Dear Sir/Madam

You are hereby invited to attend a meeting of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards on Tuesday, 5 February 2019 commencing at 7.00pm.

Tea, coffee and sandwiches will be available from 6.00pm.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

AGENDA

1. Apologies

2. Declarations of Interest

3. Matters arising from minutes Planning Committee Meeting of 4 December 2018 (Copy attached)

4. Planning Applications (Reports attached)

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<tr>
<td>4.1</td>
<td>LA06/2018/0004/O</td>
<td>Site for Dwelling Approx. 25m south of 31a Ballygowan Road, Comber</td>
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<td>4.2</td>
<td>LA06/2017/1434/F</td>
<td>4no. 2 bedroom apartments, 1no. 3 bedroom penthouse and 1no. detached dwelling 96 Bangor Road, Newtownards</td>
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<td>4.3</td>
<td>LA065/2016/0295/F</td>
<td>New dwelling consisting of detached two storey house and associated site works Site to the rear of 18 Old Cultra Road, Holywood</td>
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<td>4.4</td>
<td>LA06/2018/0742/F</td>
<td>Demolition of former petrol filling station, retail unit and canopy for redevelopment for 18no. two bedroom apartments for social housing, including associated car parking and all other ancillary site works Former Petrol Filling Station at 375 Old Holywood Road, Holywood</td>
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4.5  LA06/2017/0793/F  Proposed residential development of 43 detached dwellings with public open space and associated car parking, landscaping and site works Lands to the rear of Nos. 1-7 Brooklands Avenue and Brooklands Park, Nos. 2-24 Aldergrange Park & 57-63 Manse Road, Newtownards

4.6  LA06/2018/0436/F  Demolition of existing public house and toilet block buildings. Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities The Front, Hibernia Street Stokers Halt, 25-29 Hibernia Street, toilet block and car park adjacent to and north of 2 Redburn Square and 25-35 Hibernia Street, Holywood

5.  Update on Planning Appeals (Report attached)


ITEMS 8-9 ***IN CONFIDENCE***

8.  Update on Planning Enforcement Matters (Report attached)

9.  Legal spend on Prosecutions (Report attached)

10. Planning Portal Replacement (Verbal Update)

MEMBERSHIP OF PLANNING COMMITTEE (15 MEMBERS)

<table>
<thead>
<tr>
<th>Alderman Carson</th>
<th>Councillor Cathcart (Chair)</th>
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<td>Alderman Fletcher</td>
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<td>Alderman Keery</td>
<td>Councillor Walker</td>
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<td>Alderman McDowell (Vice Chair)</td>
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ITEM 7.2.

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held in the Council Chamber, 2 Church Street, Newtownards on Tuesday, 4 December 2018 at 7.00pm.

PRESENT:

In the Chair: Councillor Cathcart

Aldermen: Carson Graham
           Fletcher Henry
           Gibson Keery
           Girvan McDowell

Councillors: Dunne Mcllveen Walker

Officers: Director of Regeneration, Development and Planning (S McCullough), Senior Professional and Technical Officers (A Todd & C Rodgers) and Democratic Services Officers (M McElveen and P Foster)

Also in Attendance: Patrick and Margaret McCartan (Roseville Avenue, Bangor)
                    Diana Thompson (MBA Planning)
                    Noel Orr – Agent (OMNI Architects)
                    Paul Singleton – Drainage Consultant (McCloy Consulting)
                    David Donaldson (Donaldson Planning)
                    Tom Stokes (TSA Planning)

WELCOME

The Chairman welcomed members and officers to the meeting and made a special mention of those persons with speaking rights and members of the public seated in the public gallery.

1. APOLOGIES

Apologies for inability to attend were received from Councillors McClean and Thompson and Head of Planning (A McCullough).

NOTED.

2. DECLARATIONS OF INTEREST

There were no declarations of interest notified.

NOTED.
3. **MATTERS ARISING FROM MINUTES PLANNING COMMITTEE MEETING OF 6 NOVEMBER 2018**

PREVIOUSLY CIRCULATED:- Copy of the above.

RESOLVED, on the proposal of Councillor McIlveen, seconded by Alderman McDowell, that the minutes be noted.

4. **PLANNING APPLICATIONS**

4.1 **LA06/2017/0877/RM – Lands to the south and east of St. Gall’s Church and Crawfordsburn Lane, Bangor**– Reserved matters application for residential development complying with conditions reserved within outline approval W/2014/0450/O comprising 54 no. dwellings and 10 apartments and associated car parking and landscaping works (Appendix I)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

**DEA:** Bangor West  
**Committee Interest:** Application with 6 or more representations contrary to officer’s opinion  
**Proposal:** Reserved matters application for residential development complying with conditions reserved within outline approval W/2014/0450/O comprising 54 no. dwellings and 10 apartments and associated car parking and landscaping works  
**Site Location:** Lands immediately to the south and east of St. Gall’s Church and Crawfordsburn Road, Bangor  
**Recommendation:** Approval

The Senior Professional and Technical Officer (A Todd) outlined the detail of the application which was an application seeking approval of reserved matters for a housing development comprising 54 dwellings and 10 apartments on lands to the south and east of St Gall’s Church, Crawfordsburn Road, Bangor. The application had been brought before Planning Committee for consideration as the associated outline planning application granted permission was for major development and had been previously considered by Planning Committee.

**Site and Surroundings**  
The site was an area of undeveloped land extending to approximately three hectares. It was located between the existing housing at Roseville Park and Roseville Avenue and St Galls Church on the Crawfordsburn Road. The outline planning permission for this development had been granted in September 2016 in the context of the adopted Belfast Metropolitan Area Plan at the time which designated the site for housing. The principle of the residential development was therefore established by reason of the extant planning permission on this site and all that remained to be considered was the Reserved Matters details such as design, landscaping, materials and finishes. Matters relating to the principle of the development or the planning conditions of the outline planning permission could not be re-visited at Reserved Matters stage.
Proposal
The proposals complied with all of the conditions of the outline planning permission and the key site requirements which were set out in BMAP as part of the housing designation. Those included the retention of existing hedgerows and trees, provision of open space along with additional landscaping, the inclusion of 10 social housing units and a proposed density of no more than 25 dwellings per hectare. The layout of the development also reflected the conceptual layout approved at outline stage which included access off Roseville Avenue.

