requires that the proposed development will not have an adverse impact on natural heritage.

31. The appeal site lies within 7.5km of several designations. These are listed below along with the key features potentially affected where applicable:
  - Belfast Lough Special Protection Area (SPA) / Ramsar;
  - Belfast Lough Open Water SPA (*Sterna paradisaea* – Artic tern);
  - Outer Belfast Lough Area of Special Scientific Interest (ASSI) (Oakwood);
  - Blaeberry Island Bog ASSI;
  - Ballymacormick Point ASSI;
  - Craigtantlet Woods ASSI (mixed Ashwoods);
  - Outer Ards ASSI / SPA / Ramsar (maritime cliff and slopes);
  - Strangford Lough Special Area of Conservation (SAC) / SPA / Ramsar / Part 1 ASSI (perennial vegetation of stony banks);
  - Scrabo ASSI; and
  - Whitespots ASSI (earth science features).
32. The NIEA Natural Environment Division (NED) and Shared Environmental Services (SES) considered there was insufficient information provided to undertake an assessment on any features of these designations against the appeal development. The concerns pertained to the potential impacts of ammonia emissions altering the vegetation community structure within those sites and degradation of the aquatic environment arising from contaminated run-off during construction and operation of the development, as well as nitrogen deposition.
33. The Council and its consultees considered that air dispersion modelling was required to assess any impact on priority habitat within 2km of the appeal development. This Air Quality Impact Assessment (AQIA) modelling was carried out and submitted along with the Appellants' Statement of Case. The subsequent NIEA NED consultation response was provided to the Commission and Appellant at the hearing. It identified several shortcomings in respect to the AQIA. The Appellant was afforded an opportunity to respond post hearing to this matter in the interests of fairness and in order to allow the Commission a satisfactory level of information in order to properly consider the nature conservation matters.
34. The revised AQIA identified that the Process Contribution loading of ammonia that would arise from the appeal development would be below the 1% Critical Level for each of the designated sites within 7.5km of the appeal site, in line with the present DAERA operational protocol. Given the analysis and conclusions of the revised AQIA I am satisfied that the appeal development, subject to conditions relating to a maximum number of cattle housed in the proposed building at any one time, along with implementation of the Nitrates Management Plan as submitted, would not be likely to have a significant effect on any of the identified designated areas. The NIEA NED stated that the Whitespots ASSI, designated for its earth science features, was unlikely to be affected by nitrogen emissions from the proposed development. Given the analysis and conclusions of the revised AQIA and the NIEA NED response, I need not proceed to undertake an AA, as I am satisfied no reasonable scientific doubt remains as to the potential effects of the appeal development on the aforementioned designations.
35. Notwithstanding the acceptance of the AQIA by NIEA NED, the Council considered there remained issues given the potentially contradictory recommendations sought by NIEA NED in its ultimate response. I note that these were framed as recommendations and not conditions. Nevertheless, the recommendations stated that the maximum number of beef cows within the building does not exceed that

contained in the AQIA, whilst also stating that 'no livestock' be housed within the building at any time. Notwithstanding this seeming contradiction, the NIEA NED overall conclusions that the ammonia PC loads were acceptable were predicated on the analysis within the revised AQIA (which explicitly envisaged livestock being accommodated within the building). I therefore consider the recommendation regarding 'no livestock' within the building to be an erroneous one. I am not persuaded a condition limiting the number of cattle to that stated in the revised AQIA would be unenforceable as it would be a factual matter as to the number of animals within the building at any given time.

36. The recommendation pertaining to implementation of a buffer along the eastern site boundary during construction to protect the watercourse would be necessary and can be secured by a condition in the event of permission being granted. I do not consider a specific drainage plan or condition specifically requiring all contaminated run-off to be directed to an appropriate collection tank necessary given the level of information provided on the amended Site Layout drawing. For the reasoning given above the appeal development satisfies Policies NH1 and NH5 of PPS2, as well as the related provisions of the SPPS. The Council's fifth and sixth reasons for refusal are not sustained.

#### *Conclusions*

37. For the reasoning given above the Council's reasons for refusal have not been sustained. The appeal shall succeed. I consider it necessary to condition that the building only be used for agricultural purposes in line with the statement at paragraph 5.55 of PPS21.

#### **Conditions**

- (1) The building shall be used solely for the purposes of agriculture and for no other purpose.
- (2) The maximum number of cattle housed within the approved building shall not at any time exceed 53, as detailed within the Irwin Carr Air Quality Impact Assessment document, dated 3 December 2001.
- (3) A suitable buffer of at least 10m shall be maintained between the location of all construction works including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil and the watercourse along the eastern site boundary.
- (4) All manure from the approved building shall be utilised on the Appellants' land as detailed within the Irwin Carr Air Quality Impact Assessment document, dated 3 December 2001 and the Agrihand Nutrient Management Plan dated 2020.
- (5) In the event that previously unknown contamination or risks to the water environment are discovered, development on the site shall cease, the planning authority shall be advised and a full written risk assessment in line with Land Contamination: Risk Management Guidance, detailing the nature of the risks and any necessary mitigation measures, shall be submitted to the planning authority for approval.

- (6) After completion of all remediation works under condition 5 and prior to use of the building a verification report detailing all remediation and monitoring works undertaken and demonstration of the effectiveness of those works in accordance with LCRM guidance shall be submitted to the planning authority and agreed in writing.
- (7) All hard and soft landscaping works shall be carried out in accordance with the details shown on approved drawing No. PAC1, stamped received by the Commission on 23 December 2001. The landscaping works, including the scheme of planting, shall be carried out within the first available planting season after commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
- (8) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings submitted with the application and drawing PAC1, submitted to the Commission on 21 December 2021:

| <b>DRAWING NUMBER</b> | <b>TITLE</b>   | <b>SCALE</b> | <b>DATE</b> |
|-----------------------|--|--------------|-------------|
| 01                    | Location Map   | 1:2500       | 24/04/2018  |
| 03                    | Proposed Floor Plan & Elevations                         | 1:200        | 24/04/2018  |
| PAC1                  | Proposed Site Layout & Site Section,<br>Drainage Details | 1:500        | 21/12/2021  |

**COMMISSIONER MARK WATSON**





**List of Appearances at Remote Hearing**

Planning Authority:- Ms G Corbett (A & ND BC)

Appellant:- Mr D Donaldson (Donaldson Planning)  
Mr W Wightman (Appellant)  
Mr J Wightman (Appellant)

**List of Documents**

Planning Authority:- 'A' Statement of Case & Appendix (A & ND BC)  
'C' NIEA Consultation Response  
'F' Regulation Unit Consultation Response (post-hearing)  
'G' Council & NIEA responses to Updated Air Quality Impact Assessment

Appellant:- 'B' Statement of Case & Appendices (Donaldson Planning)  
'D' Updated Air Quality Impact Assessment (Irwin Carr)  
'E' Updated Site Layout Plan showing drainage details (Donaldson Planning)