

ARDS AND NORTH DOWN BOROUGH COUNCIL

31 August 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 06 September** 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 02 August 2022
4. Planning Applications

4.1	LA06/2018/0608/O	Housing development for 8 No. detached dwellings, garages, and associated site works 47 Manse Road, Glastry, Kircubbin
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
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
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
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

5. Update on Planning Appeals
6. Quarterly Performance Report
7. Response from DFI regarding ROMPs
8. Acknowledgement to Belfast City Council regarding LDP modifications
9. Item Withdrawn

In Confidence

10. Report on Notice of Motion
11. Quarterly Enforcement Report

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Tuesday, 2 August 2022 at 7.00 pm via Zoom.

PRESENT:

In the Chair: Alderman Gibson

Aldermen: Keery
McIlveen

Councillors:	Brooks	McRandal
	Cathcart	Moore
	Cooper	P Smith
	McAlpine	Thompson
	McClellan	Walker
	McKee	

Officers: Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough) Senior Professional and Technical Officers (A Todd & P Kerr) and Democratic Services Officers (H Loebnau & S McCrea)

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor McRandal declared an interest in Item 4.3.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING HELD ON 5 JULY 2022

PREVIOUSLY CIRCULATED:- Minutes of the meeting held on 5 July 2022.

RECOMMENDED that the minutes be noted.

AGREED, on the proposal of Councillor McRandal, seconded by Councillor Thompson, that the minutes be noted.

4. PLANNING APPLICATIONS

- 4.1 LA06/2021/1214/O - Replacement Dwelling, 40 m North of 23 Arview Road, Killinchy
(Appendices I & II)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

DEA: Comber

Committee Interest: A Local development application 'called-in' to Planning Committee from the delegated list w/c 27 June by a member of that Committee - Called in by Ald McIlveen:

To determine whether the building to be replaced exhibits the essential characteristics of a dwelling and if the committee would consider the external structural walls to be substantially intact as required under policy CTY3 of PPS21 and would therefore meet the criteria for one of the exceptions under CTY1 of PPS21.

Proposal: Replacement dwelling

Site Location: 40m North of 23 Ardview Road, Killinchy

Recommendation: Refusal

The Head of Planning gave a presentation on the planning application, the details of which are as follows. The item was with regard to a replacement dwelling at an approximate location of 40m North of 23 Ardview Road, Killinchy. Alderman McIlveen had called in the application from the delegated list order that Committee had the opportunity to determine whether the building had met the criteria under Policy CTY3 for Replacement Dwellings and as such would have met the criteria for one of the exceptions under CTY1 of PPS21.

The site was located in the countryside to the south of the settlements of Balloo and Killinchy on the Ardview Road which was close to the junction with Upper Ballymorran Road. The building was in a ruinous state and appeared on OSNI mapping for a significant number of years as could be seen from an 1833 historical map.

Policy CTY1 of PPS21: Sustainable Development in the Countryside had set out a range of types of development which were, in principle, acceptable in the countryside and further highlighted that other types of development would only be permitted where there had been overriding reasons as to why such would be essential and not located in a settlement, or that it was otherwise located for development in a development plan.

One of those types of developments considered as acceptable under Policy CTY1 was as listed and highlighted; a replacement dwelling under Policy CTY3.

It was clarified with Members in respect of the planning reason presented for call in that the initial test relating to the principle of development was whether the proposal fell within a category of development under Policy CTY1 which was in principle acceptable, or whether planning permission would only be justified through Policy CTY1 on one of the fallback bases; overriding reasons could be as to why the development was essential and could not be located in a settlement, or that the proposal was allocated for development in a development plan.

If it was found that the proposal met Policy CTY3: Replacement Dwellings, then the exceptions test would not be engaged.

Policy CTY3 of PPS21 pertained to Replacement Dwellings and set out that planning permission would be granted were the building to be replaced. It would need to exhibit the essential characteristics of a dwelling and as a minimum, all external structural walls would have to be substantially intact.

The policy had further set out that proposals for replacement dwellings, where the previous tests had been met, would have to comply with a list of criteria.

Members were asked to note that the Policy referred to, 'essential characteristics of a house,' in the present tense which would mean that a building would be required to have those essential characteristics contemporarily regardless of whether it was known that the building had been a dwelling in the past.

From images supplied in the presentation, a substantial amount of foliage had been cleared from the location over the past couple of years with an aerial image of 2015 showing that there was no way to ascertain rooms of the building whereas another aerial image in 2018 provided views of the walls dividing the ruin internally and remains of a chimney on its north side.

In applying the everyday meaning of the term, 'substantially intact,' that would have meant that a high percentage of the external walls would have to be in place, whilst the architect had noted in his submission that the existing stone walls had deteriorated beyond repair.

The planning agent had submitted a drawing in his application that showed what was asserted to be a layout of the building as planned and that 87% of the walls remained intact. That was disputed in the Case Officer Report as some of the alleged window openings were not able to be viewed on site.

In a further slide, views were shown of a pathway that cut through a field via the Upper Ballymorran Road to the building. The application had shown sight splays from the Ardview Road as opposed to access being proposed from the Upper Ballymorran Road. The DfI had indicated no objections in principle, subject to detailed scale plans and accurate survey at any reserved matters stage. A slide showed the north gable wall and chimney with an internal photograph that displayed mainly loose stones forming what could have been described as a fireplace. Another slide faced north from the opposite gable end and showed partial inner wall partition. A further slide provided a view of a window opening though evidence existed that showed repair work had been undertaken upon the corner of the structure with new mortar and cleaner stone on both sides that formed the edge of the window opening. Views were provided from the chimney gable room toward the next room with an arrow indicating a doorway in the partial partition. Another slide showed an additional view of the aforementioned room as well as the long elevation of the house that fronted the Ardview Road.

The Head of Planning summarised and advised that it was hard to ascertain the size of original openings and, if one were to surmise which openings were that of windows, they would have been extremely shallow. Whilst external walls were in place to an extent, some of the walls were almost as sill level and that some repairs

had taken place which suggested the ruin was likely in worse state prior to repairs and submission of the application.

Mr Donaldson had made references to previous decisions by other planning authorities in his speaking note and Members were reminded that they were not bound by such. The Head of Planning was not in agreement that decision by Newry, Mourne and Down was on all fours with this application, as the extract from the Case Officer report suggested there were some substantial differences. Evidence from PAC decisions existed that would support both sides of an argument for replacement dwellings. Mr Donaldson's speaking notes proffered a 2014 example and Members were reminded that each case should be determined based upon its own merits. Contrary to the Case Officer's report, the Head of Planning believed the building exhibited the essential characteristics of a building and advised that the decision would lay with the Committee on whether they agreed with the planning judgement that walls were not substantially intact to comply with Policy CTY3.

The rest of the policy requirements under CTY3 were provided as that was only an outline application, no detailed plans or drawings were submitted. However, within the Case Officer report, it was considered that there would be no issues in complying appropriately with the other requirements as had been set out by appropriate conditions. In the event that Members believed the building complied with the first two elements of the policy, it was also considered that other policies within PPS21 that related to Integration and Rural Character would not be offended subject to conditions.

RECOMMENDED Refusal of Planning Permission based upon the building not exhibiting the essential characteristics of a dwelling (this element having been conceded during the presentation) and all external walls not being substantially intact.

Alderman McIlveen asked for clarification on the interpretation of, 'substantially intact,' given the potential subjectivity of the term. The Head of Planning was unable to provide any stronger definition and cited judgements in cases held by other PAC decisions where it was deemed some ruins met the policy whereby there were walls that had completely collapsed. The applicant /gent had stated the structure lay on sloped fields which disguised the height of the remaining walls which would be difficult to assert whilst roof eaves would make for shallow window openings. The Planning Office had believed that case did not meet the second part of the policy requirement and the referenced decision by Newry, Mourne and Down was considered as an unfit comparison as glazing was still intact. Alderman McIlveen asked if it would be enough that the structure still looked like a house. The Head of Planning clarified that this was not what the policy headnote required, however, suggested that this policy would be considered within the Council's own LDP.

Councillor Cathcart agreed that policy language was vague and subjective. From photographs, he agreed it looked like an identifiable house but had obviously not been a dwelling in quite some time given its condition. He queried whether it was better to have a derelict house or a house built within conditions of the local area. The Head of Planning advised that abandonment was consistent with older policies which had been superseded by prevailing regional policy. She explained that when

the ruin was covered in foliage, it was not noticeable. However, the proposal would necessitate removal of the remaining vegetation and creation of new road access with splays delivered as part of the project. The Case Officer had stated that rural character could be satisfactorily integrated but that if the vegetation was left to grow again, the structure would not be noticeable.

Councillor McRandal was curious as to whether the recent repair work was considered in the planning application regarding percentage of ruin. The Head of Planning explained the repair was substantial but could not advise whether its lack of existence would equate to an unsubstantial threshold. It would be up to Members to decide on whether the repair work tipped the balance in any judgement. However, had there been more significant repairs, circumstances would be different.

Councillor P Smith queried if the problem was to do with whether the ruin was a dwelling, or when a dwelling became a ruin and vice versa. The Head of Planning explained that the policy referred to buildings that had previously been used as dwellings and that buildings could have been dwellings historically despite the original intent of the building not being so. Members would be unable to factor in the fact that the building had been unused as a dwelling in decades; if it had been last used as a dwelling or had the essential characteristics of one, it would meet the particular policy criterion.

At 7:29 pm, speaker David Donaldson was admitted to the meeting.

Mr Donaldson advised CTY3 was the key policy which required several key aspects to be addressed.

a. Was the structure a dwelling.

Mr Donaldson referenced the 1864 evaluation of Ireland wherein records showed the house was owned by one Mr George Irvine whilst the applicant's grandfather had been born in the house.

b. Essential characteristics of a dwelling

The building provided shelter for humans with door and window openings typical of the period whilst a chimney and flue formed part of the fireplace; characteristics Mr Donaldson argued were clearly that of a dwelling. Mr Donaldson noted that the Head of Planning had agreed characteristics of a dwelling existed during her presentation.

c. External walls substantially intact.

Mr Donaldson referenced the Case Officer's report wherein it stated the footprint was intact and that, apart from the gable, other walls were not substantially intact. Conversely, the architect's estimate of 87% retained external walls, with some above window heads and one gable end having collapsed. As the building was levelled upon a slope and thence walls were partially below ground, the internal floor level was lower than that of land externally. Mr Donaldson advised that this would have led onlookers to see a shorter wall from a viewpoint outside of the structure than from inside with wall heights within close proximity of the original eave height. The

policy did not require complete walls, but substantially intact walls. Mr Donaldson argued that by reasonable means of the substantial definition, 87% would be considered as a substantial remain, whilst had the architect quoted 75%, such would still have been considered substantial. In appeals, Mr Donaldson cited 2014 A0254 where the decision had been agreed for planning permission despite reference to partially collapsed walls and fully collapsed roof.

Mr Donaldson quoted a PPS21 objective; 'to achieve appropriate and sustainable patterns of development that meet the needs of a vibrant rural community.' He explained that revisions of the CTY3 policy were relaxed through versions to specifically facilitate redevelopment of sites with histories of residential use. CTY3 also stated, 'replacement dwellings were important to the renewal and upgrading of rural housing stock.' Mr Donaldson further quoted a Minister from 2010 introducing PPS21 to the Assembly, 'even if those buildings do not have rooves and some parts of their walls have fallen into disrepair...what is the point of having all those redundant buildings scattered around the countryside? Let's replace them with buildings appropriately designed which people can live in and use.'

Mr Donaldson explained that the Case Officer had agreed there would be no impact on rural character and no issues with integration. The SPSS had also stated that granting permission should be granted unless demonstrable harm occurred. He asked the Committee where harm lay with replacing an old dwelling with an appropriate one.

Councillor McRandal asked when repair works had been carried on the structure. Mr Donaldson's involvement had only begun from the application reaching Committee stage but believed works had occurred during the Coronavirus lockdown time and the applicant had repaired the gable corner to ensure it did not collapse. Mr Donaldson estimated the area of repair was 2 to 3 sqm which, when viewed with the scale of the building would not be a large proportion. However, if the repair was discounted from total substantial remains, Mr Donaldson believed the figure would still be above 80% and so should not dissuade Members from granting the application.

Councillor Cathcart believed the footprint of the ruin was quite small and would not make for an appropriate-sized dwelling. He asked what scale a new build would be and how such would be integrated. Mr Donaldson, before answering the question reminded Members that the Case Officer had agreed there would be no impact on integration or rural character. If permission was granted and the reserved matters process passed, they would be content for conditions to be imposed to ensure the design and scale of the dwelling would be appropriate to the location. Mr Donaldson believed the footprint was not small, being approximately 65 sqm. It would not require much of an increase to provide adequate living space especially when the likes of a roof space could be included. In addition, though the building sat close to the roadside and was reasonably well screened by a hedge, Mr Donaldson believed a design could be proffered that would be in keeping with what was a very attractive location.

(Mr Donaldson was returned to the public gallery at 7:38 pm.)

Councillor McRandal asked for views on Mr Donaldson referring to repairs as small in comparison to the structure's total size. The Head of Planning agreed the repair area was small and advised that members should consider this against the rest of the building.

Alderman McIlveen proposed, seconded by Councillor Cathcart to grant planning permission.

Alderman McIlveen explained that, given concessions made by the Head of Planning and characteristics of a dwelling alongside the aims and objectives of policies, it had come down to whether the Committee considered the structure intact. He believed it would appear to be a dwelling if a roof had been placed upon it, adding that 80-87% intact walls would meet the interpretation of 'substantial'. Councillor Cathcart did not think demonstrable harm would be applicable and was happy in principle with the application.

Councillor P Smith & Councillor Moore had both queried if the Planning Department would be able to provide an estimate number as to the remaining walls though the Head of Planning explained the percentage calculation was not one that would normally have been carried out and that the appraisal they had carried out was based on what could be seen upon visiting, i.e. each on its own merits.

Councillor McAlpine advised that she would not be in favour of supporting a granting of permission.

VOTE – ten in favour of, two against, one abstained and one did not vote due to arriving late. The vote carried and planning permission was approved.

The Head of Planning asked if Members could clarify agreement for formulating appropriate conditions. Both Alderman McIlveen and Councillor Cathcart agreed to give officers Delegated Authority in that respect.

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

4.2 LA06/2022/0346/O - Infill site for 2 No. Dwellings with Domestic Garages between 32 and 24 Castle Espie Road, Comber
(Appendices III & IV)

Item 4.2 had been removed from the agenda to be discussed at a later Planning Committee.

Having declared an interest in Item 4.3 Councillor McRandal was removed from the meeting at 7.50 pm.

4.3 LA06/2021/0895/F - Rear balcony with External Staircase (Part Retrospective) and Retrospective Alterations to Rear Elevation Including New Windows and Raised Eaves, 4 Rhanbuoy Road, Holywood
(Appendices V - VII)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

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

Proposal: Rear balcony with external staircase (part retrospective) and retrospective alterations to rear elevation including new windows and raised eaves

Site Location: 4 Rhanbuoy Road, Hollywood

Recommendation: Approval

The Planning Officer (A Todd) explained that this application was seeking full planning permission for a part retrospective rear balcony with external staircase and retrospective alterations to rear elevation including new windows and raised eaves at 4 Rhanbuoy Road, Hollywood. The application had been brought before the Planning Committee as six or more individual objections contrary to the officer's recommendation to **approve** had been received.

The site was located within an established residential area in Seahill, Hollywood, which was characterised by detached dwellings. The site contained a detached split-level dwelling which was single storey to the front and two-storey to the rear. The pattern of development was such that the buildings were positioned in close proximity to one other, gable to gable.

In the proposed layout plan the balcony was to be located to the rear of the dwelling in a central position, 4.6m from the party boundary with No. 2 Rhanbuoy Road and 7.6m from the boundary with No. 80 Seahill Road. The application was in part retrospective as the balcony had already been partly constructed with a spiral staircase to the right-hand side, though no railings or screens had been erected around the balcony and as such, it was not in use at the time of writing. A slide showed the original proposal that was submitted with the application. The Planning Department had raised concerns with the agent regarding the potential impact on privacy of the neighbouring properties at No. 2 and No. 80 as a result of the proposal. Within the original application, only low glazed screens had been proposed which would allow views into adjacent properties whilst concerns had also been raised regarding the potential for views overlooking from the spiral staircase in close proximity to No. 2.

In views from the main living room of No.2 toward the balcony and vice versa, it was evident that the balcony as had been originally proposed would result in an unacceptable degree of overlooking.

A further slide showed the amended scheme as per request of the Planning Department which was recommended for approval. The amended proposal showed that the spiral staircase had been relocated to the opposite north-eastern side of the balcony, away from No. 2 but also of sufficient distance away from No. 80 which ensured that no unacceptable degree of overlooking would occur. In addition to conditions already contained in the planning report, it was recommended that a further condition requiring removal of the existing staircase within four months of

planning permission was also included. The overall area of the balcony was reduced from 18sqm to 9sqm in order to reduce the potential for large gatherings which may have caused unacceptable noise and disturbance to neighbouring properties at the proposed height. A taller 180cm high obscure glazed screen was also proposed on the south-western side facing No. 2 Rhanbuoy Road which would mitigate against any potential overlooking issues.

A greater distance of 11m existed between the proposed balcony and the existing balcony to the rear of No. 80. The reduced size of the balcony would mean that views toward No. 80 would be to the side of their balcony which was screened instead of the angled views back toward the centre of the balcony which the original proposal would have caused. Due to that, it was considered that a taller screen was not necessary.

At the time of writing the planning report, 13 objections had been received from 7 separate addresses. In the time since, a further three were received from Andrew McCready on 14th July, John Hutchinson on 27th July and Councillor McRandal on 29th July. An addendum to the Case Officer's report had been completed that took those into consideration and was published on the Planning Portal and shared with Members prior to the evening's meeting.

Concerns raised by objectors included;

- Retention of an intrusive structure out of keeping with the dwelling.
- Difficulty to enforce non-use of the area beyond the screening.
- Items could be placed on the area beyond the screening which would have an adverse visual impact.
- Glass screen could be moved further out at any time.
- Inconsistency of planning decisions – occupants of No. 2 asked to remove spiral staircase and pull back balcony.
- Private garden area of No. 2 would still be overlooked.
- Dominance of a 1.8m high screen.

It was not considered that the balcony would detract from the appearance of the host dwelling nor character of the surrounding area. Whilst the balcony would be visible to adjacent properties, it could not be seen from any public viewpoints and did not have a significant visual presence in the surrounding area. While the structure was considerable in size, the garden area to the rear was generous and could easily accommodate its scale. Furthermore, there was already a precedent of other large balconies and terraces within the area, including one immediately adjacent at 80 Seahill Road.

It was not considered that the non-use of the area beyond the balustrades would be difficult to enforce. Such conditions prohibiting the use of areas as balconies and terraces were applied regularly by the Planning Department. Furthermore, the permanent glazed balustrade to be erected would provide a physical barrier preventing access to the remaining area. A condition requiring that to be erected within four months of any permission and requiring it to be fixed and retained in perpetuity was recommended. Given that physical barrier and the lack of safety rails around the remaining area, it was extremely unlikely that the applicant would wish to use the area.

The Planning Department was satisfied that the condition was enforceable. The 1.8 m high screen would not result in any unacceptable dominant impact upon the neighbouring property at No. 2. The screen would be restricted to two metres in width consisting of obscure glass with a lightweight appearance and would still allow light to pass through. Furthermore, the screen would be located approximately seven metres from the closest window of No. 7 meaning there would be no overbearing impact. In regard to overlooking into the rear garden of No. 2, given the 1.8m high screen to the side, views would only be directed toward the rear portion of No. 2's garden rather than the most private area immediately to the dwelling's rear. A condition had been recommended that required the 1.8m high screen to be erected within four months of the date of any planning permission and retained in perpetuity thereafter. In addition, balconies of that nature were already characteristic of the area, with No.2 and No. 80 adjacent both having balconies that overlooked the rear gardens of the neighbouring properties. The proposed balcony would have no greater impact than those.

The occupant of No. 2 had also raised concerns of an inconsistency in approach by the Planning Department, stating that in the application for a balcony at the rear of his property, he had been required to reduce the size of his balcony, as originally proposed as well as removing a proposed spiral staircase. The request to reduce the size of the balcony was to prevent overlooking toward No. 4 as no screen was included in the proposal to obstruct views. The spiral staircase which Mr Hutchinson was also asked to remove was located only 3.5m from the boundary of the dwelling at No. 9 Rhanbuoy Park, similar in distance to the original position of the spiral staircase for the application from the party boundary with No. 2. As such, the Planning Department was satisfied that it had not been inconsistent in its approach. In each case, appropriate amendments had been sought to address potential overlooking concerns.

Councillor McRandal had raised concerns regarding the retrospective nature of the application and the fact that the applicant could have ceased construction following enforcement 'action'. It should be noted that retrospective applications were permissible and that building without planning permission was not a criminal offence in itself. The works were not subject to enforcement 'action' (enforcement action being an Enforcement Notice or a Breach of Condition Notice or a Stop Notice etc.) Following the issuing of a warning letter, the application reviewed at the evening's meeting was submitted as a means of remedying the breach of planning.

Summary

It was considered that the proposal complied with all of the policy requirements of PPS7 Addendum Residential Extensions & Alterations. The balcony was located to the rear of the property and its size and scale were not considered to be excessive within the generous sized plot nor would it appear overly dominant from any public viewpoint in the area. Balconies and terraces such as these were already characteristic of the area. Furthermore, all representations had been carefully considered and the Planning Department was content that the amended proposal alongside recommended planning conditions would ensure that there would be no adverse impact on the amenity of adjacent properties. On that basis, it was

recommended that full planning permission be granted subject to the suggested conditions.

At 8.01 pm Mr Tran and Mr Mountstephen were brought into the Committee to speak.

Mr Mountstephen advised that the retrospective nature of the application was due to a genuine misunderstanding by the applicant who had been originally told that the works in question were permitted development and upon discovering that they were not, works were stopped appropriately with an application made by the client's agent. Mr Mountstephen's involvement began thereafter. During the application, requests for changes by the Planning Department had been complied with, thus the recommendation for approval. The objections that had been received were put forth to the committee, one of which was from a neighbouring dwelling. Strategic planning policy statement established that there was a presumption in favour of development, namely that sustainable development should be permitted and with regard to the local development plan, that all material considerations had been made unless the development were to cause demonstrable harm. He advised no demonstrable harm would occur and that the key policy was EXT1 within PPS7 which stated that planning permission would be granted if four certain criteria were met. The first regarded scale, materiality and design of the proposal which were sympathetic to the current property design and would not detract from the appearance or character of the area.