The layout would provide for a quality residential environment which would respect the character of the area. The proposed house types were predominantly detached and semi-detached reflective of the existing low to medium density in the vicinity. The height and massing of the proposed 2 – 2 ½ storey apartment building was also not excessive and would be located in a central position within the site to the rear of St Gall’s church where there would be no views from within the wider area.

Representations
Seven letters of objections had been submitted. Five of those were from residents, one from MLA Steven Agnew and one from Councillor Rachel Woods. The main planning concerns raised included:

- Loss of amenity to existing residents
- Traffic impact
- Potential flooding and poor drainage
- The density of the development
- Impact on the character of the area

All of those concerns had been considered in detail in the case officer’s report. The access arrangements and traffic impact of the proposed development were considered in detail and accepted by DFI Roads at outline application stage. The Crawfordsburn Road was a Protected Route. Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking stated that permission would only be granted for access off a Protected Route within settlements where access could not reasonably be taken from an adjacent minor road. The proposal complied with the policy requirement by gaining access to the site from the Protected Route via an adjacent minor road. A Transport Assessment and surveys had been submitted at outline stage which identified that the existing road infrastructure met the required standards and could accommodate the proposed development. In accordance with the standards set out in the Creating Places Guidelines, the 5.5m width of Roseville Avenue would provide sufficient capacity for around 200 dwellings. Wandsworth Road which linked directly onto the Protected Route, had a width of between 7-7.3m which according to Creating Places, would constitute a local distributor road which would provide sufficient capacity for around 400 dwellings, significantly more than the proposed development combined with all the existing dwellings. The density of the development at 23 dph was below the maximum density of 25dph which was specified in BMAP. It would also not be significantly higher than that found on Roseville Park and Roseville Avenue which was between 19 - 21 dph.
Summary
In summary, it was considered that the proposal complied with all the conditions of the outline planning permission and met all the policy requirements of PPS7 by providing a quality residential environment which would respect the established character and amenity of the area. All of the statutory bodies consulted had raised no objections to the proposal. On this basis it was recommended that the Reserved Matters application should proceed by way of an approval.

The Chairman reminded members that the application before them was a Reserved Matters application at this stage.

Alderman Graham sought clarification on how the proposed new development compared in respect of density to other existing developments in the surrounding vicinity.

The Senior Professional and Technical Officer referred to the report which detailed the density of the development at 23 dwellings per hectare (dph) which it was noted was below the maximum density of 25dph as specified in BMAP. She added that it would also not be significantly higher than that found on Roseville Park and Roseville Avenue which was between 19 - 21 dph.

Referring to the access issue for the proposed site, Councillor Dunne asked if alternative access sites had been considered.

In response the Senior Professional and Technical Officer reminded members the Outline application and proposed access had been considered in great detail in 2016 and subsequently approved.

The Chairman invited representatives to come forward who were speaking against the application.

Mr Brian Stone, resident of Roseville Avenue and Mr Patrick McCartan came forward at this stage.

Mr McCartan thanked members for the opportunity to address them and consider their concerns and those of the residents of Roseville and Wandsworth. He asked members to consider reviewing some aspects of the application as well as the conditions to be imposed upon it.

Mr McCartan advised that density was a concern particularly as the proposed house types were very different to those in the surrounding area. He stated that he disagreed with the Planning Officer’s comments in respect of density and instead felt the proposed density was in the region of 30-35 dph. In respect of the proposed social housing element he advised that there were no objections and instead residents would be keen to see those dwellings constructed first. Continuing he commented that the proposed house types including town houses would be very different to the existing homes in the surrounding area and in his opinion, were not compliant with BMAP requirements for compatibility with existing dwellings in the area. He asked members for that to be taken into consideration.
Referring again to the issue of access, Mr McCartan noted that four possible options had been considered before a final decision had been taken that Roseville Avenue was the preferred access point for the proposed development. He expressed the view this was a step too far in respect of safety and instead to use one of the other available access routes would greatly enhance safety and make a safer provision for users of the B20 Crawfordsburn Road. He added that a two-metre-wide footpath was not practical or safe. Continuing Mr McCartan also noted that it was proposed to culvert a stream at the Roseville Avenue access points and he asked that that too was reconsidered.

The Chairman invited questions from members at this stage.

Alderman McDowell asked if any consultation had been undertaken with residents of Roseville.

Mr McCartan confirmed that no consultation had been undertaken aside from the required statutory consultation.

Alderman Gibson noted the application had previously been considered by Committee in great detail and he asked Mr McCartan if he had been aware of the access proposals at that stage.

In response Mr McCartan stated that during the Outline Planning consideration stage residents of Roseville had not been advised when they could come forward to raise their concerns to the Committee at that time. He added that instead detailed correspondence had been forwarded to the Council on 20 October 2017 from the residents of Roseville outlining their concerns.

As there were no further questions, the Chairman asked the representatives to return to the public gallery 7.18pm.

The Chairman invited representatives to come forward who were speaking for the application.

Diana Thompson, MBA Planning, Noel Orr, Architect and Paul Singleton, McCloy Consulting Drainage representative came forward at this stage.

Ms Thompson advised that MBA Planning had acted on behalf of the developer throughout the BMAP process and therefore they were familiar with the site in question. Continuing she stated that they fully endorsed the Planning Officer’s report confirming that the proposed density was less than the maximum density of 25dph as specified in BMAP. She confirmed that the existing mature trees and hedgerows would be retained along the site boundaries and that a landmark 3 storey apartment building would be positioned in the centre of the proposed development. In respect of the design of the proposed house types, Ms Thompson confirmed that consideration had been made in respect of the surrounding existing properties. Referring to concern raised about drainage proposals Ms Thompson confirmed that those had been granted a Schedule 6 Consent to Discharge by the Rivers Agency following completion of a drainage assessment of the site.
By way of summing up Ms Thompson noted the proposed development would provide 100 construction jobs over a period of seven years and bring £15m of investment into the local area. The development would also see an increase in the Net Rateable Value for the local area and provide new homes which would be energy efficient.