Balconies of various designs existed at all properties within the immediate vicinity of the applicant dwelling, including No. 9 Rhanbuoy Park, 2 Rhanbuoy Road, No. 80 and No. 82 Seahill Road. 80 Seahill Road had a balcony significantly larger than that proposed in this application with an area that was greater than 2 m in depth. Therefore, balconies were a common and established feature of the area. The addition of the application balcony of No. 4 Rhanbuoy Road with a depth of 2m would not have an unacceptable, adverse impact. The remainder of the structure would be sympathetic to the existing property which covered a ground-level patio floor of equal metrage. Preventative development rights would allow for a significant construction to the rear of the property in terms of a single storey extension extending four metres from the rear of the property, provided it would be two metres from the nearest boundary. In comparison, the structure existing at the house extended four metres from the house and was over three metres from the nearest boundary. He concluded that, in addition to the balcony not having any adverse impact, so too would the remaining structure have no impact on the appearance or character of the area. The structure could not be seen from the public road and therefore would not have a significant visual impact. The proposal did not affect privacy or amenity of neighbouring residents and as had been established, balconies were a common feature of the surrounding area. A balcony of 2 metres depth with a 1.8 metre screen to the west and proposed siting of the spiral staircase would ensure privacy was not unduly affected particularly with regard to the closest property at No. 2. The proposal would not cause any damage to trees or landscape features whilst sufficient space existed within the curtilage of the property for recreation and parking etcetera. The proposal had been assessed thoroughly; third parties had the opportunity to make representation which were considered in detail by the Council's Planning Department. Revised proposals had been provided

at the request of the Planning Department and five precise and enforceable conditions which the applicant accepted had been proposed. He concluded that the recommendation was the result of a robust process.

Both Mr Tran & Mr Mountstephen were returned to the gallery at 8:07 pm.

Councillor P Smith proposed, seconded by Councillor Cooper that the recommendation be adopted, and planning permission be granted.

Councillor P Smith stated that the case had been well made. With consideration to the number of balconies in the surrounding area, with each tailored to the circumstance of the attached properties and the number of conditions that had been applied would ensure impact on adjacent properties would be minimized.

RESOLVED, on the proposal of Councillor P Smith seconded by Councillor Cooper that the recommendation be adopted, and that planning permission be granted.

Councillor McRandal was returned to the meeting at 8.09 pm.

It was agreed to consider Item 4.4 (as no speakers were registered) at a later point in the meeting after Items 4.5, 4.6 and 4.7.

4.5 LA06/2021/1498/F - 6 No. Sculptural Artworks, Footpath and Access to Coastal Path and Associated Works, Lands at Ulster Transport Museum, Bangor Road, Holywood
(Appendices X -XII)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

DEA: Holywood and Clandeboye

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

Proposal: 6 No. sculptural artworks, footpath and access to coastal path and associated works

Site Location: Lands at Ulster Transport Museum, Bangor Road, Holywood

Recommendation: Approval

The Planning Officer outlined the application that was for 6 no. sculptural artworks, footpath and access to coastal path and associated works at lands at Ulster Transport Museum, Bangor Road, Holywood.

The site was located within the grounds of the existing Ulster Transport Museum. The area was shown on a slide with a red line and consisted of grass and shrubbery as well as existing hardstanding. The site was bounded by mature trees and shrubbery and there were no TPO trees within the area where the sculptures were to be erected or affecting the site. The public coastal path was located just beyond the rear boundary of the site and there were restricted public views into the site. The application had been made by National Museums NI.

The proposal involved the installation of sculptures in connection with the 'Our Place in Space' sculpture trail. The proposal had been designed by Oliver Jeffers - a famous local artist and author. All of the sculptures featured LED lighting on timer switches, turning off at dusk in order to protect local biodiversity. Environmental Health and NIEA were consulted and were content with the proposal. The application was being presented at committee as there were 6 objections from separate addresses and the following issues were raised:

The introduction of the access gate on to the coastal path at a narrow part of path, parking issues, loss of privacy, anti-social behaviour, impact on biodiversity, opening hours, noise connected with interactive aspect of proposal and site access and future upkeep of the site. Those matters would be addressed throughout the presentation.

There were six sculptures of the solar system proposed within the museum site along a pathway leading down to the coastal path with the intention to access the coastal path and continue the trail to the remaining temporary sculptures proposed as part of the 'Our Place in Space' project. Two of the sculptures of the earth and the sun were large spherical sculptures and the remaining 4 were painted steel arches.

Turning to the development plan the proposal lay within the settlement limit in both the North Down and Ards Area Plan and Draft BMAP. The site also fell within a proposed ATC, an LLPA, a SLNCI and in an area zoned for existing recreation and open space in Draft BMAP. The proposal was in conformity with the plan and would not adversely impact the LLPA.

The relevant policy considerations were the SPPS, PPS2 Natural Heritage, PPS3 Access Movement and Parking, Addendum to PPS6 Areas of Townscape Character, PPS8 Open Space, Sport and Outdoor Recreation and PPS16 Tourism.

With regard to the SPPS it recognised that tourism made a vital contribution to the Northern Ireland economy. The sculptures would create a draw for more visitors to the Museum and North Down on the whole and would help to sustain an existing tourist attraction on a currently underused site.

With regard to PPS 2 the proposal was acceptable and NIEA was content subject to conditions as per addendum that the Committee would have been privy to. Lighting on the sculptures would be in operation until 10pm/dusk and would turn off automatically.

No roads issues were required to be assessed due to the nature of the proposal and the access proposed to the coastal path was for pedestrian use only. The museum had a large parking provision and there was no expected increase in the number of vehicles each day according to the P1 form. The proposal was intended to enhance the existing museum experience rather than be a stand-alone experience.

With regard to the ATC the proposal would maintain the character of the ATC as there were limited public views into the museum site from the public roads. Within

the site there were a number of buildings of varying styles and character associated with the museum.

There were no issues with flooding at the site and the new path would be comprised of a permeable paving system. The new path involved the removal of small sections of existing grass.

The new metal access gate would allow direct pedestrian access from the museum site onto the coastal path with an information panel located just outside the gate. There would be native coastal plants planted around the new entrance. The gate would be in materials to match the existing fence. The design of the new access would ensure that there was a flow of footfall without creating 'bottle neck' issues.

With regard to PPS16 Tourism policy TSM7 referred to public art where it was linked to a tourism development needed to be of high quality, to complement existing buildings and to respect the surrounding context. The sculptures were of high quality and due to the mix of building types and the context of a museum site where it was not unusual to have contemporary sculptures existing alongside host museum buildings of differing character the proposal was deemed acceptable. The proposal brought with it positive benefits for tourism in the Borough and overall would have a positive impact on the locality and the Borough as a whole.

With regard to neighbouring amenity the closest residential properties were over 20m from the sculptures and therefore dominance and overshadowing would not be an issue. The boundaries of the museum site ensured sufficient screening for the sculptures and therefore public views of the sculptures or visitors would be limited as existing as all of the site was already accessed and used by museum visitors at present.

Environmental Health was content with the proposal. With regard to noise impact and surrounding residents, the separation distance and screening from vegetation would dampen any noise created by visitors however it was important to note that this was an existing museum site that had the capacity to run events on the land as part of its existing use. There will be no loop audio generated by the proposal and the experience was created through a smart phone virtual reality app.

In respect of PPS 8 - the site lay within an area of existing open space. The sculptures would continue to allow full use of the site with the added benefit of an additional pathway which would enhance the visitor experience and allow pedestrians to permeate throughout the site and advance onto the coastal path. The sculptures would create an added diversion for public enjoyment. There would be no adverse impact on the area of existing open space.

With regard to the objection raised about the issue of upkeep of the site, that was a matter for National Museums NI to deal with through its own site management plans and not an issue that could be assessed under planning legislation. The site could be closed to vehicles but pedestrian access was possible through the site. That would be up to National Museums NI to manage the site and protect the installation from anti-social behaviour.

The Planning Officer informed the Committee that there had been a further objection received that day via an elected member from occupier of 33 Seafront Road who had raised concerns with the Planning Committee about why the Planning Office had not asked for transport assessment and further traffic and parking assessment. The officer restated that the proposal was for the installation of six sculptures which were an additional attraction for those visiting the museum and parking at the museum was currently ample with the sculptures unlikely in the long term to increase traffic flows in a significant way. A new access point would be introduced at a point on the coastal path so the Planning Department did not feel that there would be an issue raised in relation to roads at the site and parking provision. It was not a matter for Planning to control where people parked but the obvious parking area for visitors to the museum was the museum carpark itself.

The Planning Officer stated that she would like to request Delegated Powers to add additional conditions regarding the retention of existing boundaries within the blue line to protect views into the site from the coastal path. She added that overall the proposal was policy compliant and met objectives with regards to tourism and approval was therefore recommended.

Councillor McRandal referred to the objection which had been received earlier in the day which largely restated concerns which had been raised previously. He asked for clarification that the pedestrian access from the coastal path was to be permanent as part of the application and if there was a road traffic assumption that people would park in the main carpark at the museum. He wondered if it had been an oversight not to consider the potential for parking by some people close to the coastal path itself. The pedestrian access could outlive the life of the sculptures and he viewed those two issues as being separate.

The Planning Officer explained that parking on roads close to the coastal path was not a suggested access point to the museum and it was not expected that the proposal would even increase traffic. The Planning Office could not be in a position to predict how people could behave in the future. Councillor McRandal asked if there was anything that could be put in place to apply conditions to give the residents close to the museum some peace of mind that parking outside their homes would not become a problem in the future. The Planning Officer explained that the best that could be done would be to work with National Museums NI to direct people to the main museum car park but that it was not something that could be placed in a planning permission.

Alderman Keery queried if the gate at the coastal path would be locked in the evening and whether or not cyclists would be discouraged from accessing museum property as a means to leave the coastal path. He also wondered how any potential anti-social behaviour could be prevented at dusk. The Planning Officer explained that the gate at the coastal path would be closed at the same time as the museum itself closed. At the main car park of the museum there was a vehicular barrier preventing parking and potential anti-social behaviour in the evenings. There was access available to the coastal path in the evenings currently and therefore it was not expected that the installation of six sculptures on museum property would exacerbate what was in place at the present time. She agreed that the activity of

cyclists could be hard to police but potentially the museum could erect a sign stating that access was for pedestrians only.

Mr Bronte and Ms Murphy, Turley, were introduced as agents for the proposal and they welcomed the opportunity to be present at the Planning Committee and thanked the Council's planning team for their co-operation to date. Mr Bronte explained the background to 'Our Place in Space' and that it had been a programme carried out in the United Kingdom in 2022. The sculptures in question had been designed by local artist and author Oliver Jeffers and formed part of Northern Ireland's contribution. On completion of the project visitors to the museum would be able to undertake a self-guided tour of the solar system and the sculptures would be permanently located within North Down.

That would contribute to the plan to connect the museum to its coastal setting and the sculptures would be secured with a concrete foundation. None of those sculptures' foundations would be in the root protection zone of the museum's trees. Two sculptures, the sun and the earth would be spherical in nature with heights of 2m and diameters of 2.4m and they comprised an internal steel sub structure. The remaining sculptures, Mercury, Venus, Mars and the Moon were 4m in height and arched in shape and had an internal steel substructure. The sculptures would feature low light LED lighting and spotlights which would automatically switch off at dusk. A lighting plan had been submitted to support the application and no further lighting was proposed. A 2m pathway between the six sculptures would be permeable and would not encourage erosion and no trees would be felled or cut back. Effects were thought to be negligible for bats in nearby trees.

The proposed gate would remain open throughout the day and would match the neighbouring fencing and there would be an information panel for visitors at the access point on the coastal path. It was stated that there would be no visual impact on the amenity of that area and nor would there be a significant increase in noise. All statutory consultees had responded and had no objections.

Ms Murphy added that the proposed path was designed for pedestrians only and the proposal promoted sustainable forms of transport to the site. The path itself was not designed for cyclists.

Proposed by Councillor P Smith, seconded by Councillor McKee, that the recommendation be adopted and that planning permission be granted.

Proposing the recommendation Councillor P Smith believed that all queries had been answered. There had been a matter raised by local residents about access to the coastal path but that had been explained with the gate to the path being closed at the same time as that of the museum. He was therefore satisfied that the application should proceed.

Councillor McKee was happy to second the proposal and was excited to see it come to the Borough and thought it would be a boost to the Borough in general.

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

4.6 LA06/2020/0935/F - 5 dwellings - 4 terraced and 1 detached, Lamont Avenue – to the Rear of Nos. 13-23 Portaferry Road, Newtownards
(Appendices XIII & XIV)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

DEA: Newtownards

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

Proposal: 5 dwellings - 4 terraced and 1 detached

Site Location: Lamont Avenue - to the rear of Nos. 13-23 Portaferry Road, Newtownards

Recommendation: Approval

The Planning Officer outlined the application stating that it was an application seeking full planning permission for 4 terraced dwellings and 1 detached dwelling at Lamont Avenue, Newtownards. The application had been brought before the Planning Committee as six or more individual objections contrary to the officer's recommendation to **approve** had been received.

She showed the location of the site which was to the rear of an existing row of terraced houses on the south-western side of the Portaferry Road within the settlement limit of Newtownards. The site currently comprised two existing buildings and an area of hardstanding used by the existing vehicle repair business, John Robson Motors. Access was off the Portaferry Road via Lamont Avenue and a right of way to the rear of the adjacent terraced properties ran along the north-eastern boundary of the site. As well as the existing residential properties fronting the Portaferry Road, there were various other commercial uses in the area including car sales, Martin Phillips Carpets and Unit Design.

The site lay within the settlement limit of Newtownards and there were no specific designations or zonings within the development plan affecting the site. Slides were shown with photographs taken of the site and surrounding area. The first slide showed the mix of residential and commercial uses on Portaferry Road. The next slide showed the site and access road, Lamont Avenue, and the existing right of way along the rear of the residential properties abutting the site and which would remain unaffected. The last image showed Lamont Avenue viewed from the Portaferry Road.

The proposed layout plan for the development was shown and it could be seen that the development would be arranged so that the terrace of 4 dwellings would sit at the rear of the site at a right angle to the existing terrace and the single detached dwelling would be positioned to have a frontage to Lamont Avenue. Lamont Avenue would be brought up to adoptable roads standards as requested by DFI Roads and

the details of the works were indicated on the submitted Private Streets Determination drawing.

In total, 11 car parking spaces would be provided within the curtilage of the site meaning there would be two spaces approximately per unit. Given the location close to the town centre and scope for additional visitor parking along Lamont Avenue and Portaferry Road, the provision was considered to be more than adequate, meeting the standards set out in Creating Places. Each dwelling would also have adequate private amenity space ranging between 45 – 80sqm exceeding the minimum standard of 40sqm set out in Creating Places and the density of the development would be comparable to the existing adjacent residential terrace.

A further slide showed the proposed design of the dwellings. Both terraced and detached dwellings were already characteristic of the area and the height and scale of the buildings would also reflect the established built form. The finishes would comprise dark coloured roof tiles and painted render.

Objections

14 letters of objection had been received from 7 separate addresses upon completion of the planning report. One further objection from the occupant of 19 Portaferry Road was received on 16 July after the planning report was completed however no new material considerations were raised. The main material planning considerations raised included:

- Potential damage to existing properties as a result of construction
- Unsafe access to site
- Lack of parking
- Impact on existing right of way and garages
- Impact on character of area
- Flooding
- Impact on privacy and light to existing dwellings

With regard to potential damage to existing properties during construction, no evidence had been submitted to substantiate that this would be the case. Specific concerns had been raised that the ground conditions were unsuitable at this location, however the area was already intensely developed and the onus would be on the developer to ensure that all appropriate ground survey work was carried out prior to commencement of development and that a suitable design solution was utilised for foundations etc to ensure that no damage would occur to neighbouring properties.

With regard to access and road safety, DFI Roads had requested that Lamont Avenue be brought up to adoptable standards and was satisfied that that would provide a safe access to the site in line with the recommended standards.

Furthermore, given the presence of an existing car repair business on the site, it was not anticipated that the development would result in a significant increase in traffic movements. As already outlined, adequate parking would be provided for the development in line with the recommended standards and the right of way and garages serving the existing terraces would remain unaffected.

With regard to the impact on the character of the area, there would be no harm caused. The original scheme submitted was for 6 units however the Planning Department considered that that would constitute overdevelopment of the site and the applicant was requested to reduce the scheme to 5 units. As already outlined, both the density and built form of the development were very much in keeping with the surrounding context.

With regard to potential flooding issues, the site was located within the defended flood plain of the Newtownards Canal and Strangford Lough and within an area of inundation emanating from Strangford Lough Wildfowlers Pond. However, a Flood Risk Assessment was undertaken and DFI Rivers had confirmed that it was content with the findings which concluded that the development would not result in any unacceptable flood risk at that location.

The impact of the development on the amenity of the existing adjacent dwellings was assessed in detail throughout the processing of the application. The development would be a sufficient distance from the existing terrace to ensure that there would be no adverse dominant impact or loss of light. Windows had also been carefully positioned on the buildings to ensure that no unacceptable overlooking would occur towards the rear of the existing dwellings.

In summary, the development of 5 residential units was considered to comply with the development plan and all the relevant planning policy requirements for the reasons already outlined. In addition, none of the statutory consultees had raised any objections to the proposal and all representations had been carefully considered. On that basis it was recommended that **FULL planning permission** should be granted subject to the conditions set out in the case officer's report.

Councillor McAlpine noticed that the application had been revised from six houses to five, and the detached appeared to have frontage on to Lamont Avenue and she asked if there was deemed to be enough privacy. The Planning Officer explained that the side of that house would be on to the front of the other house. The windows had been carefully placed and would have obscure glass so there would be no direct overlooking. Her second question related to the yard wall at the rear of the properties it was stated that there was sufficient space and that the Right of Way would remain in place.

Mr Keith Robson was introduced who was speaking in support of the application. He thanked the Committee for the opportunity to speak and in his opinion the proposal was considered to be appropriate and was an upgraded application from what had been proposed previously with a lower density of buildings and a reduction in the heights of those buildings. Work had been carried out with all stakeholders to come up with something that was acceptable on the site. He was cognisant of the previous concerns and believed that what was being presented now was appropriate. He appreciated the work of the Council's planning team and believed that the application would improve the area where it would be located.

Proposed by Councillor P Smith, seconded by Councillor Cathcart, that planning permission be approved.

Proposing the application Councillor P Smith considered that what had been presented was adequate, the Right of Way would be protected, and the density had been reduced to meet planning requirements. Councillor Cathcart had nothing further to add to those comments.

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

4.7 LA06/2022/0167/F - Installation of A3 plaque, Wall at the Entrance to Ards Hospital, Church Street, Newtownards
(Appendices XV & XVI)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

DEA: Newtownards

Committee Interest: An application made by the Council

Proposal: Installation of A3 plaque

Site Location: Wall at the entrance to Ards Hospital
Church Street, Newtownards

Recommendation: Grant Consent

The Head of Planning explained that the application was for the installation of an A3 sized plaque on the wall at the entrance to Ards Hospital on Church Street, Newtownards.

The application came about as a Notice of Motion by Councillor Kennedy and was approved by the Council in November 2018 which read as follows:

That this Council bring back a report regarding the erection of a memorial to the eight people who were killed on Church Street during the 1936 Ards TT race, which ultimately lead to the cancelling of the event, and that this memorial might be placed on the western end of the wall at Ards Hospital on Church Street.

The report to Council also stated the following:

The Ards TT race, in its early years, attracted audiences of half a million people along the route which was just over 13 miles. The race took place on public roads which were closed and there was a real sense of excitement at that time. It was a uniquely successful public event. There was a memorial to the race in Conway Square of the town but little mention of why the race had come to an end. A fatal crash at the final race had caused the death of 8 people and injured up to 40 people. The Council believed that those who had lost their lives should be remembered.

A slide was shown of the proposed location of the plaque and a street view image of the approximate location on the wall in front of Minor Injuries, Ards Hospital. The A3 wall mounted plaque had been assessed against the relevant policy and was considered to have no adverse impacts on the character of the area, residential amenity, and due to its size and location it would not be easily observable by passing traffic therefore posed no road safety risk.

It was therefore proposed that planning permission should be recommended.

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

Proposing the application Alderman McIlveen did not consider it to be particularly controversial as a proposal. The time from when it had been proposed to this stage had been extremely long and he now hoped the plaque would be in place before the centenary year of the Ards TT. He was pleased with the recommendation and thought that a plaque to mark the tragedy in the town was appropriate. He reminded the Committee that there were other plaques to the TT in Dundonald and Comber, so there should be one in Newtownards. The TT had been a premier world event for car racing at the time, bigger than Formula One, and he was happy to propose the recommendation. Councillor Cathcart had nothing further to add and agreed with the comments of his colleague.

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

RECESS 8.58 pm

RECOMMENCED 9.09 pm

(Councillor Cooper left the meeting at 8.58 pm)

4.4 LA06/2020/0940/F - Greenway from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre, Newtownards
(Appendices VIII & IX)

PREVIOUSLY CIRCULATED: Report and Addendum outlining the planning application.

DEA: Newtownards

Committee Interest: Council application

Proposal: Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards, turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works

Site Location: Belvedere Road, Newtownards to the Somme Heritage Centre, Bangor Road, Newtownards

Recommendation: Approval

The Planning Officer explained that the application was for a Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere

Road was also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site access and other ancillary works located at Belvedere Road, Newtownards to the Somme Heritage Centre, Bangor Road, Newtownards.

The proposal was being presented at Committee as it was a Council application, and there were 6 public objections from six separate addresses. EIA screening had been carried out and an environmental statement had not been requested. All consultees were content with the proposal apart from Ulster Flying Club which had a nil response after a number of attempts to contact them.

The 6 public objections received from 6 separate addresses raised the following issues:

- proposed bridge only caters for cyclists
- proposed car parking appears to be excessive and would replace green space
- parking would have a direct impact on access to front of specific residential properties
- risk of anti-social behaviour and security issues for adjacent residents
- added cycle lanes would have an impact on traffic
- impact on privacy

Those issues would be dealt with throughout the presentation.