The Chairman invited questions from members at this stage.

In response to a query from Alderman Gibson, Ms Thompson confirmed that only one access had been approved.

Councillor Walker noted the plans provided detailed a cul-de-sac at the end of Roseville Park abutting onto the proposed development and asked if there had been a reason for that.

In response Mr Orr confirmed that such matters had been thoroughly considered during previous discussions at the Outline Planning stage and as such that layout had been approved then.

Alderman McDowell sought clarification on whether or not any consultation had been undertaken with neighbouring residents.

Mr Orr indicated that there was no obligation for such consultation to be undertaken at Reserved Matters stage. However, he was able to confirm that he had held several meetings with some of the representatives in attendance at the meeting and throughout the entire planning process he had made himself readily available for consultation.

As there were no further questions, the Chairman asked the representatives to return to the public gallery 7.26pm.

Councillor Walker noted there appeared to be an issue with the character of the proposed dwellings and asked if amendments could be made to the house types at this stage.

The Senior Professional and Technical Officer confirmed that changes of that nature could be made at this stage however she was content the proposals before members had been considered in detail and would not have any detrimental impact on the character of the area.

At this stage Alderman Girvan noted the inclusion of townhouses/terraced properties in the proposed development within an area of townscape character and asked if there were many other terraced style properties in the vicinity.

In response the Senior Professional and Technical Officer indicated that currently as far as she was aware there were no properties of that nature in the area. Continuing she added that the proposals incorporated three terraces of three townhouses and the remainder of the development consisted of a mixture of detached and semi-detached properties.
Alderman Girvan asked if there were any green spaces within the proposed development.

The Senior Professional and Technical Officer confirmed that a large public open space had been incorporated into the proposed development.

At this stage Councillor McIlveen sought clarification on whether or not the site was situated within an area of townscape character.

In response the Senior Professional and Technical Officer confirmed the site was not situated within an area of townscape character.

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

On being put to the meeting, with 9 voting FOR, 0 voting AGAINST, 3 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

FOR (9)  AGAINST (0)  ABSTAINING (3)  ABSENT (3)
Aldermen  Aldermen  Councillors
Carson  Keery  Hunter
Fletcher  McDowell  McClean
Graham  Councillor  Thompson
Gibson  Cathcart
Girvan
Henry
Councillors
Dunne
McIlveen
Walker

RESOLVED, that the recommendation be adopted and that planning permission be granted.

4.2  LA06/2017/0496/F – 24 Clanbrassil Road, Holywood – Demolition of dwelling and replacement with new ‘Arts and Craft’ style dwelling with garaging and associated landscaping (Appendix II)

PREVIOUSLY CIRCULATED: Case Officer’s Report.

DEA: Holywood & Clandeboye
Committee Interest: Application with 6 or more representations contrary to officer opinion
Proposal: Demolition of dwelling and replacement with new ‘Arts and Craft’ style dwelling with garaging and associated landscaping
Site Location: No.24 Clanbrassil Road, Holywood,
Recommendation: Grant Planning Permission
The Senior Professional and Technical Officer (A Todd) outlined the detail of the application which was seeking full planning for the demolition of the existing dwelling at 24 Clanbrassil Road, Holywood and replacement with a new dwelling with garage and associated landscaping. The application had been brought before Planning Committee for consideration as six or more objections contrary to the officer’s opinion to approve had been received.

**Site and Surroundings**
The site was located in an established residential area on the coast within the development limits of Holywood and also within the proposed Marino, Cultra and Craigavad Area of Townscape Character as set out in the Draft Belfast Metropolitan Area Plan. The immediate area was characterised predominantly by detached dwellings on generous plots. The site itself lay adjacent to the coastal path and was occupied by a large detached dwelling with a number of protected mature trees also along the boundaries of the site.

**Proposal**
The existing dwelling was to be replaced with a two storey detached dwelling. While the new dwelling would be larger in size than the original dwelling, the large site could accommodate the increase in size and it would be similar to the scale and massing of other large dwellings in the area. The existing trees along the boundaries of the site were to be retained and an extensive landscaping scheme was proposed to further screen and integrate the development. Access would be taken from the existing entrance onto Clanbrassil Road.

The new dwelling would be sited closer to the coastal path but would sit approximately two metres lower and would have a building line comparable with the existing dwelling at 20 Clanbrassil Road. The design of the dwelling was considered to be appropriate for this location. There was a variety of house types and architectural styles in the immediate area and the materials and architectural features of the dwelling would reflect those of existing dwellings.

**Objections**
A total of 15 letters of objection from 10 residents and five letters of support had been received in relation to the proposal. The main concerns raised included:

- The demolition of the existing dwelling
- The impact of the proposed dwelling on the character of the area
- Impact on residential amenity
- The proposed works to the bank adjacent to the coastal path

Those objections had been considered in detail in the case officer’s report. The demolition of the existing dwelling was considered to be acceptable as it did not make any material contribution to the character of the area. The building had been unsympathetically altered and added to over the years and views of the building from within the ATC were extremely limited. There would also be no adverse impact on the amenity of the two closest adjacent properties at 22 Clanbrassil Road and 38 Cultra Avenue as the dwelling had been designed to have all of its main windows situated to the front and rear elevations rather than the side elevations facing those properties and in fact the residents of those properties had written in support of the application.
Summary
In summary the principle of a replacement dwelling on this site within the proposed ATC was acceptable. All of the statutory consultees were content with the proposal and the siting, design and scale of the dwelling would respect the existing pattern of development. On this basis it was recommended that FULL planning permission should be granted.

The Chairman invited Mr David Donaldson of Donaldson Planning forward who was speaking in support of the application.

Mr Donaldson indicated that he was content with the Planning Officer’s report as circulated and added that he would be happy to answer any questions members may have in respect of the application.

As members had no questions, Mr Donaldson returned to the public gallery at this stage – 7.36pm.

Councillor McIlveen commented that while some may be disappointed to see the demolition of the existing beautiful building, he was content the proposed replacement dwelling would fit well into the surroundings.

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

At this stage Alderman Graham sought an explanation of an ‘Arts and Craft’ style dwelling.

In response the Senior Professional and Technical Officer commented that it was the interpretation of the design and style of architecture of that particular era.

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

4.3 LA06/2018/0411/F – Lands immediately West and South of No.3 Newtownards Road, Comber – Proposed residential development of 43 no. social housing units (comprising 41 no dwellings and 2 no. apartments), open space, landscaping, car parking and all associated site works (amendment to previous approval for 44 no. units approved under ref: LA06/2016/1267/F) (Appendix III)

DEA: Comber
Committee Interest: Council application
Proposal: Proposed residential development of 43 no. social housing units (comprising 41 no dwellings and 2 no. apartments), open space, landscaping, car parking and all associated site works (amendment to previous approval for 44 no. units approved under ref: LA06/2016/1267/F)
Site Location: Lands immediately west and south of No. 3 Newtownards Road, Comber
Recommendation: Grant Planning Permission
The Senior Professional and Technical Officer (C Rodgers) detailed that the application was for a full planning application for 43 Social Housing Units, open space, landscaping, car parking and associated site works submitted by Apex Housing Association. The site located at lands immediately west and south of No. 3 Newtownards Road, Comber. The application was before Committee as it was a departure from the local development plan. No objections had been received from members of the public. The recommendation was to grant planning permission.

Members would recall that the planning committee voted to approve a residential scheme for 44 dwelling units on the application site at its meeting in March 2018. That extant planning permission represented a valid fallback position and should be afforded significant weight in the determination of this current application.

Site and Surroundings
The site was located within the settlement limits of Comber on the southern side of the Newtownards Road and east of the Comber River. The site was zoned as existing industry in the Ards and Down Area Plan 2015. The site was accessible from the Newtownards Road via an existing access that previously served the former industrial buildings.

The site layout plan showed the proposed layout for the housing development which was similar to the layout of the extant planning permission on site.

Proposal
An area of public open space had been included to the south-east of the site and would be finished in grass with specimen trees. It was proposed that conditions were also added to any potential approval to ensure that the open space was retained in perpetuity and was maintained and managed in accordance with the Landscape Management Plan.

Sufficient provision was made for private amenity space exceeding the recommended average of 70m² amenity space per dwelling as per the guidance included in Creating Places.

Adequate car parking was provided within the development in accordance with policy requirements.

Apex had confirmed that there was a high social housing need in Comber. The Housing Executive had confirmed that there were 218 applicants on the waiting list for housing in the Comber area, of those 143 were in housing stress. The proposed application would assist in meeting that housing need. The Housing Executive had confirmed support for the application.

Summary
Given the extant planning permission for residential development on this site and having considered all the material planning considerations it was recommended that planning permission was granted.
Whilst Members had to consider the application before them, Councillor McIlveen pointed out that it was in fact contrary to the Local Development Plan. He thought that the previous decision taken on the application ruled out the necessity to bring it back to the Committee. He recalled how Alderman McDowell and himself had in the past expressed dissatisfaction about houses being built on that site.

The Senior Professional and Technical Officer articulated that the site in question was zoned existing industrial land.

Although it was a departure from the Local Development Plan, the Director of Regeneration, Development and Planning stressed that the Council was bound by its previous decision to proceed. She reminded Members that the developer through his agent had presented the previous proposal for social housing.

Bearing in mind the history relating to the application, Councillor McIlveen then said he was happy to support the recommendation.

At this point in the proceedings, the Chairman invited Mr Tom Stokes (TSA Planning) to address the Committee in support of the application.

Mr Stokes thanked Members for inviting him to speak but as no objectors were present declined adding anything further other than confirming the contract between Breadwater and Apex Design. He said he would gladly answer any specific questions that Members may have.

Alderman Girvan recalled that the application had been debated by the Committee in March of this year and sought clarification that there were no additional houses. She also expressed a degree of unease regarding the increase in traffic and the lack of education facilities and a GP Surgery close to that location.

Mr Stokes explained that the proposals presented one less dwelling than previously illustrated as there would now be a total of 43 houses. The scheme would comprise mixed house types with the requirements identified for social housing through the NI Housing Executive to Apex.

Alderman Fletcher drew attention to Condition 20 which specified that any telegraph pole or street furniture had to be re-sited to the rear of sight visibility splays. He accepted that such removal and reinstatement works could take years and asked Mr Stokes if he had any influence to ensure this work could be expedited quickly.

In response, Mr Stokes outlined that he would not be involved as the contractor would deal with those issues on site.

As there were no further questions, the Chairman asked the representative to return to the public gallery.

Alderman Fletcher sought further information on the description of ‘pole’ asking if it meant phone, electric or both types.
The Senior Professional and Technical Officer clarified that the removal of poles was connected to the aspect of visibility splays only. She was unsure if there were any such poles in that area but if there was, it would indeed encompass both types.

Although fully understanding of the real need for social housing, Alderman McDowell conveyed that he was opposed to industrial land being utilised for housing of any kind and therefore would be objecting to the proposal.

On a point of clarity, Alderman Carson questioned why such a large number of neighbour notifications, namely 257 had been issued in relation to this particular application.

The Senior Professional and Technical Officer acknowledged that that number should not have been released and undertook to check with the Case Officer. She took the opportunity to emphasise that no objections had been received.

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

On being put to the meeting, with 9 voting FOR, 1 voting AGAINST, 2 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

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

4.4 LA06/2018/0731/F – Area of open space between North Green and West Green, Scrabo Estate, Newtownards– Public play area to contain a range of different play equipment to cater for 4-16 year olds. This will include the provision of access pathways from North Green & West Green, a landscaped buffer area to the junction of North Green and West Green and the enhancement & minor extension of existing parking facilities along North Green & South Green
(Appendix IV)

PREVIOUSLY CIRCULATED: Case Officer’s Report.
DEA: Newtownards

Committee Interest: Council application

Proposal: Public Play Area (containing a range of different play equipment), provision of access pathways, a landscaped buffer area, and the enhancement and minor extension of existing parking facilities.

Site Location: Area of open space between North Green and West Green, Scrabo Estate, Newtownards

Recommendation: Approval

The Senior Professional and Technical Officer (C Rodgers) furnished the Committee with the detail of the application which related to a public play area that would contain a range of play equipment between North Green and West Green in Scrabo Estate, Newtownards. That would include the provision of access pathways, a landscaped buffer area to the junction of North Green and West Green and the enhancement and minor extension of existing car parking facilities.