The scheme was the first phase of the overall Greenway connecting Newtownards and Bangor. The relevant plan for the proposal was the Ards and Down Area Plan 2015. The site was located both within the settlement limit and within the countryside in the plan. The proposed Greenway followed the A21 Bangor Road which was a protected route. The site was also affected by a SLNCI, a disused Rail Track Bed and went through an area of land designated for housing. Due to the nature of the proposal, it would not have an adverse impact on those designations.

SPPS recognised that open space, sport and outdoor recreation had an important societal role to play. As well as that it met the sustainable transport objectives. The proposal was in line with the SPPS objectives.

Alongside the SPPS, the following planning policy statements applied to the proposal: PPS2 Natural Heritage, PPS3 Access Movement and Parking, PPS6 Planning Archaeology and the Built Environment, PPS8 Open Space, Sport and Outdoor Recreation, PPS15 Planning and Flood Risk, PPS21 Sustainable Development in the Countryside.

With regard to PPS2 NIEA NED was consulted and was content subject to conditions. There would be no likely impact on designated sites. A condition regarding a badger mitigation plan would be included on any permission. NED was also content at the proposed buffer provided to protect smooth newts.

The proposal involved two new accesses to serve the car parking on both sides of the minor Bangor Road. DFI roads was consulted and had no objections. The car parking was necessary to allow visitors to access the Greenway without having to

cross the dual carriageway to use the existing car park at the Somme Centre. It would also alleviate the traffic stress caused by busy times at the Ark Farm as the parking was limited and would take cars away from parking on street at residential dwellings. A condition would be attached to ensure that the car park was closed at certain times to avoid anti-social behaviour. There were to be 62 parking spaces and 3 accessible parking spaces across both car parks. Although that was in excess of parking standards as was considered justified as overflow for the location to mitigate against impact for surrounding residents which had been raised as an objection. The parking would in fact direct cars away from parking near nearby residential driveways due to the generous provision. With regard to impact on residential privacy due to the location of the path and associated works, the nature of the proposal and existing boundaries there would be no significant impact.

With regard to archaeology and the built heritage HED was consulted and was content with the proposal.

With regard to residential amenity most of the nearby properties did not directly abut the site due to intervening ground. The dwellings at 237 and 284 Bangor Road directly abutted the site where the proposed car parking was to be located. The proposal was not likely to cause any significant loss of amenity to those residents due to the existing dividing boundaries which would remain as they were and the nature of the proposed use being linked to the Greenway. The proposed car parking would ensure that no irregular parking for the Greenway or Ark Farm and local businesses would take place that would impact on residential amenity.

Following on from that, with regard to open space and PPS8 as the proposal related to an open space and recreational use it was felt that that was policy compliant. The car parking that was using grassland and hardstanding that was an area of existing open space was deemed to be an exception under OS1 as the provision of the Greenway was considered accessible to current users and was a betterment in its usefulness, size, attractiveness, safety and quality.

With regard to PPS15 and flood risk a portion of the site lay within the floodplain however the proposal fell within exceptions under FLD1. A flood risk assessment was submitted and DFI Rivers was satisfied.

With regard to PPS21 due to the nature of the proposal the impact on the character of the countryside was deemed acceptable. The community benefit of the proposal would reach both rural and urban communities and taking account of the car parks and bridge outside the settlement limit due to the location on a busy road, they would not appear to be out of character. In the interests of sustainable transport provision the strategic approach to Greenways in the Borough would overall result in a necessary community facility.

The visual impact of the bridge and raised walkway had been considered and it was deemed to not be out of character for the area with a busy road such as that an appropriate location for such a structure.

The proposal largely comprised a 3m path running along the disused railway line incorporating some existing pathway at small sections. The bridge and walkway

which was a shared path for both pedestrians and cyclists would link both sides of the busy road for both users ensuring an optimum Greenway user experience.

The proposal was recommended for approval and when considered strategically with the future Greenway proposals would enable the Council to achieve sustainable transport objectives for the Borough and therefore approval was recommended.

Alderman McIlveen explained that some concerns had been raised to him by the residents of Beverley Walk in respect of access to their gardens and the response to those concerns had seemed dismissive to him. He asked why householders had the responsibility to keep their properties safe if a hazard was being created on their doorsteps and he felt that the planning system had a duty to show more consideration to people affected.

In response the Planning Officer explained that it was a balance of weighing up the community benefit of Greenways and creating a buffer between houses and the Greenway path. Consideration would always be given to encouraging sustainable forms of transport such as cycling and walking. It was not anticipated that the introduction of the Greenway would lead to anti-social behaviour and it should be viewed as a benefit to local residents rather than a problem. The walkway would not be lit at this point.

Alderman McIlveen thought that it was a valid concern expressed by residents, since currently there were no regular incidences of anti-social behaviour but building a bridge that would link a residential area in to an area that was not could pose a risk due to the increased linkages. He hoped that that risk was being considered appropriately. The Planning Officer explained that the placement of the bridge had been well thought through and this was the most appropriate place for it to be placed.

Councillor McKee asked for clarity if there would be access for users at Victoria Road at the SERC end of the Greenway. A lockable gate was shown and a set of stairs but the section was lacking in information. The Planning Officer explained that there was an existing access and the gate would not stop that but that the scheme had been cut due to DfI having alternative plans.

The Member went on to ask about the Toucan crossing at the Bangor Road and if that would remain to provide for two crossing points. It was confirmed that they would both be in place to provide a more fluid crossing and indeed it was believed that a successful Greenway would require the second crossing. Councillor McKee welcomed the Greenway in general but felt that this was a missed opportunity for onward connectivity to other forms of active travel. Members were assured that DfI Roads and Active Travel were working on that and had plans to look at further linkages to further improve accessibility on the Greenway.

Councillor McRandal asked about the car park which would be adjacent to the crossover and provide 60 spaces. He was aware that the provision was in excess of the guidance and he asked if the land had any ecological value. Members were informed that the NIEA had been consulted and were mainly content except for a few small conditions.

Proposed by Councillor P Smith proposed, seconded by Councillor Moore that the planning application be approved.

Proposing the application Councillor P Smith had listened and understood some of the potential issues which had been raised by fellow Members however he viewed the development of the Greenway network and something very positive for the Borough and it would be a game changer in joining Newtownards and Bangor and had to be welcomed.

Seconding the recommendation Councillor Moore had nothing further to add.

Councillor McKee expressed his support for the further development of the Greenway and it was pleasing to see the application being brought forward and would be important for the Borough in terms of active travel. He encouraged the Council to push for further connectivity from the Department.

Alderman McIlveen agreed with most of what Councillor McKee had said but he was not in a position to support the application at this point. He believed that there were some aspects which had not been given enough attention and he hoped those matters would be explored further.

At this stage a vote on the application was taken.

On the planning application being put to the meeting 10 voted For, 1 voted Against and 1 Abstained it was declared CARRIED.

FOR (10)	AGAINST (1)	ABSTAINING (1)
Alderman	Aldermen	Alderman
Keery	McIlveen	Gibson
Councillors		
Brooks		
Cathcart		
McAlpine		
McClellan		
McKee		
McRandal		
Moore		
P Smith		
Thompson		

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

5. UPDATE ON PLANNING APPEALS (Appendices XVII & XVIII)

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

New Appeals Lodged

1. The following appeal was lodged on 01 July 2022.

PAC Ref	2022/A0075
Application ref	LA06/2021/1481/O
Appellant	Mr Ivan Robinson
Subject of Appeal	Refusal of 'Erection of off-site replacement dwelling with new access to Ravara Road'
Location	Approx 185m SW of 25 Ravara Road, Ballygowan

2. The following appeal was lodged on 30 June 2022.

PAC Ref	2022/A0073
Application ref	LA06/2019/1195/F
Appellant	Ms Rosina Herron
Subject of Appeal	Refusal of 'Two single storey infill dwellings'
Location	Land adjacent to and South of 9 Killinakin Road, Killinchy

3. The following appeal was lodged on 24 June 2022.

PAC Ref	2022/A0068
Application ref	LA06/2018/1264/F
Appellant	CES Quarry Products Ltd
Subject of Appeal	Retrospective approval for redevelopment of the site to provide a building containing storage, warehousing, builders merchant, trade and retail facilities, sales and display area, entrance wall & ancillary parking – appeal against Condition 6 requiring cessation of use of mezzanine floor for café and retail use
Location	163 Moneyreagh Road, Castlereagh

Decisions

4. The following appeal was dismissed on 27 June 2022.

PAC Ref	2020/A0053
Application ref	LA06/2018/0157/F
Appellant	Mr Eric Rosborough
Subject of Appeal	Refusal of 'Retention of embankments - Biodiversity and environmental research monitoring lands (BERMs), watchtower, access and ancillary storage and amenity units all for the purposes of academic research and development'

Location	Approximately 330M West of No 251 Bangor Road, Whitespots, Newtownards
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The Council refused planning permission on 16 April 2020 for the above development for the following reasons:

- i. The proposal was contrary to the SPPS and Policy CTY 1 of PPS 21: Sustainable Development in the Countryside, in that there were no overriding reasons why this development was essential in this rural location;
- ii. The proposal was contrary to Policy CTY 13 of PPS 21: Sustainable Development in the Countryside, in that it was an inappropriate form of development for the site and its locality and therefore did not visually integrate into the surrounding landscape;
- iii. The proposal was contrary to Policy CTY 14 of PPS 21: Sustainable Development in the Countryside, in that it resulted in a detrimental change to the rural character of the countryside;
- iv. The proposal was contrary to Policy AMP 3 of PPS 3: Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and road safety.

The Commissioner did not consider that refusal reasons iii. and iv. above were appropriate in relation to the R&D use as Policies CTY 13 and 14 referred to ancillary works associated with buildings, therefore those reasons for refusal were not sustained.

The Commissioner considered that the BERMs were an essential component necessary to facilitate the ongoing monitoring of the invasive species and their impact upon native species. Given they were now almost completely covered in a variety of planting which had softened their visual impact and allowed them to blend into the landscape, and not being visible from the protected route, and their limited scale, she did not consider that they had a detrimental impact upon the character of the area.

Given the uncertainty about the regularity of use of the facility or the numbers attracted to the site at any one time, the Commissioner was not persuaded that there was any requirement for such extensive areas of hardstanding around the BERMs. Whilst they would not have a detrimental visual impact, she was not persuaded that any or all of those areas of hardstanding were an essential feature at the location integral to the over use of the BERMs.

The Commissioner highlighted the considerable discrepancies in the information provided by the appellant and QUB in relation to the number of QUB staff and students using the R&D facility, including lack of detail pertaining to the ongoing research. A Technical Report addressing the issue of traffic generated by the development contradicted evidence presented regards Professor Dick visiting the site over the previous two years.

In respect of the laneway the Commissioner found that the initial stretch of laneway was essential to provide access to the R&D facility and considered that it would not have a detrimental impact on visual amenity or on the character of the rural area; however the extension of the laneway encircling the outer edge of the BERMs was not considered essential to the R&D use.

In respect of the watchtower, whilst it was considered that it may provide a panoramic longer-range view of deer movements across the entire site, facilitating the use of night vision equipment, the Commissioner considered she had insufficient evidence on its usage to persuade her that the watchtower represented an essential component of the R&D facility.

In relation to a smaller container on site, the Commissioner was not persuaded of its alleged need as being able to provide a workstation, study, toilet and clothes-drying facility, given use of the R&D facility for 9 years without such facilities.

Dealing with the access onto the protected route, the Commissioner criticised the variations in trips generated by the R&D facility and lack of evidence provided. In light of absence of explanation as to why an alleged 16 traffic movements per year would require 5 parking spaces (then reduced to 2 in a revised scheme) she was not persuaded that the additional traffic generated would be less than 5%. In that regard the Council's fourth reason for refusal was upheld.

Given the contradictory evidence presented and the lack of clear and precise details about how and when the R&D facility would operate, the Commissioner found that the appellant had failed to demonstrate that it represented an appropriate form of development in the countryside, contrary to Policy CTY 1. As such the Council's first reason for refusal was upheld.

The PAC report was attached to the report.

The Enforcement Notice below dealt with removal of the various elements determined as not being necessary in the appeal above.

5. The Enforcement Notice below was upheld but varied by the PAC on 27 June 2022.

PAC Ref	2020/E0053
Application ref	LA06/2018/0157/F
Appellant	Mr Eric & Mrs Alana Rosborough
Alleged breach of planning control	1) unauthorised extension to laneway; 2) unauthorised excavation of land and the creation of earth bunds; 3) unauthorised creation of hardcored areas; and 4) unauthorised use of the land for the purposes of shooting
Location	Approximately 330M West of No 251 Bangor Road, Whitespots, Newtownards

The Enforcement Notice set out the requirements for the offender as follows:

- i. Permanently remove the laneway and restore the land to its condition before the breach took place within six months from the date the Notice came into effect;
- ii. Permanently remove the earth bunds and restore the land to its condition before the breach took place within six months from the date the Notice came into effect;
- iii. Permanently remove the hardcored areas and restore the land to its condition before the breach took place within six months from the date the Notice came into effect;
- iv. Permanently cease the unauthorised use of the land for the purpose of shooting from the date the Notice came into effect.

In respect of the appeal against the Enforcement Notice the Commissioner determined the following:

- | | |
|------------|---|
| Ground (b) | fails (appeal alleging that those matters specified had not occurred); |
| Ground (c) | fails (appeal alleging that those matters (if they occurred) did not constitute a breach of planning control; |
| Ground (d) | fails (appeal alleging that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters) |
| Ground (f) | succeeds to the extent that the Enforcement Notice is varied in relation to steps required |
| Ground (g) | fails (appeal alleging that any period specified in the notice falls short of what should reasonably be allowed) |

The Commissioner was satisfied that the earth bunds had little visual impact in the landscape and thus did not consider their removal was a necessity and further considered such removal would cause more environmental damage, not only to the appeal site but beyond.

The PAC decision was attached to this report.

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

RECOMMENDED that the Council notes this report.

The Head of Planning referred Members to the update of Planning Appeals.

Two decisions which had been previously refused at the Planning Committee had also been dismissed at Appeal and that was set out in the report. An Enforcement Notice had been served on the site in relation to what was operational development and the use of land for shooting. Those decisions from the PAC were attached. The Head of Planning also informed Members that the PAC website was currently down and work was being done on that site and it was expected to be operational soon.

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

Councillor Cathcart asked how long an application could be appealed and if an appeal had been received from NI Water in respect of the fence erected on the coastal path. The Member was informed by the Head of Planning that applicants had four months from the date of a decision to submit an appeal and she was unaware of anything having come from NI Water however it would come before the Committee if it did.

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

6. WITHDRAWN

7. LOCAL DEVELOPMENT PLAN – ELECTED MEMBER WORKSHOPS

PREVIOUSLY CIRCULATED: - Report from the Head of Planning detailing that Members would be aware that the formulation of the Draft Plan Strategy was progressing and would require agreement. The draft Plan Strategy was also subject to Sustainability Appraisal.

In order to progress to advanced draft agreement, dates for a first set of workshops, open to all Elected Members, were being held for 20 and 21 September. Further dates would be presented to Members in due course.

RECOMMENDED that the Council notes this report.

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

The Head of Planning thanked Members for noting the background report and explained that there would be presentations relating to the topics of Place, Prosperity and People. Members would have the opportunity to hear how the strategic draft had been shaped. In September the vision and objectives would be set out and in October a further meeting would take place.

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

TERMINATION OF MEETING

The meeting terminated at 9.45 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2018/0608/O
Proposal	Housing development for 8 No. detached dwellings, garages, and associated site works
Location	47 Manse Road Glastry, Kircubbin DEA: Ards Peninsula
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	07/06/2018
Summary	<ul style="list-style-type: none"> • Site located within the development limit of the small settlement of Glastry therefore principle of development is acceptable • Proposal is for outline planning permission therefore it is the principle of development which is being considered with reserved matters to be submitted if proposal is deemed to be acceptable • Initial layout and design considered unacceptable and no justification provided for why portion of proposal lay outside the development limit and was located in the countryside • Amended proposal included reduced number of units (15 to 8) with acceptable layout with 'village green' feature located centrally and all development located within the settlement limit • 14 objections received from 10 addresses with no further objections being submitted following submission of amended final scheme – all material issues raised fully considered within case officer report • Indicative layout and design is simple rural design which is sympathetic to the wider setting of the area
Recommendation	Approval
Attachment	Item 4.1a – Case Officer Report

Development Management Case Officer Report					
Application Ref: LA06/2018/0608/O		DEA: Ards Peninsula			
Proposal: Housing development for 8 no. detached dwellings, garages, and associated site works.					
Location: 47 Manse Road Glasstry, Kircubbin, BT22 1DR					
Applicant: Mr W. McCormack			Agent: Dickson Architectural Services		
Date Valid: 07/06/2018			Env Statement Requested: No		
Date last Advertised: 07/07/2022					
Date last Neighbour Notified: 29/06/2022					
Consultations: Yes					
Representations: Yes					
Letters of Support	0	Letters of Objection	14 - from 10 separate addresses	Petitions	0
Summary of Main Issues: <ul style="list-style-type: none"> • Principle of development and compliance with Development Plan • Planning history of site and area • Impact on character/appearance of area • Impact on residential amenity • Traffic impact and parking • Impact on natural heritage • Impact on designated sites and coast 					
Recommendation: Grant Planning Permission					
Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk using Public Access					

1. Description of Site and Surrounding Area

The site is located at 47 Manse Road, Glasstry, Kircubbin and is approximately 0.6 hectares in size. The site is located within the development limit of the small settlement of Glasstry as defined in the Ards and Down Area Plan 2015.

During the initial site visit, the application site comprised the existing traditional two storey dwelling known as No. 47 Manse Road (since the initial site visit No. 47 has been demolished), outbuildings/agricultural buildings, a slurry store and agricultural land associated with the property. There are two vehicular accesses from Manse Road onto the site, one at the northern end of the frontage which appears to be an agricultural access and a domestic access to the immediate north of No. 47.

The topography of the site rises up gently towards the south. The boundary to the road is defined by a 1m high timber rail fence at the northern end of the site, then the wall of a 1m high concrete enclosure and the front of No. 47 itself which sits at the roadside. An agricultural lane and post and wire fence run along the established eastern edge of the settlement limit however the south-eastern boundary of the application site cuts through the field to the rear and is undefined. The northern boundary with 49 and 49a is defined by a 1-2m high wall and fence. Glasstry Presbyterian Church, Church Halls and Manse are located opposite the site. To the north-east of the site are 49 and 49a Manse Road which are single storey and one and a half storey dwellings. To the immediate south-west of the site is 47a which is a two-storey dwelling with detached double garage.

The settlement of Glasstry is small meaning it is rural in character and the majority of the existing dwellings are of traditional rural design with simple linear forms, traditional solid to void ratio, chimneys featured on ridge lines etc. The settlement is mostly low density with existing buildings and dwellings well-spaced out and within generous plots.

2. Site Location Plan



Figure 1 – Site Location Plan



Figure 2 – Aerial Image of Site

3. Relevant Planning History

Application Site

No planning history

Surrounding Area

No relevant planning history

4. Planning Policy Framework

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

- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Ards and Down Area Plan 2015

5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows:

- Living Places
- Creating Places
- DCAN 15 Vehicular Access Standards

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6. Consultations

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

Consultee	Response
DFI Roads	No objections.
Environmental Health	No objections.
DAERA – Water Management Unit	No objections.
DAERA – Natural Environment Division	No concerns subject to recommendations.
DAERA – Historic Environment Division	Content that the proposal satisfies the policy requirements of SPPS 6.12 and BH11 of PPS6, subject to conditions.
NI Water	No objections. Available capacity at receiving WWTW.

7. Consideration and Assessment

Background

The original proposal submitted with the application was for 15 dwellings. Following assessment against the relevant planning policies, the Planning Department determined that this proposal did not meet the fundamental requirements of Planning Policy Statement 21 Sustainable Development in the Countryside, in that a portion of the site was located outside of the settlement limit and no overriding reasons had been demonstrated as to why the development was essential and could not be located within the settlement.

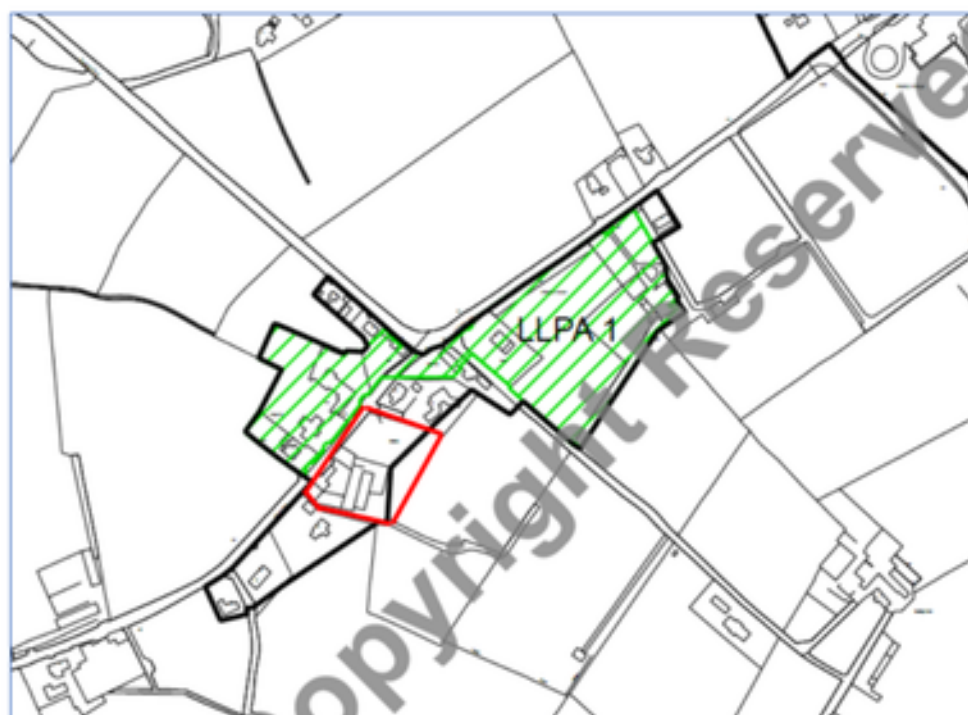


Figure 3 – Extent of Original Site Outside of Settlement Limit



Figure 4 – Original Proposal for 15 Dwellings

The original proposal was also considered to be contrary to Planning Policy Statement 7 Quality Residential Environments and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas. The proposal 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.