Site and Surroundings

The site was zoned as an area of existing recreation and open space in the Ards and Down Area Plan 2015. The proposed playpark would complement the existing use of the land and would not result in a loss of this open space. The play area would be bound on two sides by a landscape buffer. That landscape buffer and the roadway separated the proposed play park from the nearest residential properties. Environmental Health provided no objection to the proposal.

Proposal

The existing parking bays would be extended in both directions to allow for increased parking and reorientation of spaces. That would result in a minor loss of the existing open space. The proposal offered the potential for better parking for disabled drivers and should reduce the need for on-street parking. That benefit outweighed the minor loss of open space. We would also propose to include a condition requiring the parking spaces to be laid out prior to use of the playpark.

Summary

To conclude, having weighed all material planning considerations, it was considered that this application should proceed by way of an approval of planning permission.

Councillor Mcllveen spoke of the urgent need of a playpark for that area in Scrabo Estate and recalled that it had been discussed by the legacy Ards Borough Council. He maintained that residents and the local community had been pushing for that facility for many years and as there had been no objections, was happy to support the recommendation.

Responding to a question from Alderman McDowell, the Chairman verified that the Planning Committee had never refused a Council application.

On a differing stance from the previous speaker, Alderman McDowell voiced concerns in terms of increased noise and traffic volume for those inhabitants living closest to the green space earmarked for the proposed playpark. Although cognisant of the existing buffer zone of trees, he wondered if there was an estimation of the potential noise levels and if the park would be fenced and gated.
The Senior Professional and Technical Officer informed the Member that Environmental Health had been consulted and had raised no objection in respect of potential noise from the playpark. Furthermore, a landscape buffer would be provided on the northern side adjacent to the nearest dwellings and a 1.2m high metal fence would surround the playpark. That fence was to be erected for the purposes of security for the young children and to prevent dogs from entering. She noted that the local community group had requested the playpark and it had also been detailed in the Ards Playpark Strategy.

Alderman McDowell asked about the implications for parking in that area as he recognised that there was already difficulty posed by parked cars at that location.

The Senior Professional and Technical Officer stated that at present cars parked along the footpath caused problems for people passing by. There would undoubtedly be an increase in cars parking in that vicinity, but she believed that the playpark would provide a betterment and alleviate the current nuisance. There would also be the provision of designated disabled car parking spaces.

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

On being put to the meeting, with 10 voting FOR, 1 voting AGAINST, 1 ABSTAINING and 3 ABSENT, the proposal was declared CARRIED. A recorded vote resulted as follows:

FOR (10)  
Aldermen  
Carson  
Fletcher  
Gibson  
Girvan  
Graham  
Henry  
Keery  
Councillors  
Dunne  
McIlveen  
Walker  

AGAINST (1)  
Alderman  
McDowell  

ABSTAINING (1)  
Councillor  
Cathcart  

ABSENT (3)  
Councillors  
Hunter  
McClean  
Thompson  

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

5. **UPDATE ON PLANNING APPEALS**

(Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning stating that the Council served an Enforcement Notice as detailed below in April 2018, and following consideration of the Legal Grounds only on 27 September the PAC delivered its decision on 30 October 2018.
The Commissioner corrected and amended the wording of the Notice, then ruled that the appeal on Ground (c) (that those matters did not constitute a breach of planning control) failed in respect of the weighbridge, the portaloo, the portacabin, the storage container and the parking use, but succeeded in respect of the alleged processing use. The references to processing were deleted from the notice.

The appeal on Ground (d) (that no enforcement action could be taken at the time date when the notice was issued) failed in respect of the hardstanding area but succeeded in the respect of the alleged earth bund. The references to the earth bund were also deleted from the notice. Paragraphs 2, 3 and 4 of the notice were further corrected and varied to read as set out on page 10 of the decision.

The appeals on further grounds would be considered by the PAC in due course.

**New Appeals Lodged**

1. The following appeal was lodged since the date of the last report:

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0120</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Reference:</td>
<td>LA06/2018/0214/A</td>
</tr>
<tr>
<td>Appeal by:</td>
<td>David McCullough</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Replacement section of signage to be a digital illuminated board with moving image text, fixed directly to the existing painted timber sign board</td>
</tr>
<tr>
<td>Location:</td>
<td>Nos. 19-21 Bridge Street, Bangor</td>
</tr>
</tbody>
</table>

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

RECOMMENDED that members note the content of this report.
AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman Keery, that the recommendation be adopted.

6. AMENDMENT TO PLANNING PROTOCOL – DELEGATED LIST

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that Members would note from experience, and as detailed at paragraph 22 of the Protocol for the operation of the Planning Committee, that the delegated list was issued to Planning Committee Members each week for the 48-hour call-in period.

The Planning Department dealt mainly with planning applications that were categorised according to planning legislation as ‘local’. The Local Government Act (NI) 2014 set out a statutory performance indicator for processing of local applications within 15 weeks.

Householder Development Applications

The ‘local’ category of development applied to a wide range of proposals, from applications for erection of a fence, right up to applications for residential development of 49 dwellings. As a consequence of an internal review of the Planning Department, it was considered appropriate to set up a team of planning officers to deal only with ‘householder development’ (primarily extensions to domestic dwellings). The aim was to enable processing of those mainly non-contentious proposals, which normally did not require extensive consultation, within eight weeks. This team then enabled other officers to deal with other non-householder development applications in the ‘local’ category.

It had become apparent that due to the need to wait until the next available delegated list after the Case Officer’s Report had been approved by the authorised officer, the eight week target was often being missed.

The Head of Planning considered it appropriate to suggest to the Planning Committee that householder applications which attracted no objections, and which were being recommended for approval, could be issued without the need for inclusion on the weekly delegated list. That would enable Planning Officers to improve performance within the householder team in meeting the Performance Improvement indicator of eight weeks for such applications, and also assist in managing admin resources.

In the period April to end of October 2018, a total of 137 decisions were issued on householder applications, all of which were approvals. Of those, only 18 applications received objections, representing 13% of the total householder application decided during that period.

Those householder applications which attracted objection or which were being recommended for refusal would continue to be included on the weekly delegated list, to enable opportunity for call-in. As operated at present, those attracting six or more separate objections which were contrary to the officer’s recommendation were presented to Planning Committee under the Scheme of Delegation.
Applications Without Submission of Requisite information to enable Determination

On occasion the Planning Department dealt with planning applications whereby information requested by a consultee or requested by the Planning Department in line with the Planning (General Development Procedure) Order (NI) 2015, was not submitted by the applicant/agent to enable determination of the proposal. The Planning Department currently issued reminder letters seeking submission of the requisite information; and if not submitted within the timeframe specified, a refusal was written up accordingly.

Currently the delegated list as issued weekly detailed the reasons for those applications which were being recommended for refusal. It was considered inappropriate for such applications to be called-in from the delegated list for determination by the Planning Committee if the information had not been provided in a timely fashion to enable planning officers to determine the application to recommendation.

In that respect it was recommended that Planning Officers provided clear indication on the delegated list (in addition to refusal reasons) of those applications recommended for refusal as a result of lack of submission of information for the information of elected Members.

RECOMMENDED that Members approve the amendment to the Protocol in respect of the detailed householder applications, and the proposal for the refusals on the delegated list.

Proposed by Alderman Graham, seconded by Alderman Keery, that the recommendation be adopted.

The Director of Regeneration, Development and Planning took Members through the report and highlighted the salient points.

Alderman Graham said he was fairly happy with the overall content of the report but brought attention to paragraph 9 and the reasons for a refusal as well as the ‘call-in’ option. He was mindful that the amendment to protocol being suggested meant that Members should reconsider enacting a call-in if it involved insufficient information being put forward within the required time period or withheld by an applicant.

The Senior Professional and Technical Officer agreed that that was the intention as in some circumstances Officers had issued reminder letters and requested relevant information for several months, as without it the application could not be fully and properly assessed.

Alderman Fletcher sought an assurance that a Member could call-in an application if they disagreed with the decision of the Planning Officer. He gave an example that an Officer could assert that insufficient detail had been submitted whereas a Member could disagree with that determination.
In response, the Senior Professional and Technical Officer insisted that a Member could certainly disagree as long as they offered a relevant planning reason for doing so.

Councillor Walker concurred with the earlier comments of Alderman Graham in relation to paragraph 9. He expressed the view that the wording was very clear and if applicants were made aware of it from the outset then Members should remain firm.

Alderman Gibson noted that applicants were provided with ample opportunity to submit the necessary information through their agents and in addition, the household applications would still be grouped together in the normal way.

Following on, the Senior Professional and Technical Officer underlined that the process of consideration for applications would remain unchanged and would always be signed off by a Senior Officer. The amendment under discussion would merely assist Officers to move applications through that process in a speedier fashion.

Alderman Gibson enquired if there would be any exceptions to that procedure.

In making reference to the report, the Senior Professional and Technical Officer reiterated that the only exceptions would be approvals with no objections and refusals.

Alderman Graham asked if a note would be placed on the delegated list to make it clear that relevant information had not been received.

On that aspect, the Senior Professional and Technical Officer stated that a refusal for a lack of information could result in a call-in for an applicant to submit further details but it was anticipated that the amendment would discourage last minute submissions.

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

7. **PLANNING BUDGETARY CONTROL REPORT – OCTOBER 2018 FILE REF:FIN45**

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning attaching the Planning Budgetary Control Report which covered the 7-month period 1 April to 31 October 2018 and as set out. The net cost of the service was showing an under spend of £40,667 (6.8%).

**Explanation of Variance**

A Budgetary Control Report by Income and Expenditure for Planning was, also, shown on page 2 which analysed the overall favourable variance (£40,667) by expenditure (£61,949 favourable) and income (£21,282 adverse).
PLANNING

Expenditure - £61.9k (5.1%) better than budget to date. This favourable variance was mainly made up of the following: -

a. Payroll £70.5k favourable due to vacancies. Vacant HPTO, PTO and administration posts were in the process of being filled.
b. Legal costs were £26.4k over budget to date. There were a number of ongoing complex enforcement cases which had required specialist legal advice.
c. There were underspends to date on other expenditure lines such as tree services (£8.0k) and mileage (£8.2k).

Income - £21.3k (3.5%) worse than budget to date. Planning application income was £21.3k lower than budget for the year to date.

RECOMMENDED that the Committee notes this report.

Alderman Fletcher raised the issue of the expenditure sitting at £61.5k better than budget to date. He mentioned item (a) of the report and the reference to vacancies within the planning section and queried how long would it take to fill those positions thereby alleviating the pressure on Officers.
The Director of Regeneration, Development and Planning confirmed that she was liaising with HR on the matter. It had been challenging due to some of those positions being filled by internal promotion which led to the resultant effect on others in the section. However, it was hoped to have all posts filled as quickly as possible.

On a different point, Alderman Carson sought clarification from the Director on the full budget pertaining to legal fees, as he had observed that it had currently over ran by £26.4k.

The Director responded by reminding Members that a full report on that subject had been presented to the Committee the previous month which outlined a detailed budget for legal fees, including costs, activity and income.

Alderman Carson undertook to examine last month’s report.