Following a lengthy period of discussions between the Planning Department, Historic Environment Division and the planning agent, an acceptable amended scheme was eventually submitted on 1st June 2021 for 8 dwellings. It is this amended scheme that is now under consideration.



Figure 5 – Amended Scheme for 8 Dwellings**Development Plan**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. In practice this means that development that accords with the development plan should be approved.

The application site is located on the edge of the settlement but within the development limit of the small settlement of Glastry as defined in the Ards and Down Area Plan 2015. The land on the opposite side of the road from the site is designated as a Local Landscape Policy Area (LLPA) known as the Presbyterian Church, Glastry House and surroundings. The characteristics of the designation are as listed as follows:

- Buildings visually linked by surrounding mature trees and vegetation give the impression of a traditional rural settlement with an attractive setting
- Listed Presbyterian Church and its setting including graveyards to rear and halls to side
- Large traditional dwelling Glastry House and remnants of its former landscaped grounds including walled garden and tree lined avenue to south
- Two manses – one within the original grounds of Glastry House and the other adjacent to the listed church
- Smaller buildings surrounded by mature vegetation at important road junction

The plan outlines that Glastry is a settlement in two parts and the Settlement Limit has been drawn to reflect this. To the north-east the limit is drawn around the school and the group of dwellings opposite to prevent further ribboning of development along Victoria Road and Main Road. To the south-west the limit has been drawn around the present development form to prevent development spreading any further along Victoria Road, Manse Road, Glastry Road and into the surrounding countryside.

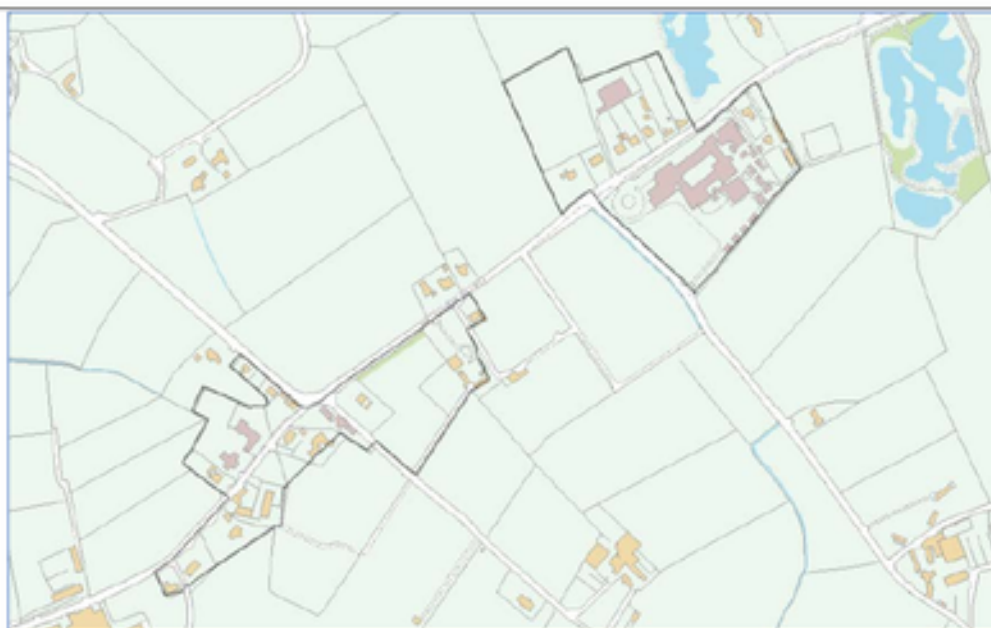


Figure 6 - The Divided Settlement Limit of Glastry

In principle, appropriately and sensitively designed residential development is acceptable within the settlement limit.

Strategic Planning Policy Statement

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. There is a presumption in favour of appropriate and sensitively designed residential development within the settlement limit.

Design, Visual Impact and Impact on Character of Area

In assessing the potential impact of the development on the character of the area, the policies contained within Planning Policy Statement 7, Quality Residential Environments and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas, are taken into account alongside the guidance contained within Creating Places.

PPS7 Policy QD 1 'Quality in New Residential Development' requires the development to respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Policy QDI also requires that the design of the development draws upon the best local traditions of form, materials and detailing.

PPS7 Addendum Policy LC1 'Protecting local character, environmental quality and residential amenity' requires that the proposed density is not significantly higher than that found in the locality. The addendum also requires that the pattern of development is in keeping with overall character and environmental quality.

As outlined above, Glastry is a small settlement which has succeeded in maintaining its attractive traditional rural character. Many of the original buildings still exist along with the listed church and there are a number of mature trees which add to the attractive setting. There is a sense of spaciousness between existing buildings. These qualities of the setting are recognised through the LLPA designation.

The application is for outline permission meaning the details of design will be submitted at a later stage if an approval is forthcoming. However, an indicative layout plan and contextual elevations have been submitted with the outline application for consideration.

In relation to character, the indicative layout shows 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, appear 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 can be considered at Reserved Matters stage to ensure that they provide an attractive frontage to both roads. The building line proposed is considered to be acceptable given that the established built form is 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.



Figure 7 - Proposed Site Layout

This pattern of development is not at odds with the character and established built form of the small settlement. Adjacent existing dwellings are all set on generous plots with a good degree of spacing between them but existing properties to the north-east along Glastry Road sit on smaller plots close to the public road (Nos. 21, 23, 25, 27 and 27A). The proposal includes two private lanes for access means that it will have a softer, more informal appearance in keeping with the rural setting rather than a formal adopted street which would have a much more urbanising effect. The central green area can also be landscaped and there is an opportunity to provide hedgerows along the road frontage of the site which will further help to soften the impact of the development and integrate it into its context. The application site is relatively level so there will be no issue with topography.



Figure 8 – Google Streetview Image March 2022 - Site (No. 47 demolished) shown in Context of Church and Graveyard Opposite

While the application is only for outline planning permission, contextual elevations of the development have been provided, which give an indicative impression of the design, size and scale of the buildings and how they will appear within the setting of the listed church (see Figure 9 below).

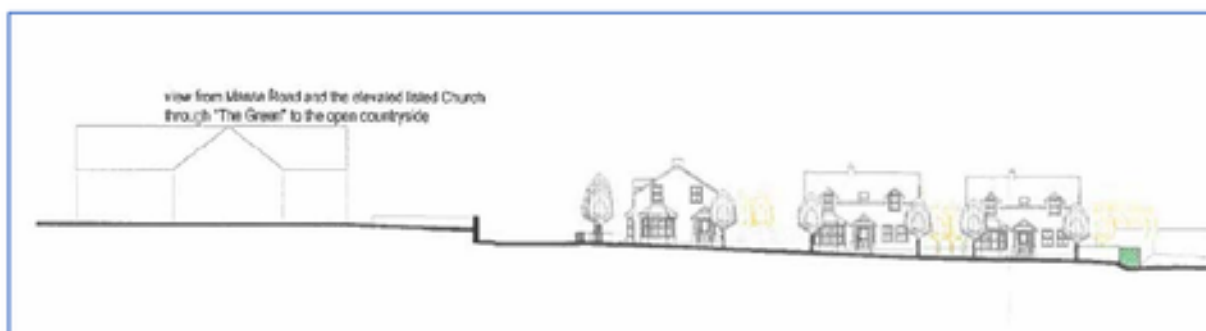


Figure 9 – Proposed Contextual Elevation

The dwellings are 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 (see images in figures 10 and 11 below). It is recommended that the height and materials of the dwellings is conditioned to ensure that an acceptable proposal in line with that shown above, is submitted at Reserved Matters stage.



Figure 10 - Adjacent Dwelling at 49a



Figure 11 - Manse and Listed Church Opposite Site

The density of the proposed development would be 14.5 dwellings per hectare (8 units ÷ 0.55ha). In close proximity to the application site, the existing properties along Glastry Road (21, 21/B, 21C, 23, 25, 27, 27A) sit on an area of approx. 0.6ha and have an overall density of approx. 10 dwellings per hectare which is less but reasonably comparable to the density of the proposed development and it is not considered that the density could be said to be significantly higher.



Figure 12 - Nos. 21 - 27a Glastry Road

Public Open space, Private Amenity Space Provision and Landscaping

Public open space is not required for a development of this size. Nevertheless, an attractive central green area has been incorporated to both reflect the spacious character of the rural settlement and provide an attractive setting to the listed church opposite. Outline planning permission would be subject to a condition requiring

submission of details of the arrangements for the management and maintenance of this central area of public open space along with a condition stipulating that the area is to be retained as open space in perpetuity, not to be used for any other purposes.

In terms of private amenity space, each dwelling would have a minimum of 40sqm private amenity space as recommended by the Creating Places Guidelines.

On the submitted indicative layout plan, planting/hedgerows have been shown to define the boundary with the open fields along the edge of the settlement limit. Other indicative planting has been shown along the remaining boundaries and within the central green. If an approval is forthcoming, this should be subject to a landscaping condition requiring submission of a detailed landscaping scheme at Reserved Matters stage. This should include a requirement for adequate buffer planting to assist integration with the surrounding area and provide a suitable landscaped buffer to the edge of the limit.

Paragraph 4.28 of the justification and amplification of policy QD1 stipulates that buffer planting of around 8-10m depth will be required to help assimilate and soften the impact of the development on the countryside. While the current layout submitted does not allow for the full 8-10m, I am satisfied that the 1.5-2m hedge/planted area shown will be adequate given there are no views from public roads towards the site from this direction and the other existing development does not have this extent of screening provided by landscaping therefore the full 8-10m is not deemed to be necessary in this situation. Furthermore, none of the existing development bounding the edge of the settlement limit has dense planted buffers.

There are no landscape features of any significant importance on the site. Within the site there is a group of semi-mature and mature trees located in the south-east of the site (to the rear of the agricultural sheds) and a small group of semi-mature pine trees located in the south-west. These trees are not subject to a Tree Preservation Order (TPO) and I do not consider that these trees contribute significantly to the appearance of the area. Landscaping will be assessed in greater detail at reserved matters and there is scope for these trees to be replaced (subject to the one with bat roost potential NED has highlighted).

Impact on Residential Amenity

The submitted layout for the development would not result in any unacceptable adverse impact on the amenity of existing dwellings adjacent to the site. Sufficient separation distances are proposed between Nos. 49, 49a, 47a and the proposed dwellings so as not to create problems of loss of privacy or light.

Security from Crime

The layout of the development has been designed with security from crime in mind with all houses having a good level of surveillance and enclosed private gardens. Further detail will be assessed at reserved matters stage.

Local Neighbourhood Facilities

Not required for a development of this size.

Built Heritage and Archaeology

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Policy BH11 – Development affecting the setting of a listed building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

The application site is in close proximity to Glastry Presbyterian Church (Grade B1) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011.

The agent was made aware of initial concerns raised by Historic Environment Division, Historic Buildings (HED: HB). The original proposal was for 15 no. Dwellings and HED raised concerns regarding the impact on the listed building and that the proposal would have an adverse impact on it (Date: 30 August 2018). Following a revision (amended site plan) but not a reduction in no. of dwellings, HED was reconsulted and advised that there was insufficient information to provide a substantive response (Date: 08 November 2018).

The proposal was reduced to 13 no. dwellings HED were reconsulted in July 2020 but maintained that there was insufficient information to provide a substantive response (Date: 04 August 2020 and 25 November 2020) due to lack of sufficient information/contextual information (simple visuals, photomontages or massing site sections/elevations).

After the proposal was reduced to 8 no. dwellings HED advised that they were largely satisfied with the proposal except for the materials (Date: 26 July 2021). A final revision was submitted and in their final substantive response dated 11 October 2021, HED advised that they were content with the proposal.

Following the amendments, HED have advised that they have considered the impacts of the proposal on the listed building and on the basis of the information provided, advise:

- HED:HB has considered the impact of the proposal on the building and on the basis of the information provided, advises that HED (Historic Buildings) is content that the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, subject to conditions.

HED: HB advised that a reassessment of the revised contextual elevation views of the proposal, and recognised the removal of inappropriate material references in particular the use of uPVC windows. HED: HB confirmed that the proposed works now make use of traditional or sympathetic building materials and techniques which respect those found on the listed buildings.

HED: HB highlighted that the application site has one dwelling located at 47 Manse Road (HB24 03 014 – Record Only), which appears on the 1st edition OS map dating from 1832-1846 (as shown on the map). HED: HB believe that this building provides character to the setting of Glasry Presbyterian Church and would request its retention within the proposed scheme.

47 Manse Road is not a listed building but a vernacular structure which may be of local interest. Whilst many traditional local buildings/vernacular buildings are vacant and are at risk from dereliction, they represent a valuable historic resource of particular areas. Regrettably the building in question has been demolished by the developer.

Despite this, there is no planning policy or legislation in place which prevents the owners from demolishing it because it isn't listed or in a designated area such as a Conservation Area or Area of Townscape or Village Character.



Figure 13 – 1830's First Edition OS Map

HED: HB advised that if the Council approves this outline application, HED: HB would request to be consulted on the reserved matters application and seek a full landscape plan associated with the scheme. One of the conditions recommended by HED: HB included the retention of native hedges within the site but allowed for the replanting of new hedges if necessary to remove the existing.

There are no substantial hedges along the site boundaries and the existing hedges within the site are sparse not mature. I do not consider that the hedges within the site require to be retained. New planting would be more attractive given the condition of the existing hedges.

The proposed landscaping will be considered in detail at reserved matters in collaboration with HED: HB if an approval is forthcoming. Although this is an outline

application, if necessary, a condition requiring the replacement of any hedge removed with another hedge should be included.

Road Safety, Access and Parking

Policy AMP 2 - Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

DFI Roads have been consulted and have raised no objections subject to a condition regarding the reserved matters. No public rights of way are affected. The site is not located on a main public transport route and traffic calming measures are not required for a development of this size.

Policy AMP 7 - Parking Provision

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

While the proposal is only for outline planning permission, it would appear from the submitted layout that there would be adequate in curtilage parking provision for the dwellings at a rate of a minimum of 2 spaces per unit. The exact amount of parking required will be determined at reserved matters stage in line with the Creating Places standards once details of the development have been submitted and the outline permission will be conditioned as such.

Natural Heritage Issues/Impact on Designated Sites

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Ards and North Down Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Policy NH 2 - Species Protected by Law

The application site comprises a variety of buildings, which previously included a dwelling (since demolished), outbuildings, and agricultural buildings, which are all to be demolished as part of the current proposal. The wider area of the site and the surrounding environment comprises grassland, overgrown vegetation, and hedgerows.

NED were originally concerned that the proposed development could impact several protected and priority species such as roosting bats, nesting birds, or badgers. A Biodiversity Checklist, completed by Ayre Environmental Consulting Ltd, was provided

by the developer and re-consultation was carried out. NED considered the checklist and the impacts of the proposal on designated sites and other natural heritage interests and, based on the information provided, raised no concerns subject to recommendations. The recommendation included the retention of a tree with 'moderate' bat roost potential or (if the tree cannot be retained) a further bat survey at reserved matters to determine the absence or presence of a roost. The proposal is therefore acceptable to policy NH2 as it has been demonstrated that it will not harm protected species subject to NED recommendations.

Drainage and Sewerage Infrastructure

On the submitted P1 form, the agent has indicated that surface water will be disposed of via soakaways or storm ditches. It has been indicated that foul sewage will be disposed off via a private mini treatment works. While NI Water has advised that the receiving WWTWs has capacity, there is no public foul sewer within close proximity to the site. NIEA Water Management Unit was consulted and raised no concerns in relation to the development. Final details of the proposed sewerage and drainage arrangements for the proposal will be submitted and considered at Reserved Matters stage.

Flood Risk

I have carried out a GIS spatial search (NI Flood Maps) and there are no flood plains in this area of Glastry. The hazards and constraints do not indicate that the site is affected by surface water flooding.

The site itself had a residential use for the former property No. 47 which sat on hardstanding ground and there is an associated hard standing yard with agricultural buildings and a slurry store. The aerial image of the site in figure 2 shows that the only area of the site which is not hardstanding is the agricultural field to the north-east corner. Given the level of hardstanding that exists within the site already there is no requirement for a drainage assessment.

8. Consideration of Representations

14 letters of objection have been received from 10 separate addresses:

- 27 Glastry Road, Kircubbin
- 27A Glastry Road, Kircubbin

27 and 27A were the same objector but separate addresses provided (5 objections in total).

- Glastry Presbyterian Church – addresses provided 4 Tides Turn, Portavogie
- 40 Manse Road, Kircubbin
- 43 Manse Road, Kircubbin

Three objections in total from individuals associated with the church and 3 separate addresses provided.

- 47 Manse Road, Kircubbin
- 47A Manse Road, Kircubbin

47 and 47A were the same objector but separate addresses (3 no. objections in total).

- 49 Manse Road, Kircubbin (1 objection in total).
- 49A Manse Road, Kircubbin (2 objections in total).
- 1 Windmill Lane, Portaferry (1 objection in total).

These objections were received in 2018, 2019, 2020 and 2021. No further objections have been received in 2022 following re-advertisement and re-notifying of neighbours on the final amended scheme.

The main concerns raised are summarised as follows:

Adverse impact on character of area

See consideration above.

Size of development and excessive density

See consideration above.

Adverse impact on amenity of 47a Manse Road

See consideration above. There would be adequate separation distances between the proposed dwellings and No. 47a and the development would not result in any unacceptable adverse impact on amenity.

No. 47a is approx. 6m south of the southern boundary of the application site and the proposed site plan (drawing No. 03/A) shows that there is over 23m from the rear of Plot 2 and the side of No. 47a. The plan also shows new landscaping along the boundary meaning an appropriately designed landscaping plan and dwelling at this location within the site would have no unacceptable impact given the distance.

Development outside settlement limit

The proposal is contained within the settlement limit. The original proposal included some development outside of the settlement limit, but the proposal was amended and reduced.

Impact on road safety and lack of parking

No objections raised by DFI Roads. Development includes adequate parking provision.

Inadequate utility infrastructure

NI Water has been consulted and has advised that there is sufficient capacity at receiving Waste Water Treatment Works (Date: 05/07/2022). However, on the submitted P1 form, the agent has indicated that the development will be served by a private treatment plant. This has been indicated as being positioned within the central area of open space with soakaways located within the land outlined in blue to the east.

Development is out of keeping with the LLPA

See consideration above.

Flooding on site

Rivers Agency Flood Maps show that the site is not affected by any fluvial flood plain or surface water flooding.

Impact on amenity of 49a Manse Road

See consideration above. There would be adequate separation distances between the proposed dwellings and No. 49a and the development would not result in any unacceptable adverse impact on amenity.

The proposed site plan shows that the achievable separation distance between No. 49a and the proposed dwelling at Plot 6 is approx. 27m with a side-to-side relationship if the proposed dwelling is designed to have a double fronted aspect as detailed in section 4 of the report. An appropriately designed dwelling will have no impact on the amenity of No. 49a and the proposal includes new landscaping along the northern boundary.

Impact on setting of listed building

See consideration above. HED are content.

Biodiversity

See consideration above. NED are content with the proposal.

Asbestos (from the demolished building) and vermin

These issues are outside the remit of the Planning Department.

Following re-publicity in 2022, no further objections were received.

9. Conclusion

The proposal has been considered having regard to all the material considerations, the development plan, relevant planning policies and comments from statutory consultees and third parties.

The principle of proposed residential development is acceptable at this location within the settlement limit. The density and pattern/form of development proposed as identified in the submitted layout is acceptable and is similar to approved and existing residential development within the settlement. The proposal will not result in any adverse impact on road safety, residential amenity, built heritage or natural heritage interests.

10. Recommendation

Grant Planning Permission

11. Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. Except in so far as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be constructed in accordance with the details to be submitted and approved under condition 3 above, prior to the commencement of any other development hereby approved.

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

5. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway prior to the commencement of any other development hereby approved and such splays shall be retained in perpetuity and kept clear thereafter.

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

6. The proposed site layout shall be in general conformity with the indicative layout on the stamped approved Drawing Number 03/C bearing the date stamp 1st June 2021.

Reason: To ensure that the development integrates into the landscape.

7. Details of proposed parking provision shall be submitted at Reserved Matters stage and shall be in accordance with the standards set out in Section 20 of the guidance document 'Creating Places – Achieving Quality in Residential Environments' (May 2000). The parking as approved shall be provided prior to the occupation of the dwellings hereby approved and shall be permanently retained thereafter.

Reason: To ensure adequate parking in the interests of road safety and the convenience of road users.

8. A detailed structured scheme of landscaping for the site shall be submitted at reserved matters stage - to include details of species, numbers, sizes, siting, and spacing of trees and hedge plants. The planting as shall be approved shall be implemented in full during the first available planting season after the occupation of the first dwelling hereby approved.

Reason: To ensure the maintenance of screening to the site.

9. The mature ash tree located at the south-east corner of the south boundary, coloured GREEN on Drawing Number 01, date received 7th June 2018, shall be retained. If the tree cannot be retained in its current form, a dedicated Emergence/Re-entry Survey or Endoscopic Inspection Survey shall be carried out and submitted by the developer and approved in writing by the Council in consultation with DAERA Natural Environment Division (NED) prior to commencement of any development. All surveys shall be carried out to NED specifications as per the document contained within <https://www.daera-ni.gov.uk/publications/bat-surveys-specifications>.

Reason: To determine with confidence the absence or presence of a bat roost.

10. A landscape management and maintenance plan shall be submitted to and approved by the Council at Reserved Matters stage for approval. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The Landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of open space and amenity areas in the interests of visual and residential amenity.

11. The open space and amenity areas indicated on the stamped approved Drawing Number 03/C, bearing the date stamp 1st June 2021, shall be completed in accordance with the landscaping details to be submitted and approved under Condition 8 above prior to the occupation of the first dwelling hereby approved and that area shall be permanently retained as open space thereafter and used for no other purposes.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

11. A section of buffer planting of indigenous species and of a minimum width of 2 metres, shall be planted along the undefined boundary to the south-east, coloured GREEN on drawing Number 03/C bearing the date stamp 1st June 2021.

Reason: To ensure the integration of this development at the edge of the settlement.

12. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of this area.

13. The external wall finish to the proposed dwellinghouses shall be a painted render in a colour to be approved in writing by the Council or roughcast or fine grade chippings not exceeding 3mm.