**AGREED TO RECOMMEND, on the proposal of Alderman Gibson, seconded by Councillor Dunne, that the recommendation be adopted.**

**TERMINATION OF MEETING**

The meeting terminated at 8.10pm.
**ITEM 4.1**  
*Ards and North Down Borough Council*

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>LA06/2018/0004/O</th>
</tr>
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<tbody>
<tr>
<td>Proposal</td>
<td>Site for dwelling</td>
</tr>
<tr>
<td>Location</td>
<td>Approx. 25m south of 31a Ballygowan Road, Comber</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Call In by Alderman Gibson</td>
</tr>
<tr>
<td>Validated</td>
<td>10/01/2018</td>
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**Summary**

Main considerations:
- Proposal recommended for refusal as it is contrary to the criteria set out in PPS 21 CTY 2a
  - It is not located within an existing cluster
  - It does not appear as a visual entity in local landscape
  - Not associated with a focal point
  - Not located at a crossroads
- Would result in a ribbon of development along the private lane
- The Council’s position in relation to the requirement of a CLEUD to establish lawfulness of dwelling being relied upon as part of ‘cluster’
- Site lies in the countryside as per Ards and Down Area Plan 2015

**Recommendation**  
Refusal

**Attachment**  
Item 4.1a - Case Officer Report
## Development Management Case Officer Report

<table>
<thead>
<tr>
<th>Application Ref: LA06/2018/0004/O</th>
<th>DEA: Comber</th>
</tr>
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<tbody>
<tr>
<td>Proposal: Site for dwelling</td>
<td></td>
</tr>
<tr>
<td>Location: Approximately 25m south of 31a Ballygowan Road, Comber</td>
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<tr>
<td>Applicant: John Burgess</td>
<td>Agent: AECOM</td>
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<tr>
<td>Date Valid: 10/01/2018</td>
<td>Env Statement Requested: No</td>
</tr>
<tr>
<td>Date last Advertised: 25/01/2018</td>
<td></td>
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<tr>
<td>Date last Neighbour Notified: 11/01/2018</td>
<td></td>
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<tr>
<td>Consultations: Yes</td>
<td></td>
</tr>
<tr>
<td>Representations: No</td>
<td></td>
</tr>
<tr>
<td>Letters of Support: 0</td>
<td>Letters of Objection: 0</td>
</tr>
<tr>
<td>Petitions: 0</td>
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</table>

### Summary of Main Issues:
- Conformity with the development plan/principle of development
- Impact on nature conservation
- Access and roads safety
- Requirement of a CLED for No.31 Ballygowan Road
- Design and impact on character and appearance of the area

<table>
<thead>
<tr>
<th>Case Officer: Christine Hamilton</th>
</tr>
</thead>
</table>

### Recommendation: Refuse 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](http://www.planningni.gov.uk) using Public Access.
1. Description of Site and Surrounding Area

The site is located in part of the garden associated with No.31a Ballygowan Road, Comber. The site outlined in red also includes a stretch of laneway that runs alongside No.31a. The site is set back from the Ballygowan Road and accessed via an existing laneway that serves many other buildings and facilities including industrial buildings and a dwelling at No.31 which is immediately to the south of the site, Loughview Cemetery and associated funeral church to the west and north of the site, a household recycling centre to the east of the site and a builder’s yard close to the junction of the laneway with the Ballygowan Road. The site is located on elevated ground from the Ballygowan Road. In terms of boundary treatment, the site boundaries are mostly undefined.

The site is located outside any settlement limit as per the Ards and North Down Area Plan 2015. The site will be accessed from an existing road from the Ballygowan Road which is a Protected Route.

2. Site Location Plan

Site location plan showing the application site
### 3. Relevant Planning History

There is no specific planning history that is relevant to the proposed development.

### 4. Planning Policy Framework

The relevant planning policy framework for this application is as follows:
- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

### 5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows:
- DCAN 15: Vehicular Access Standards
- Building on Tradition
6. Consultations
Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFI Roads</td>
<td>PPS3 applies – Intensification of the use of an existing access onto a Protected Route.</td>
</tr>
<tr>
<td>NIEA</td>
<td>No objections.</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections.</td>
</tr>
<tr>
<td>EHO</td>
<td>No objections.</td>
</tr>
</tbody>
</table>

7. Consideration and Assessment

Conformity with the development plan / principle of development

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

The site is located outside any settlement limit as defined in the Ards and Down Area Plan 2015. It is considered that the proposal will not adversely impact on any designated areas within the Plan and is in conformity with the Plan.

Policy CTY1 of PPS21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. The applicant contends that the proposal complies with Policy CTY 2a which allows for a dwelling sited within an existing cluster of buildings, as well as CTY 8 which allows for a dwelling to be sited within a small gap within an otherwise substantial and continuously built up frontage.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS is material to all decisions on individual planning applications. Its guiding principle 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.

PPS 2
Natural Heritage

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. The biodiversity checklist was completed and no evidence was found to indicate the presence of protected or priority species within the site boundaries and as such no ecological constraints or impacts are identified.

Policy NH 5 of PPS 2 seeks to protect European Protected Species and Priority Habitats. It is considered that there will be no significant impact caused to protected species as a direct result of the proposed development.
The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The biodiversity checklist has been completed and indicates that there are no further ecological assessments required. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

**PPS 3**

**Roads Safety**

The proposal has been assessed against PPS3 Access Movement and Parking. DFI Roads has been consulted and confirms that the Ballygowan Road is a Protected Route. If the proposal does not fall within the exceptions listed in the policy relating to new accesses onto protected routes then the application should be refused.

Given the application is for one additional dwelling, I do not consider that it will result in intensification of the use of the existing access onto the Ballygowan Road, given the existing traffic that already utilises the access to use the community facilities for the cemetery and the recycling centre.

**PPS21**

**Sustainable development in the countryside**

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling include a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a of PPS 21.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all six criteria are met.

The applicant considers that there is an existing cluster of development formed by residential and commercial properties which lie adjacent to the site. I consider there is a cluster of buildings immediately adjacent to the site however it does not meet the necessary criteria in accordance with CTY2a.

The first policy test requires the cluster of development to lie outside of a farm and consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. The cluster of buildings lies outside of a farm. There is a group of industrial and commercial buildings adjacent to the south of the site, one dwelling located to the north of the site No.31a, one dwelling to the south of the site No.31 and one dwelling to the south-west of the site No.33. There is an issue as to whether No.31 is a lawful dwelling and this will now be discussed.

The dwelling at No.31 is the original dwelling that was replaced by No.31a. The permission for the replacement dwelling was granted with a condition that the original dwelling was demolished prior to the commencement of development for the new dwelling. This condition was not adhered to and following an enforcement investigation
in 2010, the planning authority at the time (The Department of Environment) concluded that the building was immune from enforcement action in that more than five years had expired since the condition had been breached (letter from DOE Belfast Area Planning Office addressed to Mr John Burgess dated 19 February 2013).