Reason: To ensure that the proposal is in keeping with the character of this area.

14. The proposed dwellinghouses shall have a maximum ridge height of 6.5 metres above finished floor level and a low angle of roof pitch not exceeding 45 degrees.

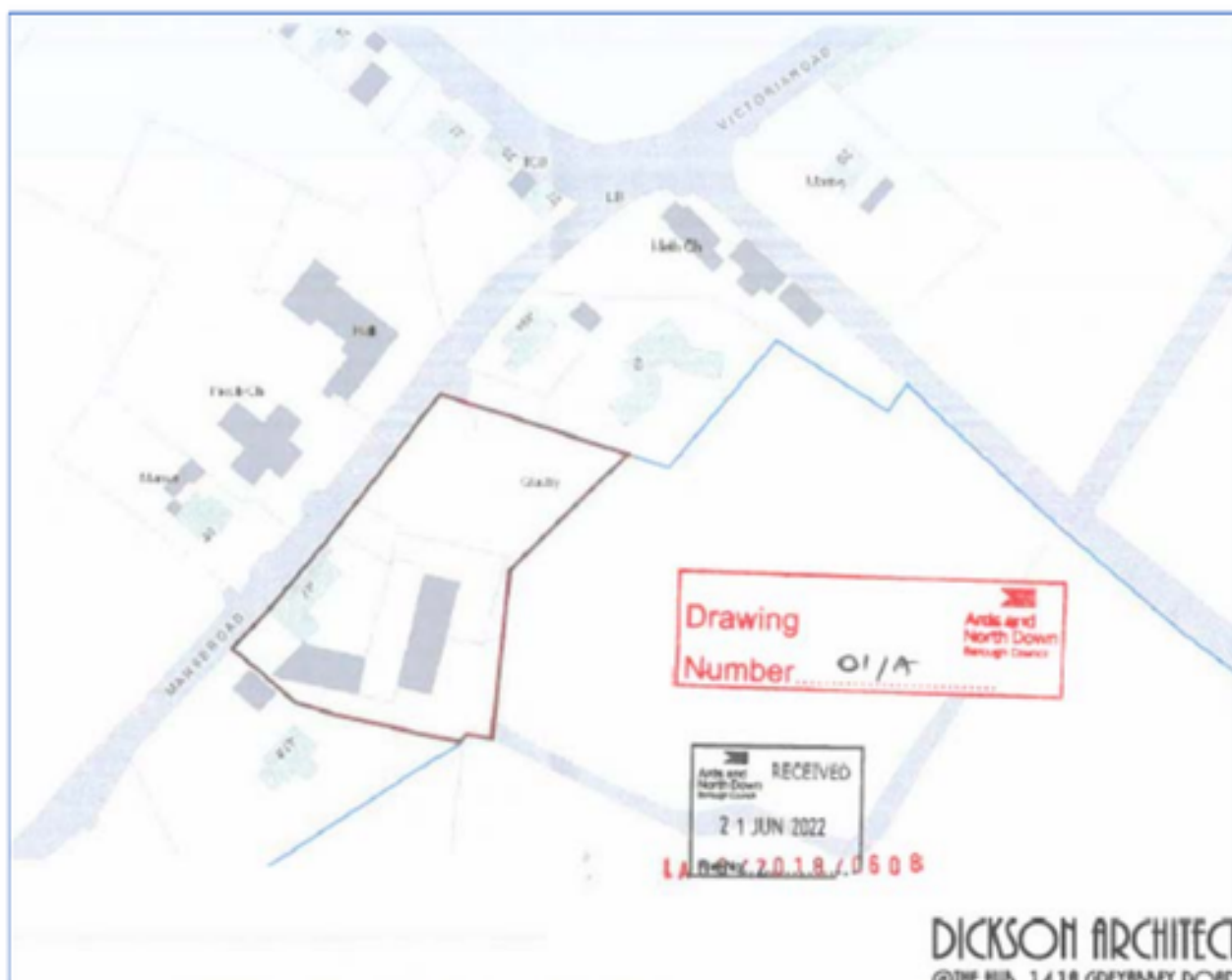
Reason: To ensure that the development is not prominent in the area.

15. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

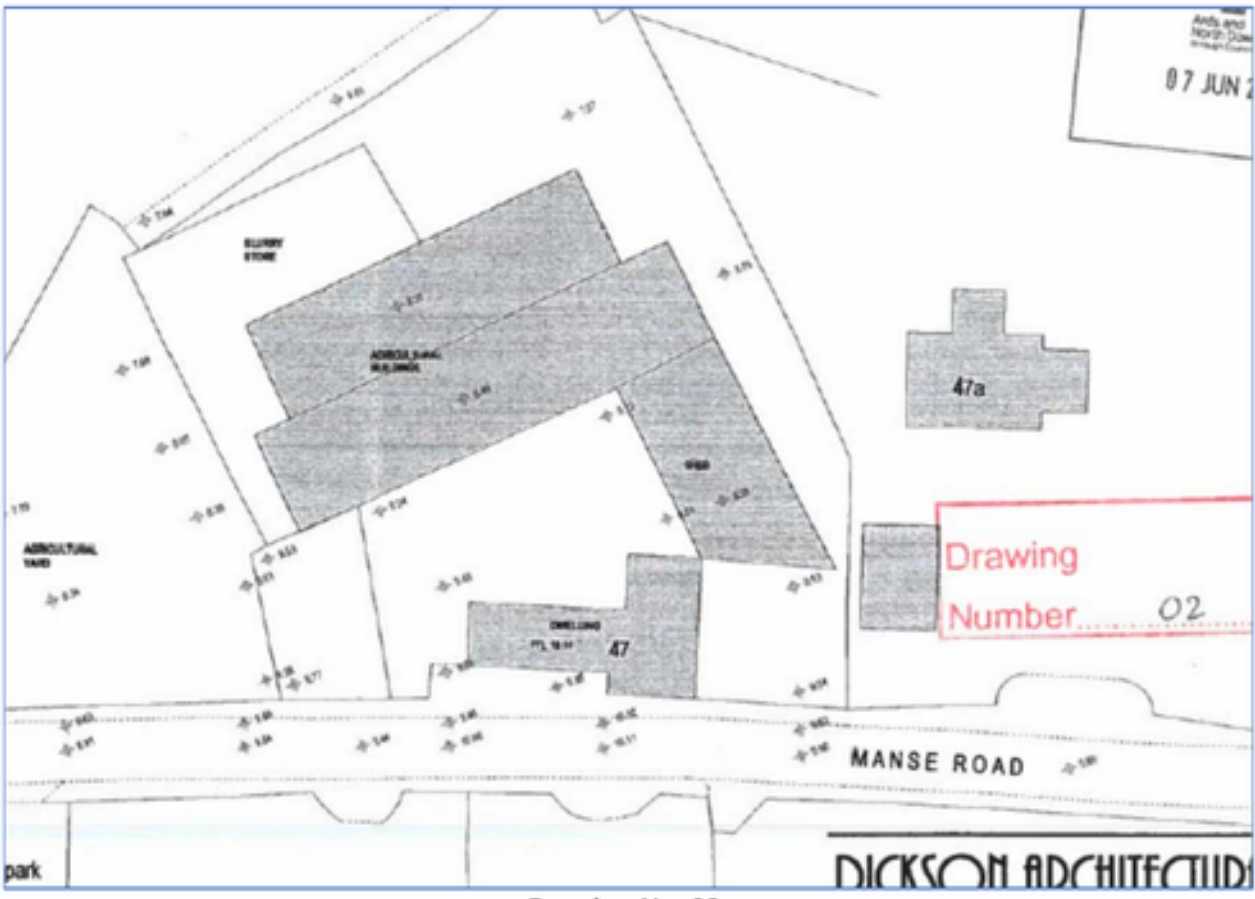
Reason: In the interests of visual amenity.

16. No development shall take place until a plan indicating floor levels of the proposed dwellinghouses in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwellinghouses integrate into the area.



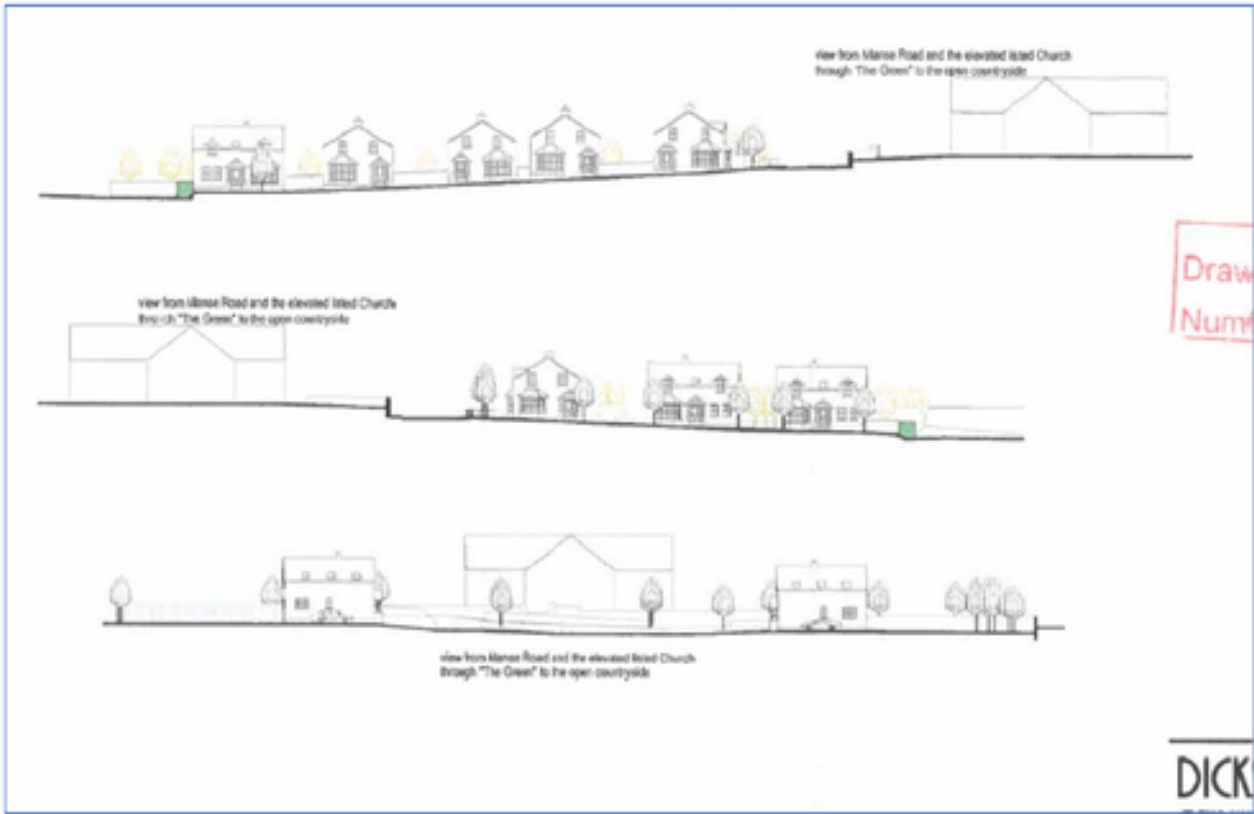
Drawing No. 01/A



Drawing No. 02



Drawing No. 03/C



Drawing No. 04/A


Images of application site and surrounding area



ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2022/0562/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of 57-59 High Street Bangor DEA: Bangor Central
Committee Interest	An application made by the Council
Valid	30/05/22
Summary	<ul style="list-style-type: none"> • Parklet is 11m long and 2m wide. • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0562/F	DEA: Bangor Central	
Proposal:	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)		
Location:	To front of 57-59 High Street Bangor		
Applicant:	Ards and North Down BC		
Date valid:	30.05.2022	EIA Screening Required:	No
Date last advertised:	16.06.2022	Date last neighbour notified:	13.06.2022
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	
Consultations – synopsis of responses:			
Environmental Health Department		No objections	
DFI Roads		No objections (subject to conditions)	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a couple of on-street parking spaces in the centre of Bangor. Site is located on the northern side of High Street approximately 60m east from the rear of the Flagship Centre.

The site part of a larger parking bay located on High Street. The site is located between the public footpath and retail units one side, and the public road on the other. The area is noted for a mix of shops and food outlets.

The area has a busy town centre character.

2. Site Location Plan



3. Relevant Planning History

No planning history material to the current application.

The application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

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

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

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. Beyond its location in the settlement of Bangor, the site is within the Town Centre but outside the Primary Retail Core. There are no environmental designations affecting the site. The site is within Bangor Central Area of Townscape Character. The site is also within an Area of Archaeological Potential but as the works do not require any material excavation, it is not considered expedient to consult Historical Environment Division. The site also falls within the Bangor Area of Parking Restraint.

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

Impact on Town Centre

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

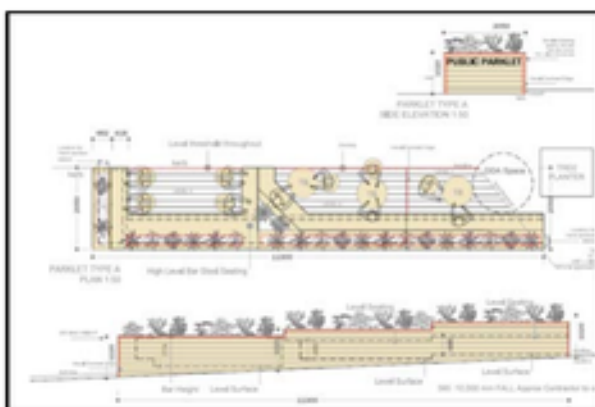
This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Town Centre. The proposal will not prejudice the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

Impact on Character of Area and ATC

The proposal is 11m long and 2m wide. The parklet is open towards the footpath/shops and will be enclosed with timber-effect cladding/planters along the roadside (eastern side of the parklet to be open to allow for wheelchair access).



Location of parklet



Floorplan and elevation

The area is exclusively commercial and typical of a traditional high street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the town centre. There are a number of public benches on High Street with substantially more at the pedestrianised areas at the Esplanade and Queens Parade car park. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

In relation to the ATC, key features include views from High Street over the bay, and late Victorian buildings including several three storey, highly decorative buildings close to the junction of High Street and Bridge Street. The proposal will have no material impact on any of the key features of the ATC.

Impact on Residential Amenity

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

No residential properties were identified close to the proposal. The Council's Environmental Health Department was consulted: no objections were raised. The parklet will be beside a busy road (and junction at the Flagship) in the centre of the town and away from residential properties. For these reasons it is not considered residential amenity will be negatively affected.

Road safety/Parking

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

There are a number of car parks in the area within two hundred metres. There is a car park behind the commercial units at the site (accessed from Holborn Avenue) with more located around the marina and the McKee Clock, furthermore the majority of surrounding streets are accompanied with on-street parking provision. The loss of spaces must be balanced against the need to support measures to improve the town-centre product and the wider availability of car parking spaces. The transport authority has been consulted and did not consider the proposal to prejudice safety of road users and pedestrians. The applicant is to be informed of the necessity to acquire a Street Works License from the Department of Infrastructure, and planting is to be restricted so as not to prejudice visibility. It is therefore considered, given the potential community benefit and the fact the parklet is temporary for 3 years, that the loss of spaces would not be determining in this instance.

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

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 250m from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the

Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

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

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

3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.03A bearing the date stamp 7th June 2022.

Reason: In the interests of convenience and safety of pedestrians and road users.

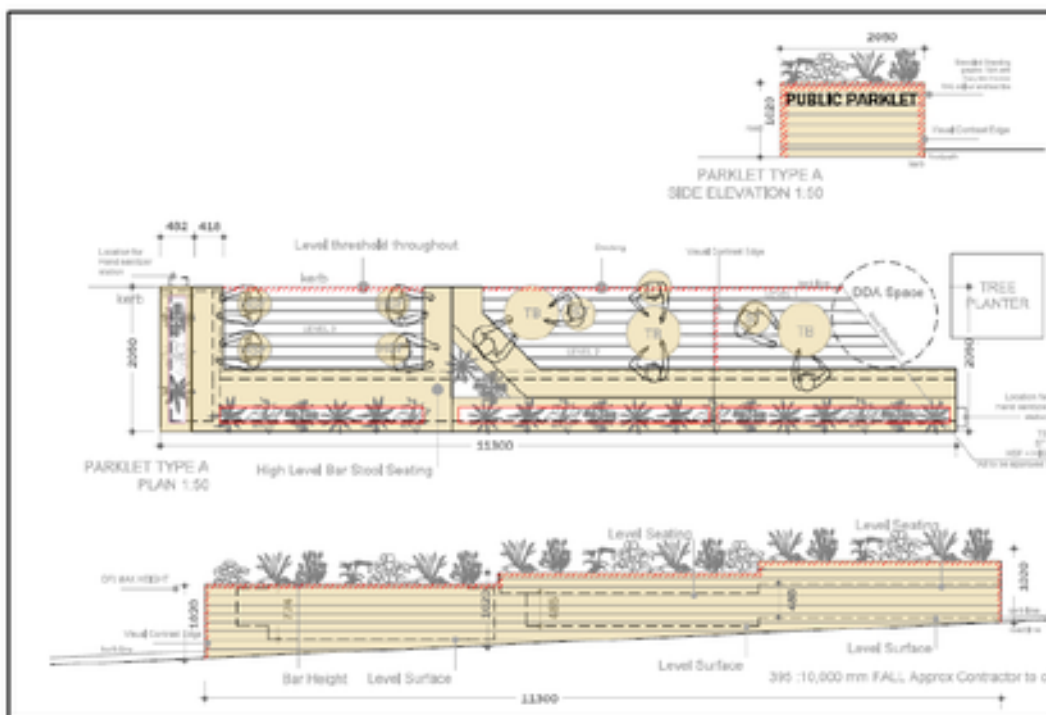
Informative

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. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.

Annex



Site location plan




Elevations and floorplans

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2021/1365/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of 115-119 High Street, Bangor DEA: Bangor Central
Committee Interest	An application made by the Council
Valid	23/11/21
Summary	<ul style="list-style-type: none"> • Parklet is 11m long and 2m wide • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1365/F	DEA: Bangor Central	
Proposal:	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)		
Location:	To front of 115-119 High Street, Bangor		
Applicant:	Ards and North Down BC		
Date valid:	23.11.2021	EIA Screening Required:	No
Date last advertised:	23.12.2021	Date last neighbour notified:	01.12.2021
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Department		Concerns raised	
Transport NI		No objections (subject to conditions)	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

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

The site is part of a larger parking bay located along the northern side of High Street. The site is located between the public footpath and retail units one side, and the public road on the other. The area is noted for several eateries and shops. Large planter with tree adjacent to the site; pedestrian crossing 5m to east.

The area has a busy town centre character with few residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

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

4. Planning Assessment

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

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

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site is located within Bangor Town Centre. There are no environmental designations affecting the site. The site is within Bangor Central Area of Townscape Character. The site is also within an Area of Archaeological Potential but as the works do not require any material excavation, it is not considered expedient to consult Historical Environment Division. The site also falls within the Bangor Area of Parking Restraint.

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

Impact on Town Centre

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

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

Impact on Character of Area and ATC

The proposal is 11m long and 2m wide. The parklet is open towards the footpath/shops and will be enclosed with timber-effect cladding/planters along the roadside (eastern side of the parklet to be open to allow for wheelchair access).

Impact on Residential Amenity

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

The Council's Environmental Health Department has raised concerns about the impact of the parklet on neighbouring properties. It was noted that there were residential units on the first-floor of the adjacent commercial block. It was considered that as the parklets would be open 24 hours a day and as little could be done to control or mitigate potential noise levels, the Environmental Health Officer requested further consideration be given to relocation of the proposal in order to increase the separation distance to the nearby noise sensitive receptors.

While cognisant of EH concerns, there would appear to be one residential property directly opposite the site at No.117A High Street, and very few others in the immediate area. I have checked with the EHO and can confirm there has been no noise complaints in the area. Furthermore, the main hub for nightlife in Bangor is 250m to the west (closer to the marina). The site is located in a busy town-centre adjacent to two lanes of traffic and the area is primarily commercial in character. In this context – and given there does not appear to be a history of noise complaints in the area, and no objections have been received – I do not consider comments from EH to be determining in this instance. Furthermore, the application seeks permission for 3 years only. Should problems arise, the Council will have opportunity to re-consider the application in light of same should a second application be forthcoming.

Road safety/Parking

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

There are a number of car parks in the area within two hundred metres (e.g., Clifton Street, Holborn Avenue) with more located around the marina and the McKee Clock, furthermore the majority of surrounding streets are accompanied with on-street parking provision. The loss of spaces must be balanced against the need to support measures to improve the town-centre product and the wider availability of car parking spaces. The transport authority has been consulted and did not consider the proposal to prejudice safety of road users and pedestrians. The applicant is to be informed of the necessity to acquire a Street Works License from the Department of Infrastructure, and planting is to be restricted so as not to prejudice visibility. It is therefore considered, given the potential community benefit and the fact the parklet is temporary for 3 years, that the loss of spaces would not be determining in this instance.

Within Draft BMAP, the site falls within an Area of Parking Restraint. This applies parking standards for new residential and non-residential developments. The proposal does not relate to the provision of new development that would increase the

need for parking spaces. Therefore, I do not consider the proposal to be contrary to these specific policy provisions.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 300m from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

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

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

3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.03B bearing the date stamp 7th June 2022.

Reason: In the interests of convenience and safety of pedestrians and road users.

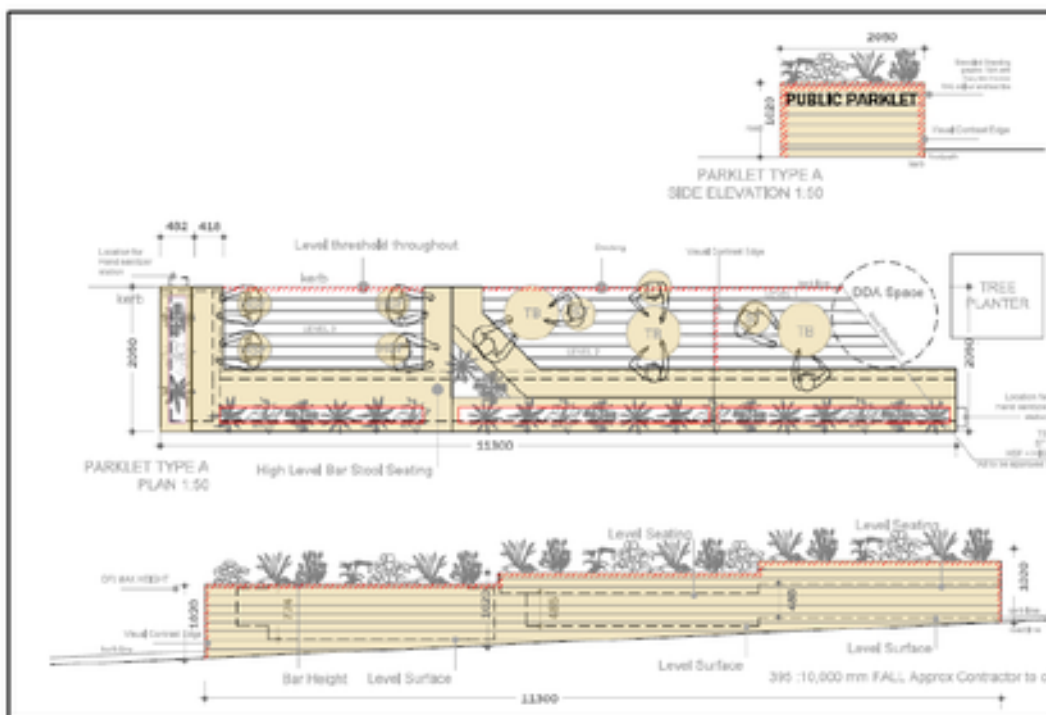
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This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.

Annex



Site location plan




Elevations and floorplans

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2021/1366/F
Proposal	Change of use (temporary for 3 years) of parking spaces to parklet (consisting of planters and area for public seating)
Location	To front of 78-80 Main Street, Bangor DEA: Bangor Central
Committee Interest	An application made by the Council
Valid	23/11/21
Summary	<ul style="list-style-type: none"> • Parklet is 7.3m long and 2.5m wide • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1366/F	DEA: Bangor Central	
Proposal:	Change of use (temporary for 3 years) of public pavement to parklet (consisting of planters and area for public seating)		
Location:	To front of 78-80 Main Street, Bangor		
Applicant:	Ards & North Down Borough Council		
Date valid:	23.11.2021	EIA Screening Required:	No
Date last advertised:	23.12.2021	Date last neighbour notified:	01.12.2021
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Department		No objections	
DFI Roads		No objections (subject to conditions)	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of a small area of public footpath in the centre of Bangor.

The site is located on the Main Street on a wide section of the footpath. The site is located between retail units one side and the public road on the other. On-street parking bay is adjacent. Retail and business units on both sides of the street. Existing public seating, planting and lighting on both sides of the street.

The area has a busy town centre character with few residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

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

4. Planning Assessment

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

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

Principle of Development

Despite its end date, NDAAP currently acts as the LDP for this area with dBMAP remaining a material consideration where applicable. The site is located within Bangor Town Centre and Primary Retail Core. There are no environmental designations affecting the site. The site is within Bangor Central Area of Townscape Character (ATC). The site is also within an Area of Archaeological Potential and Archaeological Site and Monument but as the works do not require any material excavation, it is not considered expedient to consult Historical Environment Division. The site also falls within the Bangor Area of Parking Restraint.

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

Impact of Town Centre

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

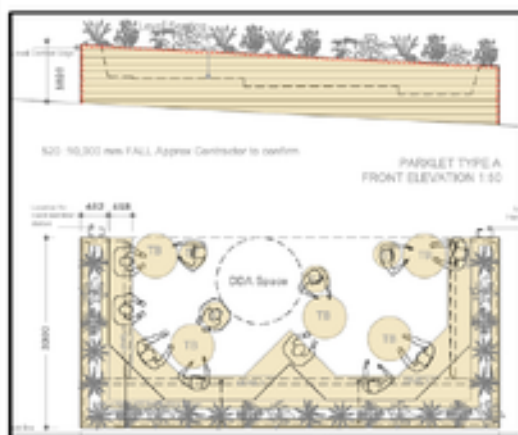
This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Primary Retail Core and Town Centre. The proposal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

Impact on Character of Area and ATC

The proposal is 7.3m long and 2.5m wide. The structure is open towards the footpath and enclosed by timber-effect cladding/planters on the two ends and on the roadside.



Parklet to be located in area indicated in red



Proposed floorplan and elevations

The area is exclusively commercial and typical of a traditional high street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the town centre. There are a number of public benches and planting on Main Street itself with substantially more at the pedestrianised areas at the Esplanade and Queens Parade car park. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a

dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

In relation to the ATC, key features include views late Victorian and Georgian properties on Main Street and views of the bay from Main Street. The proposal will have no material impact on any of the key features of the ATC.

Impact on Residential Amenity

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

As referred to earlier, the site has a busy town-centre location in an exclusively commercial area. I did not note any residential properties at the time of my inspection. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Road safety/Parking

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

In relation to the safety of pedestrians and road safety, the transport authority has been consulted and did not consider the proposal to prejudice safety of road users and pedestrians. The applicant is to be informed of the necessity to acquire a Street Works License from the Department of Infrastructure, and planting is to be restricted so as not to prejudice visibility.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 500m from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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

5. Representations

No representations were received.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

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

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

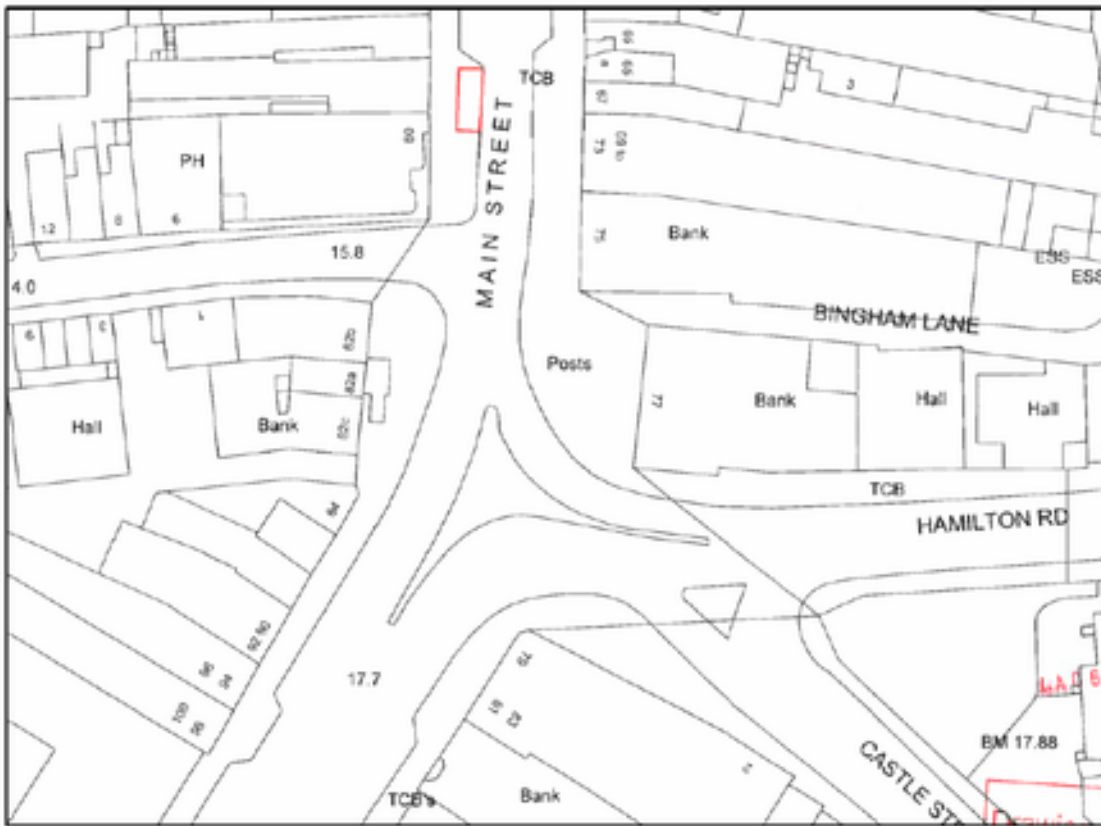
3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.03A bearing the date stamp 7th June 2022.

Reason: In the interests of convenience and safety of pedestrians and road users.

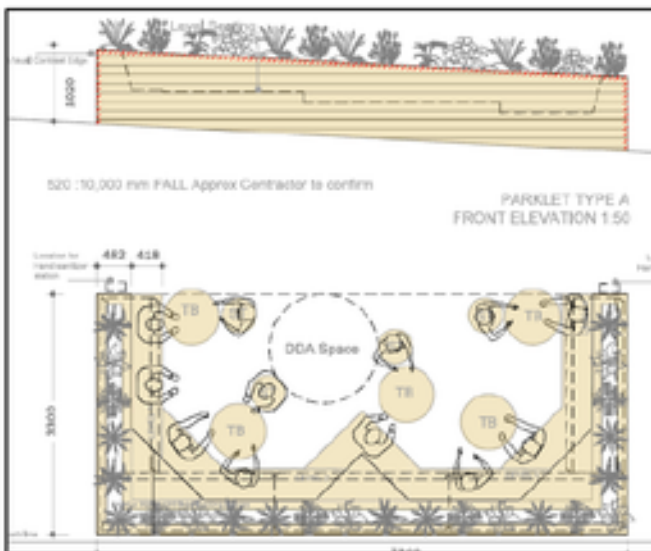
Informative

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. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.

Annex



Site Location



Elevations and floorplan

ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2021/1370/F
Proposal	Change of use (temporary for 3 years) of public pavement to parklet (consisting of planters and area for public seating)
Location	To front of 31-33 Regent Street, Newtownards
Committee Interest	An application made by the Council
Valid	30/11/21
Summary	<ul style="list-style-type: none"> • Parklet is 7.3m long and 3.3m wide • DFI Roads provided no objection in terms of road and pedestrian safety. • No objections received from members of the public. • Condition recommended to ensure parklet is removed and land restored to its former condition within 3 years.
Recommendation	Approval
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2021/1370/F	DEA: Newtownards	
Proposal:	Change of use (temporary for 3 years) of public pavement to parklet (consisting of planters and area for public seating)		
Location:	To front of 31-33 Frances Street, Newtownards		
Applicant:	Ards & North Down Borough Council		
Date valid:	30.11.2021	EIA Screening Required:	No
Date last advertised:	23.12.2021	Date last neighbour notified:	02.12.2021
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
Environmental Health Office		No objections	
DFI Roads		No objections (subject to conditions)	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Scale, design and appearance; • Impact on privacy or amenity of neighbouring dwellings; • Impact on character and appearance of the area; • Impact on biodiversity. 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

This site consists of an area of pavement in the centre of Newtownards.

The site is located on a wide section of pavement between the roadway and a row of traditional commercial properties. On-street parking bay adjacent and west. There is a public payphone and a couple of public benches in the immediate vicinity.

The area is commercial in character with no residential properties nearby.

2. Site Location Plan



3. Relevant Planning History

No relevant planning history on the site.

This application is one of a number of applications for parklets made by the Council across the borough.

4. Planning Assessment

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

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site described above is in the settlement of Newtownards. The site is in the town centre and within the Primary Retail Core. There are no environmental or architectural designations affecting the site. The site falls within an Area of Archaeological Potential and Archaeological Site and Monument but given the proposal will not require any material excavation works, it has not been considered expedient to consult Historic Monuments.

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

Impact of Town Centre

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

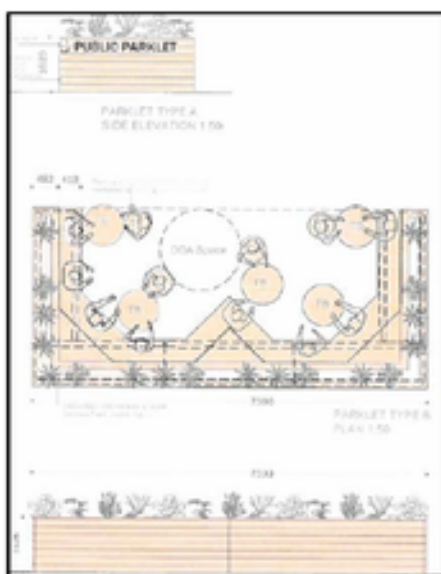
This application relates to a small parklet and does not involve creation of additional retail space. Whilst a parklet would not ordinarily be considered a main town centre use, the proposal is in broad compliance with the SPPS given its location in the Primary Retail Core and Town Centre. The proposal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

Impact on Character of the Area

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



Location of proposed parklet



Floorplan and elevation

The area is exclusively commercial and typical of a traditional high street. Whilst the parklet will undoubtedly introduce a new feature in the town, public seating and planters are a common feature across the urban areas. Conway Square is a pedestrianised public space 140m to the west and features a significant amount of seating and landscaping. The parklet is innovative and will be complementary to the existing town centre offering. It is of a scale that will not detract from the adjacent buildings, and I do not consider it to be a dominant feature on the street. Overall, it is not considered the proposal will detract from the surrounding character of the area.

Impact on Residential Amenity

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

As referred to earlier, the site has a busy town-centre location in an exclusively commercial area. I did not note any residential properties at the time of my inspection. There was a new apartment block under construction at time of my inspection, but this will be located to the rear of the commercial buildings facing onto the street. As a matter of good practise, the Council's Environmental Health Department has been consulted and no objections were raised.

Road safety/Parking

The proposal will have no impact on parking or on any vehicular access. However, recently the area around the site has been cordoned-off in relation to building works and demolition taking place close to the site. The Roads authority had been consulted and whilst no objections were raised, it was requested that the application be 'held' until works at the location were completed. The works in question relate to a large apartment development to the rear of the commercial properties along the southern side of Frances Street. This work has started recently and there is no provision for an end date. Furthermore, since the original DfI response was received, the railings have been 'pulled back' and now extend across the entrance to the site (as opposed to projecting out on to the footpath). Following conversation with DfI regarding same, a new consultation was sent; the subsequent response indicated no objections subject to standard conditions. Any approval notice will include a condition to ensure planting does not prejudice visibility. DfI requested the applicant/developer be informed of the necessity to acquire the Street Works License prior to commencement of any works.

Impact on Designated Sites/Natural Heritage Interests

In relation to designated sites, it is not considered the development will have any impact. The NIEA's Biodiversity Checklist has been referred to, and no scenario having any potential adverse impacts on designated sites was identified. The site will be 1.4km from nationally and internationally designated sites. There are no waterways close to the site and therefore no hydrological link to any designated area. No protected habitat on the site. Unlikely the proposal will require works of heavy construction and excavation. Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

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

5. Representations

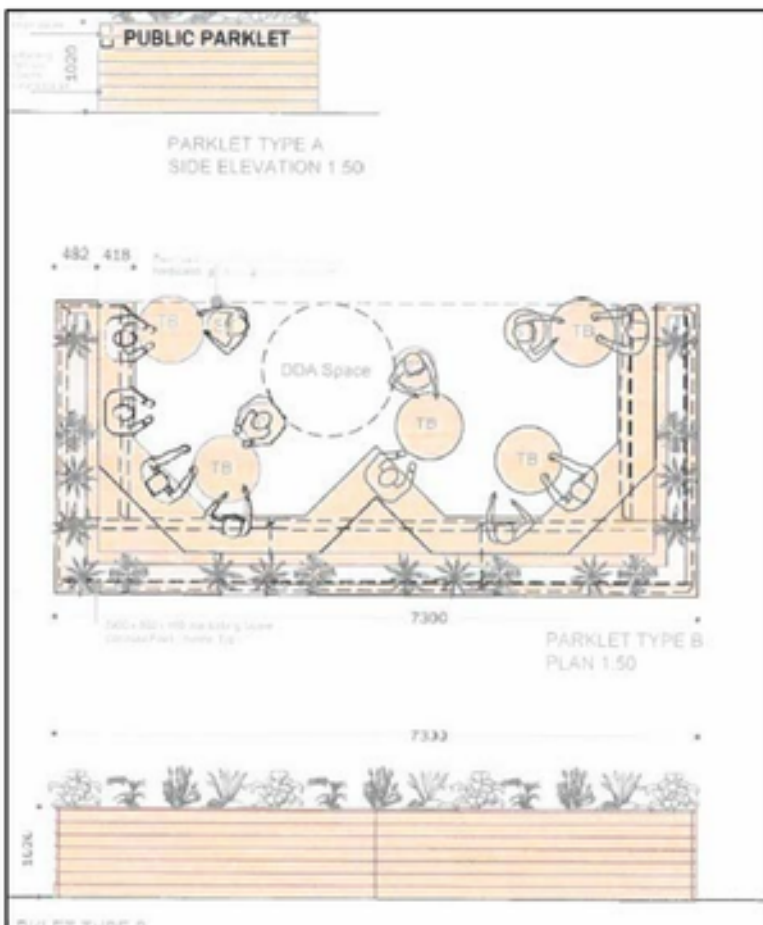
No representations were received.

6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The parklet, hereby granted planning permission, shall be removed and the land restored to its former condition on or before three years from the date of this permission.</p> <p>Reason: This type of temporary structure is such that its permanent retention would be detrimental to the character of the area.</p> <p>3. No planting/vegetation within the site shall exceed the height of the parklet as shown on Drawing No.02 bearing the date stamp 23rd November 2021.</p> <p>Reason: In the interests of convenience and safety of pedestrians and road users.</p>
Informative
<p>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. A Street Works License is required for the works and the applicant is advised to contact DfI Roads Southern Division to make an application.</p>

ANNEX



Site location Plan



Elevations and floor plan

ITEM 5

Ards and North Down Borough Council

Council/Committee	Planning Committee
Date of Meeting	06 September 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	18 August 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	Item 5a – PAC decision 2021/A0089

New Appeals Lodged

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

Decisions

2. 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 of 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 refused planning permission on 16 April 2020 for the above development for the following reasons:

- i. The proposal is 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 is 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 is 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 is 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 is 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 is 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 states 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 are 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 can accommodate the projected increase in traffic and that the effects of this can 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.

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.

RECOMMENDATION

It is recommended that Council notes this report.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2021/A0089
Appeal by:	Mullahead Property Co. Ltd.
Appeal against:	The refusal of full planning permission
Proposed Development:	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
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2016/0105/F
Procedure:	Informal Hearing on 11 th March 2022
Decision by:	Commissioner Gareth Kerr, dated 27 th July 2022

Decision

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

Preliminary Matters

2. The Council stated in its evidence that drawing Nos. 04D (proposed site layout) and 06B (proposed ground floor plan) were stamped refused and sent out with the decision notice, but were not referenced in the list of drawings on the decision notice in error. The other parties were aware that these drawings had been stamped refused and were content that they be admitted in the appeal. As they were before the parties when the decision was made, they are a material consideration and admitting them in the appeal will not result in any prejudice.
3. Additional drawings were provided in the Service Management Plan and Event Management Plan submitted with the appellant's statement of case. These drawings show arrangements for access to and servicing of the site. Such matters were before the Council when the application was determined. Therefore, they are not a 'new matter' as set out in Section 59 of the Planning Act (Northern Ireland) 2011. The parties had the opportunity to comment on the additional drawings in writing at rebuttal stage and orally at the hearing. Therefore, I am satisfied that I can consider these drawings in the appeal without prejudice to any party. These drawings are numbered PAC1 and PAC2 in the table attached to this decision.

Reasons

4. The main issues in this appeal are 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.

Policy Context

5. The Planning Act (Northern Ireland) 2011 states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for this area. In it, the appeal site is located in the countryside. Quintin Castle is a listed building and its grounds are designated as an Historic Park, Garden and Demesne (supplementary site) under Proposal COU7 of the ADAP. The site also falls within the Strangford and Lecale Area of Outstanding Natural Beauty and an Area of Constraint on Mineral Developments. The ADAP contains no specific policy provisions for tourism development or considerations for the provision of access to public roads.
6. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out regional policy for tourism development and the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also indicates that certain existing Planning Policy Statements (PPSs) including PPS 3 – Access, Movement and Parking, PPS 6 – Planning, Archaeology and the Built Heritage, PPS 16 – Tourism and PPS 21 – Sustainable Development in the Countryside are retained during the transitional period. The SPPS is no more prescriptive than the retained policies in respect of the issues raised in the appeal, so the appeal will be determined in accordance with the retained policies as set out in paragraph 1.12 of the SPPS.
7. PPS 21 sets out planning policies for development in the countryside. It states that planning permission will be granted for the reuse of an existing building if in accordance with Policy CTY4 and indicates that tourism development will be acceptable if in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. These policies have now been superseded by the provisions of PPS 16. Policy TSM7 of PPS 16 sets out general planning criteria that are applicable to all proposals for tourism development. Both Policy CTY4 and Policy TSM7 set out a range of criteria, most of which have not been raised in the appeal. The matters in dispute in this appeal under both the above policies relate to whether the access to the public road would significantly inconvenience the flow of traffic and whether the existing road network can safely handle any extra vehicular traffic the proposal will generate. The principal policies in respect of access and parking related matters are contained within PPS 3.
8. Policy AMP2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Policy AMP7 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking

will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Background

9. Quintin Castle is located on the east coast of the Ards Peninsula, approximately 2 miles east of Portaferry. The castle was first built by John de Courcy in 1184. It was remodelled in the 1850s and occupies a commanding position on the County Down coast. It comprises a large square tower in the centre with four smaller towers at the corners with distinctive stepped castellations. The castle was used as a nursing home in the 1980s. It now has approval for use as a guest house and function room. The part of the castle subject to this appeal is currently a walled external courtyard to the north of the main building, within which are raised stone planters. There are two existing accesses to the castle, both from Kearney Road to the west.
10. Two recent planning approvals relating to Quintin Castle are material considerations. Alterations and change of use from dwelling house to guest house and function room, including new garden ancillary building for storage of estate maintenance equipment was approved under application LA06/2016/0602/F on 29th October 2019. This established the principle of a function room use in the existing castle and works are ongoing to implement it. A related application LA06/2018/1367/F for proposed car parking, low level bollard lighting, associated ancillary works and landscaping to serve the above proposal was approved on 10th October 2019. It indicated a total of 34 car parking spaces in an area to the north west of the castle and on the site of a former helipad to the north east.
11. The Department for Infrastructure – Roads (hereafter referred to as DFI Roads) raised concerns that the Council's Planning Committee had overturned a recommendation to refuse the above change of use and that the approved proposal had not yet been tested on the road network. However, DFI Roads is a consultee who provide advice only in relation to roads issues whereas the Council's Planning Committee must weigh and balance all material considerations to reach a planning decision. Notwithstanding the view of DFI Roads, LA06/2016/0602/F is a valid approval by the planning authority which has been implemented. In this appeal, I cannot adjudicate on matters already granted planning permission.
12. Separate Listed Building Consents have also been granted in respect of the two proposals above and also the appeal proposal on 4th May 2021 under reference LA06/2016/0106/LBC. The grant of Listed Building Consent for the appeal proposal by the Council demonstrates that they are content that the alterations to the listed building will not harm its original character and will accord with the requirements of PPS 6. However, the Council has refused planning permission for the appeal development because a planning application must have regard to a wider range of considerations relating to the development and use of land including access to the site and car parking. Accordingly, these matters are the focus of the appeal.
13. The appeal proposal is for the erection of a freestanding steel and timber structure within the courtyard to accommodate a function room with limited attachment to the historic fabric. The eaves height would be similar to that of the external walls of the

courtyard. It would have a hipped standing seam zinc clad roof with a raised central lantern. The function room could seat up to 144 people. A catering kitchen and toilets would be provided in an adjacent part of the castle. An additional portable toilet unit would be positioned outside the courtyard to the west when needed for functions but would not be kept there permanently to prevent harm to the setting of the listed building. A total of 54 car parking spaces would be provided for the overall facility with an additional 20 overspill spaces on a separate grassed area. Access would be via the more northerly of the two access points. The appellant stated at the hearing that they envisage a range of uses for the proposed function room including corporate events run by the owner and for hire to members of the public including for weddings.

Road Safety

14. The Council's first three reasons for refusal refer to Policy AMP2 of PPS 3. It was confirmed at the hearing that there are no objections to the safety of the actual access point from Kearney Road. The evidence focuses on the second limb of the policy test under criterion (a) – whether the proposal would significantly inconvenience the flow of traffic. Therefore, it is first necessary to consider the existing flow of traffic. The objectors' evidence states that from their own experience of living on Kearney Road, it is used by 20 to 30 vehicles per day, or between 1 and 2 vehicles per hour. The other parties did not dispute this figure, though the appellant pointed out that there may be seasonal variations. During my site visit, which was not during any function at the castle, I drove along the surrounding roads to assess the standard of the road network and the nature and volume of traffic using them. From my observations during my site visit, I agree that they have a low level of existing use.
15. The volume of traffic attending the site is likely to vary depending on the scale and nature of the function taking place. The appellant presented data from a recognised trip rate calculation database (TRICS). It found that there would be an average increase of 33 private cars and 15 taxis per day, which equates to around 4 vehicles per hour. Given that the venue would not always operate at full capacity, that people attending weddings are likely to share lifts and the appellant's intention to implement a sustainable travel plan, I consider that these are appropriate average figures. However, the traffic would not be spread evenly over 24 hours, but would be concentrated into a 30 to 60 minute window around the start and end of the function. It is therefore pertinent to consider the impact on the road network of approximately 50 cars arriving or leaving within an hour-long peak.
16. Given the nature of likely traffic flows to the site during peak hours, I do not accept the appellant's contention that "the level of change in traffic will not normally be perceptible on the daily fluctuations from one day to the next". There would be an obvious increase in traffic flows during the peak periods. However, as these are public roads, the increase in flow does not of itself make the development unacceptable. Given the low level of existing use of the local roads, I consider that an additional car per minute is well within the capacity of the local roads.
17. The nature of the road network surrounding the site is such that there are a variety of routes leading to the site. The appellant states that local drivers coming from the nearest town of Portaferry tend to use Cook Street and Ballyblack Road to join Kearney Road to the north of the site. The appellant's Travel Plan envisages that

most vehicles originating from the direction of Belfast will travel down the A20 from Newtownards (along the coast of Strangford Lough) and then cross-country via Craigarodden Road and Kearney Road to approach the site entrance from the south. Vehicles arriving via the Strangford Lough Ferry are likely to approach from the south. Traffic will be managed to avoid conflicts on the surrounding road network and travel information will be sent to attendees in advance.

18. Even with the implementation of a Travel Plan, drivers will ultimately choose their own route to the appeal site and some will arrive from the north via Kearney Road which is the most significant pinch point. The Council refers to the narrowness of some sections of Kearney Road (as little as 2.8 metres) which limits the ability of vehicles to pass one another. Two passing bays have recently been created to the north of the access point under planning approval LA06/2016/0602/F for change of use of the castle to a function room. These are designed to accommodate a coach and provide safe passing opportunities for traffic on this narrowest stretch of road. A further passing point is proposed on this stretch as part of the appeal development, though it must be noted that this application was submitted prior to LA06/2016/0602/F. As the two existing approved passing bays are intervisible, it was accepted by all parties at the hearing that a third passing bay between them on this stretch of road would serve no purpose and so is not necessary. Therefore, I will not factor it in to my consideration. Drawing No. 13 which shows the additional passing bay does not form part of the appeal decision, as agreed by the Council and appellant at the hearing.
19. The objectors stated that the two existing passing bays are used as parking bays by visitors or tourists. I saw no evidence of this during my site visit, but accept that it could be a problem on occasion. I was advised at the hearing that the imposition of parking restrictions in the passing bays would not be enforceable. However, the Council agreed that the erection of "Passing Place" signs would help to deter parking and the appellant had no objection to a condition requiring them to provide these signs in accordance with the Traffic Signs Regulations (Northern Ireland) 1997.
20. The appellant's evidence included an analysis of existing passing opportunities on the local road network. Some 31 locations were identified on Craigarodden Road, Kearney Road and Quintin Bay Road. In response, the objectors stated that many of these are private entrances or would damage the road verge, so only 3 out of the 31 were actually viable for passing. As public roads are adopted from the centre of the hedge to each side, any verge or side entrance that exists is deemed to be part of the road and can be used for passing. Having driven along the identified roads during my site visit, I consider that there are a suitable number of opportunities to safely pass an oncoming vehicle without causing damage to the verge. Such manoeuvres are commonplace on narrower rural roads and to be expected by drivers. I do not consider having to pull in to allow a vehicle to pass a significant inconvenience. The level of existing traffic is so low that one would rarely need to make use of a private entrance for passing purposes.
21. The Council and objectors refer to the proximity of a large farm at 22 Quintin Bay Road and the potential to meet farm vehicles travelling on surrounding roads. I did not observe any farm vehicles using the roads during my site visit, though one example is noted in Appendix C of the evidence provided by DFI Roads. There are likely to be daily and seasonal variations in the level of farm traffic depending on the

nature of the agricultural activity being carried out. The range of passing places identified by the appellant provides suitable opportunities to safely pass larger farm vehicles as shown in the DFI photos. There is the potential to meet farm vehicles on any rural road in Northern Ireland that is used to access agricultural land. Such conflicts do not only arise close to farm complexes. While there is the potential for some inconvenience through meeting farm vehicles on the roads adjacent to the appeal site, I am not persuaded that the likelihood of this is greater here than on most rural roads, or that it would amount to significant inconvenience, which is the policy test. The concerns raised in relation to farm vehicles are not determining.

22. The Council's first refusal reason states that the proposal would lead to an unacceptable level of conflict by reason of the increased number of vehicles attracted to the site. However, the Council was unable to point to any reference to 'conflict' in the policy. The test is whether such access would prejudice road safety or significantly inconvenience the flow of traffic. While some drivers may find it inconvenient to have to pull in if they meet a vehicle on a single track road, this is not unusual in the context of rural roads, particularly towards this southern end of the Ards Peninsula.
23. The DFI Roads evidence refers to traffic movements over a short period of time when functions at the venue start and finish and how it would inconvenience the flow of traffic over that period. As the existing traffic flow on the road is only around one vehicle per hour, it is unlikely that that one vehicle would be significantly inconvenienced by traffic attending the site. Even if it did have to pull over to meet cars attending the site, the inconvenience is only over that period, so to my mind, it could not significantly inconvenience the flow of traffic in general terms. Sporadic inconvenience, if it did occur during functions at the appeal site, would not fail the policy test. 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. The Council has not sustained its first reason for refusal.
24. 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. I have already 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 are safe places for vehicles to pass if required. Objectors stated that due to their low vehicular use, the local roads are considered safe for walkers, joggers, cyclists, horse riders and young families. They alleged that these users' lives will be put at risk by the traffic attending the appeal development.
25. During my site visit, I observed walkers on Kearney Road and Ballyblack Road. The narrow nature of the local roads ensures that traffic speeds are low, especially by drivers unfamiliar with the area. I was able to see the pedestrians in good time and there was sufficient room to pass them safely at slow speed. I do not accept that the potential increase in traffic arising from the appeal development would render these roads unsuitable for walking or the other related activities described by the objectors, nor that the additional traffic would result in significant inconvenience to them.
26. The appellant relies on the implementation of a Travel Plan / Event Management Plan to help mitigate the effects of functions on the local road network. It states that

for larger functions, private minibuses could be organised to reduce the number of cars attending. Travel information including recommended routes will be provided to attendees in advance of events. Service vehicles will be coordinated so as not to conflict with guests arriving for events. There will be a member of staff in the car park to direct vehicles on event days.

27. At the hearing, the DFI Roads representative was keen to have an Event Management Plan if the appeal was allowed, but considered that the plan proposed as part of the appeal falls short of what would be required. It was suggested that additional measures be incorporated such as neighbour notification of events, how conflicts with farm vehicle movements may be resolved and more focus on sustainable transport modes. The appellant expressed a willingness to incorporate and agree the above improvements to the Event Management Plan with DFI if the appeal was allowed.
28. I agree that a greater focus on sustainable transport modes would make the Event Management Plan more robust and fit for purpose. However, it would not be reasonable to require the operator to notify neighbours of all events at the castle or to place the requirements of agricultural vehicles above all other road users. Neighbours have been consulted through the planning process and there would be little additional value in ongoing neighbour notification. A planning condition can require a revised Event Management Plan which specifies 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. As I have found that the local roads can accommodate the projected increase in traffic and that the effects of this can be suitably managed through an Event Management Plan, the Council's second refusal reason, and related concerns of objectors, have not been sustained.
29. The Council's third reason for refusal states that the proposal would lead to unacceptable use of the local road network by large vehicles. The local roads are already used by farm machinery, milk tankers, oil tankers and bin lorries on a regular basis, so they are not inherently unsuitable for large vehicles. The appellant's evidence includes a Service Management Plan for the development. Table 3.1 thereof sets out the anticipated vehicles that will service the development. These include a weekly waste collection, daily postal delivery/collection, weekly deliveries of food and beverages for functions and a fortnightly gas delivery. Vehicles will range from 5.5m to 10m in length. Access is also suitable for emergency services if required. The refuse and postal vehicles already use Kearney Road to serve other properties and I note that the same service vehicles are already able to attend the site to service the approved function rooms at the castle. The Council and objectors considered that the frequencies outlined above were an underestimate. Even if more regular food provision or waste disposal was necessary for functions, I am not persuaded that this would be inconsistent with the existing level of use of the local road network by large vehicles such as farm machinery.
30. Servicing of the development also has implications within the appeal site. The final page of the Service Management Plan includes a map of vehicle autotracking for a 10 metre rigid HGV to turn within the site. This appears to have been prepared without regard for either the topography of the site or the historic fabric of the listed building as it would involve such vehicles coming up a steep slope, through the listed garden wall and turning within the walled garden area. The appellant accepted at

the hearing that this impact on the listed building would not be appropriate and suggested that an alternative turning area would be at the triangle in the driveway to the north east of the courtyard. A planning condition could require the agreement of a suitable Service Management Plan with the Council prior to the development coming into use and would ensure that any servicing routes respected the natural and historic environment of the castle grounds. Therefore, the concerns raised with regard to the servicing of the development are not determining and the Council has not sustained its third reason for refusal.

31. Criterion (g) of Policy CTY4 of PPS 21 for the conversion and reuse of existing buildings requires that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. As the appeal proposal complies with Policy AMP2 of PPS 3 because no significant inconvenience to the flow of traffic has been demonstrated, it therefore follows that the proposal also complies with criterion (g) of Policy CTY4, the only matter in dispute under that policy. Accordingly, the Council has not sustained its fifth reason for refusal.
32. Two of the identified criteria in Policy TSM7 of PPS 16 relate to the traffic impacts of the appeal proposal. Criterion (l) requires that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. Criterion (m) requires that the existing road network can safely handle any extra vehicular traffic the proposal will generate. As I have found above that there will be no significant inconvenience to the flow of traffic and that the local roads can safely handle the increase in traffic, the Council has not sustained its sixth refusal reason based on the above criteria.

Car Parking

33. The remaining (fourth) reason for refusal relates to the level of car parking provision. Policy AMP7 of PPS 3 requires the parking provision to be adequate. Whether it is adequate is a matter of planning judgement taking into account factors such as the Department's published guidance, the nature of the development and any reductions applicable under the policy. It is first necessary to set out the guideline quantum of parking required under the Department's *Parking Standards* before taking into account other factors. The proposal is a *sui generis* use which would fall within the requirement for hotels – 1 space per bedroom plus restaurant, function room, conference and bar at 1 space per 5m² gross floor area; resident staff at 1 space per 3 staff on duty.
34. The development already approved at the castle under applications LA06/2016/0602/F and LA06/2018/1367/F has a total of 34 spaces consisting of 9 spaces for the bedrooms in the guesthouse, 22 spaces for the conference room and 3 spaces for staff. The appellant's evidence states that the proposed function room is 257m² and would require an additional 51 spaces plus 3 for staff – a total of 54. The Council's evidence appears to rely on the car parking schedule noted on drawing 04D which stated that the new conference area would require 73 spaces for 257m². This would appear to be an incorrect calculation.
35. At the hearing, the Council raised paragraph 19 (a) of *Parking Standards* which states, "Gross floor space shall be calculated by way of internal measurement to the inner face of the exterior wall and shall include any mall, covered entrance lobby, enclosed circulation space, staff accommodation and other ancillary space." They

argued that the area of the toilets, kitchens, etc, should be included in the overall requirement. However, the entry in the table for hotels does not include any ancillary facilities. Given that the overall requirement already takes account of staff who would be based in the kitchen area and the toilets would only be used by those guests already accounted for in the function room, I am not persuaded that the appellant's interpretation of the overall standard for this development is wrong. In the evidential context before me, I conclude that the baseline parking requirement for the appeal proposal under *Parking Standards* would be 54 spaces. This would accord with my findings on the average number of cars attending functions at the venue. If both the approved and proposed development were in use together, a total of 88 spaces would be required.

36. The proposed plans indicate that a total of 54 car parking spaces would be provided on site to serve both the approved and proposed development within areas that were previously approved for car parking and an additional 20 overspill spaces on a grassed area adjacent to the access. It is not disputed that this would not meet the full requirements for the site as set out in the Department's *Parking Standards*. However, Policy AMP7 sets out five circumstances where a reduced level of parking provision may be acceptable. The appellant argues that two of these apply to the appeal site, namely, where shared car parking is a viable option and where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.
37. The appellant's evidence states, "At any time, the function room under this application will not be used separately to the conference room granted under LA06/2016/0602/F. There will be only one function per day at Quintin Castle... this can be conditioned through a Travel Plan". The appellant argues that if both facilities would not operate at the same time, they can share the same car parking spaces. The Council argued that such a condition would not be enforceable, so the appellant should provide the full parking requirement for both elements of the site. However, they provided no persuasive evidence why such a condition could not be enforced other than that they would have to visit the site to investigate. It appears to me that this would be the case with any alleged breach of planning control and it would not render a condition unenforceable. There are also a range of enforcement tools at the Council's disposal for gathering information from the operator of the site. Therefore, I do not accept that a planning condition restricting the site to one function or event per day would not be enforceable. One function at the castle per day is the basis of the appellant's submission and it is reasonable to calculate the parking requirement based on this intended use. Shared parking is therefore a viable option for the appeal site.
38. As only one of the function areas will be used at a time, the parking requirement for this aspect of the site should be based on the larger of the two. As set out above, this would require 54 parking spaces for guests and staff. The small number of guest bedrooms in the castle are a separate aspect of the site that would not be covered by the suggested condition and could therefore be used separately. It is likely that some attendees at the daily function would make use of the overnight accommodation and therefore there would be an element of shared parking. However, the bedrooms could also be used by other tourists. Accordingly, I consider

that half of the requirement should be provided – an additional 5 spaces. This would result in a total of 59 spaces required.

39. The main car parking areas will provide 54 spaces available for use at any time. The overspill area would provide 20 additional spaces and will not be utilised more than 25 times in a calendar year to fall within permitted development rights for temporary uses under Part 5 Class B of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. Therefore, these spaces would not be available on a daily basis but could be used to supplement the available parking at up to 25 larger events.
40. For most of the year, there would be a shortfall of 5 parking spaces on the site. In light of the high quality built and natural heritage of the site and its surroundings, I consider the shortfall of 5 spaces to be within the flexibility envisaged under the fifth criterion of Policy AMP7. It will enable the beneficial re-use of the existing listed castle without surrounding it with so much car parking that its heritage and setting in a historic park are harmed. I also attach 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 (as discussed above). This has the potential to reduce the number of private cars attending the site for functions. Monitoring of the level of occupancy in the car park would be a useful requirement of the Travel Plan and could inform future adjustments if required. In light of the above considerations, I conclude that there is adequate provision for car parking and that a planning condition can secure appropriate servicing arrangements (as discussed above). The proposal would therefore comply with Policy AMP7 and the Council has not sustained its fourth reason for refusal.

Other Matters

41. A number of other matters were raised by objectors. They referred to the potential for unwanted noise and disturbance that would be generated by events at the appeal site, particularly late at night. They cited a previous wedding held on the site where noise was audible at a long distance. However, this event was not held in the appeal structure which will have in-built noise attenuation.
42. An Outward Sound Level Impact Assessment was prepared and submitted as part of the planning application. This considered the potential worst case cumulative noise level resulting from amplified music, use of the smoking area and vehicular movements. The levels were assessed against the relevant British Standard for both daytime and night time outdoor and indoor targets. Mitigation measures have been incorporated into the design including a lobbied main access, specified glazing and roof construction and the siting of the outdoor smoking area to the eastern façade where it will be shielded by the main building. The Council's Environmental Health Department was satisfied that the proposal was acceptable subject to a number of conditions. Planning conditions can ensure that the structure achieves the designed level of sound reduction, that the smoking area is located in the area identified, specify actions to be taken in the event of a reasonable noise complaint and require submission of details of any noise generating plant and equipment. While the position of the designated smoking area can be controlled by condition, it is not reasonable or enforceable to condition that no smoking should take place at the front of the building. Subject to the above conditions, I am satisfied that the appeal

proposal will not harm the amenity of nearby noise sensitive receptors by reason of unacceptable noise.

43. The objectors further alleged that helicopters visiting the site caused unacceptable noise and "the sickly smell of burnt aviation fuel". They stated at the hearing that a helicopter attending a previous wedding on the site flew low over the area frightening animals in nearby fields. The appellant stated that the owners of the castle have two helicopters, but they are not often used here. I note from the plans that the former helipad will be replaced by car parking. In any case, the use of helicopters to access the site does not form part of the proposal before me, so it is not a matter that I can adjudicate on in the context of this planning appeal.
44. Several objectors argued that the proposal would have adverse impacts on wildlife (including the Quintin Heronry) and local air quality but provided no persuasive evidence that this would be the case. I note that neither the Natural Environment Division nor the Council's Shared Environmental Service had any objection on these grounds when consulted during the application process. Accordingly, these concerns are not determining in the appeal.
45. An objector stated that the site is owned by a property company with no ties to the area. This is not a material consideration. They go on to state that the development poses no real economic benefit to the area. While proponents of the scheme may dispute this statement, there was no objection to the principle of the proposed use, so there is no need to balance any economic benefits of the proposal against any harm that it may cause. Therefore, while there is no conclusive evidence regarding the economic impacts of the proposal before me, the absence of such information is not significant in light of the main issues raised in the appeal.
46. As Quintin Castle is a listed building, planning conditions are necessary to ensure that the historic fabric and character of the building is retained during the development. A condition will require that all materials and finishes are in accordance with the details on the plans as agreed by the Historic Environment Division. It will also control the fixing of any pipes or services to the historic fabric. A further condition is necessary to regulate the techniques used for lead flashing which will connect the new structure to the historic fabric. To preserve the setting of the listed building and the historic park, a condition will ensure that the portable toilet unit is not permanently located within the grounds and must be stored off-site when not required for function purposes. A further condition will ensure that landscaping is carried out during the first available planting season after the function room becomes operational and that any plants dying within five years are replaced.
47. A small part of the appeal site is located within the Outer Ards Special Protection Area (SPA) / Ramsar site and in close proximity to the East Coast Marine proposed SPA (which begins at the mean low water mark). In order to protect the site selection features and conservation objectives of the above designated sites, it is necessary to impose a planning condition restricting construction activity to within the appeal site boundary and prohibiting storage of fuel or spoil, refuelling of machinery, or mixing and washing of concrete, within 10 metres of the boundary of the designated sites.

48. The parties suggested a number of other planning conditions which I do not find necessary to attach to the approval. The Council suggested that the passing bays should be adopted under the provisions of the Private Streets (Northern Ireland) Order 1980. However, this was not done under the previous planning approval relating to them. As they already exist and are not part of the proposal before me in this appeal, it is not relevant to the development being permitted to require their adoption as a condition of this planning approval. I was advised at the hearing that they can be adopted post-construction under Article 9 of the Private Streets Order in any case. As it was agreed at the hearing that the third passing bay is not now necessary, there is no need to condition the road works required to implement it.
49. In the event that it was found unnecessary to adopt the passing bays, the Council and DFI Roads suggested that a condition should require an agreement under Article 11 of the Roads (Northern Ireland) Order 1993. This relates to 'extraordinary traffic' and would enable DFI to charge the developer for any damage caused to the road. DFI Roads was unable to give any other example of such a condition being imposed within Ards and North Down Borough. I was advised that it is normally only applied to quarries and I consider that the vehicular traffic attending a quarry would be much different in nature to that attending the appeal site. I am not persuaded that a condition requiring such an agreement is necessary for the appeal proposal and I note that the above Article 11 permits the Department to recover maintenance expenses from the developer if they do incur extraordinary expenses whether an agreement is in place or not.
50. The Council proposed conditions requiring that no development take place until the method of sewage disposal is agreed in writing with NI Water or a Consent to Discharge under the Water (Northern Ireland) Order 1999 has been granted and that the direction of any soakaway is regulated. As there is no mains sewerage in this area, there is no need for an agreement with NI Water. I was advised that the existing septic tank and soakaway would be used, so I see no need to further condition the discharge of sewerage. If changes are required, they will be subject to the requirements of the Water Order in any case. The appellant suggested additional conditions relating to services and drainage within the site based on consultee responses, but the Council did not require these to be imposed and I consider that they are not necessary or relevant to planning.

Conclusion

51. In conclusion, I have found that subject to the agreement of a Sustainable Travel Plan and Service Management Plan, the appeal proposal would not result in significant inconvenience to the flow of traffic on the surrounding road network. On the basis that only one event per day will be held at the Castle, I have found that the proposed level of car parking provision is adequate. As the Council has not sustained any of its reasons for refusal and the other concerns raised by objectors are not determining, the appeal succeeds and full planning permission is granted subject to the conditions set out below.

Conditions

- (1) The development hereby permitted shall not become operational until a Sustainable Travel Plan and Event Management Plan has been submitted to and agreed in writing by the Council. The above plan shall:
 - ensure that a maximum of one function or event is held at Quintin Castle per day;
 - ensure that traffic uses the northern entrance to the site;
 - incorporate measures to maximise the use of sustainable transport modes by attendees; and
 - provide for the sharing of travel information with attendees, and the sharing of travel data relating to the site with the Council.

The development shall operate in accordance with the agreed Sustainable Travel Plan and Event Management Plan. The operator of the development shall review the operation of the Sustainable Travel Plan and Event Management Plan on an annual basis and shall agree any improvements with the Council.

- (2) The development hereby permitted shall not become operational until a Service Management Plan has been submitted to and agreed in writing by the Council. Servicing routes shall respect the natural and historic environment of the castle grounds and shall be timed to avoid conflict with traffic attending events at the castle. The development shall operate in accordance with the agreed Service Management Plan.
- (3) All materials and finishes shall accord with the approved drawings set out below. New walls will be reversible stud partitions. No vents, extracts or plumbing pipes, other than rainwater goods, shall be fixed on the external face of the building, unless shown on the approved drawings. New services shall integrate into the existing building without proliferation of voids through historic fabric or new service ducts.
- (4) All flashings shall be non-machine tool cut lead installed fully in accordance with the Lead Sheet Association's current recommendations and shall protrude no more than 50mm into the fabric of the listed building.
- (5) The portable toilet unit must be stored off-site and shall only be located in the position shown on drawing 04D within 48 hours of a function when required for function purposes.
- (6) All hard and soft landscape works shall be carried out during the first available planting season after the function room hereby permitted becomes operational in accordance with the approved details as shown on drawing 04D and the appropriate British Standard or other recognised codes of practice. 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 Council gives written consent to any variation.
- (7) All construction activity shall be confined within the site boundary. There shall be no storage of fuel or spoil, or refuelling of machinery, or mixing and washing of concrete, within 10 metres of the boundary of the Outer Ards SPA / Ramsar, or any waterway inside the red line boundary.

- (8) The function room shall be constructed in accordance with the details shown on drawing 11A to achieve a minimum sound reduction performance of 38dB RW. The glazed area within the roof shall provide a comparable sound reduction. The sound reduction of the glazed screen shall comply with the levels specified in Table 1 below:

	Octave Band Centre Frequency [Hz]						
	63	125	250	500	1000	2000	4000
Glazed screen	15	20	22	25	26	27	28

Table 1: Octave band sound reductions of glazed screen

- (9) The outdoor smoking area shall be positioned as indicated on drawing 04D.
- (10) Within one month of a reasonable noise complaint being received by the Council, a noise survey shall be undertaken during a function to measure the cumulative noise impact at the nearest noise sensitive façade and the results submitted to the Council. If the cumulative noise impact exceeds the levels previously set, then further works to reduce the noise levels shall be agreed in writing with the Council and undertaken within 3 months. Within one month of completion of the further works, a noise survey shall be completed as set out above and the results submitted to the Council.
- (11) Before the function room becomes operational, details of any fixed plant or equipment associated with the development shall be submitted to and agreed in writing with the Council.
- (12) Before the function room becomes operational, "Passing Place" signs shall be erected at the two existing passing bays on Kearney Road in accordance with Schedule 4 of the Traffic Signs Regulations (Northern Ireland) 1997.
- (13) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:-

Drawing No.	Title	Scale	Received by Council	Received by PAC
02	Site Location	1:2500	05 Feb 2016	10 Aug 2021
03	Existing Site Layout	1:500	03 Feb 2016	10 Aug 2021
04D	Proposed Site Layout	1:500	22 Mar 2021	10 Aug 2021
05	Existing Ground Floor Plan	1:100	03 Feb 2016	10 Aug 2021
06B	Proposed Ground Floor Plan	1:100	09 Feb 2021	10 Aug 2021
07	Existing North & South Elevations	1:500	03 Feb 2016	10 Aug 2021
08	Existing East & West Elevations	1:500	03 Feb 2016	10 Aug 2021
09A	Proposed North & South Elevations	1:500	07 Dec 2017	10 Aug 2021
10B	Proposed East & West Elevations	1:500	21 Aug 2020	10 Aug 2021
11A	Proposed Courtyard Detailed Section	1:20	07 Dec 2017	10 Aug 2021
12B	Proposed Section A-A	1:50	21 Aug 2020	10 Aug 2021
14A	Proposed Section B-B	1:50	21 Aug 2020	10 Aug 2021

15A	Proposed Section C-C	1:50	21 Aug 2020	10 Aug 2021
16A	Proposed Section D-D & E-E	1:50	21 Aug 2020	10 Aug 2021
18A	Proposed Section F-F	1:50	09 Feb 2021	10 Aug 2021
19A	Door Schedule	NTS	09 Feb 2021	10 Aug 2021
PAC1	Service Management Plan Rev B	1:1500	-	18 Oct 2021
PAC2	Travel Plan incorporating an Event Management Plan and Layout Plan of Proposed Passing Bays	1:2000	-	18 Oct 2021

Note: Drawing No. 13 – Proposed, Access, Parking and Passing Bay Details at scale 1:1000, received by the Council on 03 Feb 2016 – does not form part of the approval as the additional passing bay indicated therein is not required.

COMMISSIONER GARETH KERR

List of Appearances

Planning Authority:-	Christine Hamilton Paula Kerr (until 12 noon) Sid Stevenson (DFI Roads)
Appellant:-	Michael Graham (Tetra Tech) Tony O'Hare (McCreanor Company Architects) Karen McShane (Kevin McShane Ltd.) Niamh Semple (Kevin McShane Ltd.)
Third Parties:-	Jonathan Wilson Raymond Wilson

List of Documents

Planning Authority:-	A	Statement of Case Ards and North Down Borough Council
	B	Rebuttal Statement Ards and North Down Borough Council
Appellant:-	C	Statement of Case Tetra Tech
	D	Appendices to Statement of Case Tetra Tech
	E	Rebuttal Statement Tetra Tech
Third Parties:-	F	Statement of Case Mr & Mrs C. R. Wilson
	G	Rebuttal Statement Mr & Mrs C. R. Wilson

Unclassified

111

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	06 September 2022
Responsible Director	Director of Regeneration, Development & Planning
Responsible Head of Service	Head of Planning
Date of Report	26 August 2022
File Reference	
Legislation	Local Government Act (Northern Ireland) 2014
Section 75 Compliant	Yes
Subject	Quarter 1 Performance Update
Attachments	N/A

Context

Members will be aware that Council is required, under the Local Government Act 2014, 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 outlines 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 outline how each respective Service will contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Unclassified

112

Reporting approach

The Service Plans will 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.

RECOMMENDATION

It is recommended that the report is noted.













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113

Quarterly Performance Report - Planning

Generated on: 26 August 2022

Last Update Q1 2022/23

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Undertake health and condition surveys of all existing historical Tree Preservation Order (TPO) sites	25%	25%
	Number of weeks to process local applications from date valid to decision or withdrawal	23	15
	Number of weeks to process major applications from date valid to decision or withdrawal	53.6	30
	% of householder applications processed to recommendation with 8 weeks	57%	75%
	Appeals against refusal of planning permission dismissed by PAC	100%	60%
	% spend against budget	84.33%	100%
	% audit reports satisfactory or above	0%	0%
	% progress of all enforcement cases to target conclusion within 39 weeks of receipt of complaint (i.e. case closure, date on which Enforcement Notice or Breach of Condition Notice issued, summons to court (date solicitor instructed)	36%	70%
	AND, alongside 9 other Councils and the Department for Infrastructure, has agreed to award a contract to replace the NI Planning Portal system; the project is well underway and in its design and configuration stage	0%	0%
	Continue to work alongside Department for Infrastructure to identify improvements to the planning system through review of the implementation of the Planning Act, and contribution of consultees to the planning system (meetings/workshops)	3	3
	% staff attendance	90.12%	95%
	% staff reporting regular/monthly receipt of team briefings	100%	100%

Unclassified

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	% staff reporting regular annual Pride and Performance conversations	0%	0%

Choose a Report Classification

115

ITEM 7

Ards and North Down Borough Council

Report Classification	Choose a Report Classification
Council/Committee	Planning Committee
Date of Meeting	06 September 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	17 August 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Council concern regarding Review of Mineral Planning Permissions (ROMPs)
Attachments	Item 7a - Council letter to DFI dated 04-03-2022 Item 7b - DFI response dated 06-04-2022 Item 7c - Further Council letter to DFI dated 19-07-2022 Item 7d - DFI response dated 01-08-2022 Item 7e - Report to Committee re ROMPs NOM

Members will recall 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).

As Members will read, the Minister has attempted to reassure the Council that implementation of ROMPs is still some way off and that there will be opportunity for

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116

detailed engagement with the councils as local planning authorities prior to commencement and implementation.

RECOMMENDATION

That the Council notes the content of the response from the Minister for Infrastructure in relation to the commencement of ROMPs.

Our Ref: COR 2022-061

Your Ref:



117

**Ards and
North Down**
Borough Council

Ms Nichola Mallon
Minister for Infrastructure

Via Email Only: private.office@infrastructure-ni.gov.uk

4 March 2022

Dear Minister

Ref: Review of Mineral Planning Permissions (ROMPs)

I am writing to advise you that this Council has recently ratified a Notice of Motion regarding section 129 of The Planning Act (Northern Ireland) 2011 as follows:

'The Council notes with concern that, since Local Government Reform in 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Minerals Permissions (ROMPs). Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities resulting from repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, this Council considers the imposition of these responsibilities and liabilities upon our resources as unreasonable. Therefore, this Council calls on the Minister for Infrastructure, to urgently legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and for her Department to implement, administer and deliver ROMPs'.

Your Department's recent report into the Review of the Implementation of the Planning Act acknowledges that whilst the introduction of the legislation relating to the Review of Minerals Permissions (ROMPs) in Northern Ireland has not been commenced, no decision has been taken not to implement ROMPs. I note that you intend to consider options as presented by your officials early this year, and to that end I would urge you to give consideration to this Council's views as set out above.

Our Ref: COR 2022-061

Your Ref:



118

**Ards and
North Down**
Borough Council

The Council would appreciate your response to the Motion as set out in this letter.

Yours sincerely

STEPHEN REID
Chief Executive

Regional Planning Directorate

Mr Stephen Reid
Chief Executive
Ards and North Down Borough Council
stephen.reid@ardsandnorthdown.gov.uk

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

Email: angus.kerr@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your reference: COR 2022-061
Our reference: CORR-0292-2022

06 April 2022

Dear Mr Reid

Review of Mineral Planning Permissions (ROMPs)

Thank you for your email of 4th March. Your correspondence has been received in the Minister's office and passed to me for response.

Firstly, my apologies for the delay in responding. In anticipation of the end of our Assembly mandate the Minister was working on a range of priorities, one of which was her consideration of an options paper on the provisions within the Planning Act (NI) 2011 relating to the review of old mineral planning permissions (ROMPs).

I can advise that on the 27 March 2022 the Minister announced that the ROMPs provisions should be amended and commenced as early as possible in the new mandate. The amendments include the expansion of the provisions to cover both the extraction and processing of minerals as the current provisions as written cover only the extractive element of operations.

I appreciate your concerns regarding the Council's role in managing the resulting applications but the Department remains of the view that local government is the most appropriate level at which these applications should be considered and determined. This is in line with the previous Executive and Assembly's decision to transfer local planning decisions to councils.

However, to address your concerns and those raised by other councils, the Department will work together with both councils and the industry on implementation. This will include considering a phased approach to implementation, the introduction of a fee for ROMPs applications and the provision of suitable guidance and model conditions.

When implemented, ROMPs will secure improved operating and environmental standards for existing quarries across the North. I hope the necessary legislation can be made early in the next mandate and that this will ensure that the anticipated benefits materialise as soon as possible, however this will require Ministerial agreement.

I look forward to your Council and the rest of local government playing its part, along with the Department and the quarrying industry in implementing this important process in the future.

Yours sincerely



ANGUS KERR
Chief Planner &
Director of Regional Planning

See the recent press release available at the following link:-

[Review of Old Mineral Permissions - Minister Mallon Indicates Way Forward | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

Our Ref: COR 2022-061
Your Ref: CORR 0292-2022



121

Mr John O'Dowd MLA
Minister for Infrastructure

Via Email Only: private.office@infrastructure-ni.gov.uk

19 July 2022

Dear Minister

Ref: Review of Mineral Planning Permissions (ROMPs)

I previously wrote to your predecessor, Ms Nichola Mallon MLA, by letter dated 04 March 2022, regarding a Notice of Motion by this Council criticising the Department's failure to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Mineral Permissions (ROMPs). The Council received a response from your Department's Chief Planner on 6 April 2022.

The Council wishes to place on record its continued disappointment regarding lack of commencement of the relevant legislation; but also its further concern regards the Department's intention to amend and commence provisions as early as possible in the present mandate, with local councils remaining responsible for this area of work. Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities, including this Council.

This Council has faced significant financial and resource burdens associated with an ongoing enforcement case regarding Fishquarter Quarry, Kircubbin. Planning permission, without any appropriate conditions, was granted in 1967, however, the then Department for Environment granted planning permission for residential development in close proximity to the quarry without being aware of the existence of the 1967 permission, despite it being recorded by the Department's Minerals Section and a copy of the planning decision first being made available to the Council in 2016.

The Council notes with interest the reference made by your Chief Planner to Minister Mallon having been presented with an options paper on the provisions of the Planning Act to ROMPs. The Council is not aware of any discussion or engagement having taken place with local planning authorities on this critical area of environmental concern; rather, this Council responded to the Call for Evidence (CfE) by the Department into the implementation of the Planning Act, specifically objecting to the intention to burden councils with ROMPs. I refer you to your Department's review of the CfE, specifically the line within the Executive Summary which reads as follows:

'Overall, the aim of the Act is to create a planning system which is quicker, clearer and more accessible, with resources better matched to priorities.'

Our Ref: COR 2022-061
Your Ref: CORR 0292-2022



122

As the Public Accounts Committee notes in its Report into Planning in Northern Ireland, published March 2022, councils did not inherit a cost-neutral planning system upon transfer of planning powers, and the planning system continues to be financially unsustainable; yet, despite this, the Department still proposes to burden councils further by imposing responsibility and liability for ROMPs. In this case the Council does not consider that ROMPs as the responsibility of councils will contribute to a planning system with resources better matched to environmental priorities.

This Council continues to consider this approach as entirely unreasonable, regardless of any reference made to introduction of fees for ROMPs applications and provision of suitable guidance and model conditions. This is stated in the context of lack of guidance or late introduction of guidance to date by the Department into those elements of the Planning Act which were commenced upon transfer.

The Council therefore requests, prior to any intention to impose responsibility onto local planning authorities, appropriate detail of when effective engagement will be undertaken with all councils on this particular matter, in order for the Department to properly understand the implications the commencement of ROMPs and its application by councils will have on the ratepayers of this and other Local Authorities accordingly.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Reid".

STEPHEN REID
Chief Executive

From the office of the Minister for Infrastructure
John O'Dowd MLA



Mr Stephen Reid
 Chief Executive
 Ards and North Down Borough Council
 Email:

Room 708
 Clarence Court
 10-18 Adelaide Street
 BELFAST
 BT2 8GB
 Telephone: (028) 9054 0540
 Email: Private.office@infrastructure-ni.gov.uk

Your reference: COR 2022-061
 Our reference: COR-2167-2022
 1st August 2022

Dear Stephen,

REVIEW OF MINERAL PLANNING PERMISSIONS (ROMPS)

The Minister understands your council's concerns that the ROMPs legislation, in the Planning (NI) Act 2011, has not yet been brought into effect. Officials have advised that before it can be commenced, the legislation must be amended. This is to comply with the Environmental Impact Assessment (EIA) Directive, to ensure appropriate transparency and public participation and to make sure that the full quarrying process is covered. The Minister will need to approve this process and it will also require an Executive to be in place.

The Minister appreciates the impact the reopening of Fish Quarter quarry has had on those living nearby and the consequent difficulties your council faces in monitoring and, where possible, mitigating those impacts. Officials have advised that your council has powers under the Clean Neighbourhoods and Environment Act to control nuisance noise, and blasting vibration, from quarries and I am sure you are making full use of these powers.

In relation to the options paper presented to, the then Minister, Nichola Mallon, it did consider council's concerns regarding the resource implications of ROMPs. It also acknowledged that there would need to be extensive engagement with Councils prior to commencement and implementation. The paper suggested options to reduce and spread the potential cost and administrative burden of ROMPs such as phasing; the development of model conditions and new supporting guidance in collaboration with councils and the potential for a ROMPs planning fee to enable councils to recover costs.

As you will be aware, once the Minister has decided to commence the legislative process there will be ample opportunity for further council engagement including full public consultation. This will allow engagement around the detail on how ROMPs will work in the North including measures to assist with implementation. While the Minister appreciates your concerns his initial view is that local government is the most appropriate level at which ROMPs applications should be considered and determined. This is in line with the previous Executive and Assembly's decision to transfer local planning decisions to councils.

I trust I have reassured you that we are still some way off implementing ROMPS in the North and that there will be plenty of opportunity for detailed engagement with Councils throughout the process.

The Minister looks forward to your council and the rest of local government playing its part, along with the Department and the quarrying industry in implementing this important process in the future.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EMMA STOCKMAN', written in a cursive style.

EMMA STOCKMAN
Private Secretary to the Minister

Unclassified

125

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	19 May 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 April 2022
File Reference	RDP39/RDP14
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Notice of Motion on Revision of Mineral Planning Permissions (ROMPS)
Attachments	Item 6.1: Correspondence from Council to Minister for Infrastructure dated 04.03.2022 Item 6.2: Response from Chief Planner to Council dated 06.04.2022

Background

In February 2022 Council adopted a Notice of Motion submitted by Councillor McKee and Councillor Kendall:

That Council notes with concern that, since Local Government Reform in 2015, the Department for Infrastructure (and the Department for the Environment before that) has failed to commence Section 129 of the Planning Act (Northern Ireland) 2011 on the review of Old Minerals Permissions (ROMPs). Such delays in legislating for the need for historic minerals permissions to comply with robust environmental standards has already given rise to significant harm and places undue liabilities and responsibilities on public authorities resulting from repeated Ministerial decisions since 2006 not to commence ROMPs legislation.

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126

In recognition of the considerable pressures that the implementation of ROMPs will place on the financial and staffing resources of this Council, this Council considers the imposition of these responsibilities and liabilities upon our resources as unreasonable. Therefore, this Council calls on the Minister for Infrastructure, to urgently legislate for the removal of responsibility for the implementation, administration and delivery of ROMPs from this, and all local authorities, and for her Department to implement, administer and deliver ROMPs.

Progress

Council subsequently wrote to the Minister for Infrastructure on this matter (see letter attached at Item 6.1). The Department for Infrastructure (Dfi) has now responded, and a copy of the Chief Planner's response is attached at Item 6.2.

It reads that Dfi will proceed with passing ROMPs over to Councils for implementation, administration and delivery. It states that, with regard to concerns raised by this and other councils, the Department will consider a phased approach to implementation, the introduction of a fee for ROMPs applications, and the provision of guidance and model conditions.

Officers strongly disagree with the approach outlined by Dfi and it is proposed that Council writes back to the Department in this regard.

RECOMMENDATION

It is recommended that Council writes back to the Minister for Infrastructure and the Chief Planner, opposing the Department's approach.

Unclassified

127

ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Council
Date of Meeting	06 September 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	17 August 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>
Subject	Neighbouring Council's (Belfast City Council) consultation in relation to Modification to Draft Plan Strategy and Suite of Supplementary Planning Guidance consultation.
Attachments	Item 8a - Acknowledgement response to the consultation

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 is appended for Members' information.

RECOMMENDATION

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

Our Ref: COR/2022/0139

Your Ref:



128

**Ards and
North Down**
Borough Council

Planning Department
2 Church Street
Newtownards
BT 23 4AP

Ms K Bentley
Director of Planning and Building Control
Belfast City Council
9-21 Adelaide Street
Belfast
BT2 8DJ

By e-mail only: localdevelopmentplan@belfastcity.gov.uk

7 July 2022

Dear Ms Bentley,
Belfast Local Development Plan – Draft Plan Strategy Modifications Consultation

Thank you for your email correspondence received by the Chief Executive's Office regarding the Department for Infrastructure (DfI) Direction under section 12 (1) (b) of the Planning Act and the respective consultation exercise; I have been asked to respond from the Planning Department.

It is noted that Belfast City Council (BCC) is now directed to adopt the BCC draft Plan Strategy with the modifications as set out in the Direction from DfI. The Council notes this and acknowledges the progress made towards final adoption of BCC Local Development Plan, draft Plan Strategy.

The Council has no comment to make at this time to the Plan's modifications which include an additional strategic policy deemed necessary for phasing of development in terms of infrastructure provision.

The Planning Department of Ards and North Down Borough Council also notes the tandem publication of a suite of 17.no. Supplementary Planning Guidance (SPG) documents which seek to explain and to support the implementation of policies included in the BCC Plan Strategy.

This Council shall continue engagement with Belfast City Council regarding the development of the respective Local Development Plans.

Yours sincerely,

Leona Maginn
Principal Planner