The Council contends that the dwelling at No.31 has not been made lawful through the passage of time, contrary to the advice detailed in correspondence from the applicant’s solicitors (Napier and Sons Solicitors), and is only immune from enforcement action. It is normal process that in order to ascertain if a building is lawful or not, the submission of a CLED is required. A CLED has not been received for No.31. Recent appeal decisions made by the Planning Appeals Commission clarify that the PAC accepts that buildings can be immune but it does not accept that unauthorised buildings in the absence of a CLED, can contribute to being counted as lawful buildings required for satisfying policy criteria; in this instance under Policy CTY2a, 3no.dwellings are required. Notwithstanding this, even if the Council were to agree with the applicant that a CLED is not required, this in its self will not result in a recommendation for approval of permission as it is considered the proposal fails other parts of the policy test for CTY2a.

To conclude this matter, it is my opinion that the proposal fails the first policy test of CTY 2a in that the site does not sit within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings.

The second test of Policy CTY2a requires the cluster to appear as a visual entity in the local landscape. This is a visual test and CTY 13 of PPS21 clearly sets out that visual assessments will be judged from public roads, shared private laneways serving existing or approved dwellings, public rights of way and other areas of general public access and assembly. The site comprises part of the side garden of No.31a and has a row of very tall, dense, mature Leylandii trees along the front boundary of the curtilage and extends along the front of the industrial/ commercial units and No.31. This screens views of the buildings from the Ballygowan Road and also the access road which leads to the cemetery. The buildings can only be viewed from the private laneway which serves the industrial/commercial units and No.31a and only when travelling immediately in front of them. Given the buildings cannot be seen from the main road or the access road, I do not consider that the buildings appear as a visual entity in the local landscape and fails the second policy test of CTY 2a.

The third test requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a crossroads. The applicant claims that the site is associated with the cemetery and the nearby recycling site as they are both community facilities and form part of the cluster. I do not agree as the cemetery is located quite some distance beyond the site which involves travelling past the site (which cannot be seen from this road due to the row of trees), to the top of the hill and down the other side. There is no visual linkage and hence no association between with the site and the cemetery due to the screening around the site, the distance from the site and the topography. Similarly, I do not consider that the site can be associated with the nearby recycling centre. The site is screened from views on the access road and given the distance and visual relationship between the site and the recycling centre, the site cannot be associated with it in terms of meeting this policy test. The proposal therefore fails the third policy test of CTY 2a.
The fourth test requires the identified site to provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The site is enclosed by both the existing mature trees and existing adjacent buildings. The proposal meets the fourth policy test of CTY 2a.

The fifth test requires the development of the site to be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside. It is considered that the site will create a ribbon of development along this stretch of the lane and is contrary to Policy CTY 8 of PPS21. The proposal fails the fourth policy test of CTY 2a.

The sixth test requires the development to not adversely impact on residential amenity. I do not consider that the proposed dwelling will have any adverse impacts on the residential amenity of No.31a as the site is of an adequate size to allow a dwelling to be appropriately sited and designed to prevent any unacceptable impacts onto No.31a. The proposal meets the sixth policy test of CTY 2a.

Policy CTY 8 ‘Ribbon Development’ states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it also includes the exception that development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage will be permitted. For the purposes of this policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. Paragraph 5.33 advises that for the purposes of this policy a road frontage includes a footpath or private lane.

There is a private lane which currently serves No 31a, No.31 and a number of industrial / commercial units. The site is positioned at the corner of the laneway with the laneway defining the southern boundary and the driveway to No.31a defining the eastern boundary. The dwelling at No.31a sits immediately to the north of the site. Given the location at the end of the lane just before the 90degree corner in the lane, the extent of the private laneway ceases upon entering the curtilage of No 31a and consequently No31a cannot be taken into account as a building fronting the lane. I am of the opinion that there is no gap within a substantial and continuously built up frontage in this location and a dwelling on this site would constitute ribbon development. The proposal fails to meet the requirements of Policy CTY 8 of PPS 21.

Policy CTY 13 of PPS 21 ‘Integration and Design of Buildings in the Countryside’ sets out a number of instances where a new building will be unacceptable in the countryside. As previously discussed, as it is considered that the proposed development meets the requirements of the fourth test of Policy CTY 2a, it also meets the requirements of Policy CTY 13. A dwelling on the site would be screened from public views due to the row of mature trees existing between the site and the road leading to the cemetery and the Ballygowan Road. The existing trees would provide a suitable degree of enclosure for the building to be integrated into the landscape and would not be prominent in the landscape given the screening provided by the existing trees.

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. Given my conclusions above in relation to ribbon
development the proposal would detrimentally change the rural character of the area and is therefore contrary to (d) of CTY14.

As the proposed development fails to meet the requirements of Policies CTY 2a, CTY 8 and CTY 14 it also fails to meet the requirements of Policy CTY1 of PPS21 and the SPPS and is therefore not acceptable in principle in this countryside location.

**Consideration of additional information received on 26 September 2018**

Following consideration of the additional information received on 26 September 2018, my opinion has not changed and the proposal fails the relevant policy tests as previously considered. I disagree that the cluster appears as a visual entity ‘particularly when travelling along the Ballygowan Road from Comber’. The buildings cannot be seen from the Ballygowan Road due to the intervening row of mature trees that screen the buildings. Also it is not considered that the site is associated with any focal point or community facility. Both the recycling centre and the cemetery are located a significant distance away from the site and neither can be visually read with the site and on this basis cannot be described as being associated with the site. I do not consider that the site meets CTY 8 of PPS21 as the site does not benefit from a road frontage given the extent of the private laneway ceases upon entering the curtilage of No.31a. These points have been previously discussed in the main report and the additional information has not changed my recommendation to refuse permission for the proposal.

8. **Consideration of Representations**

No letters of representation have been received to date.

9. **Conclusion**

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

The site is located within the open countryside and therefore is subject to the policy tests set out in PPS21. The proposal fails to meet Policies CTY1, CTY2a, CTY8 and CTY 14 of PPS21 and also Paragraph 6.73 of the SPPS. Given the volume of traffic already using the existing access to serve the existing community facilities for the cemetery and recycling centre, one additional dwelling will not result in any intensification of the use of the existing access onto the Ballygowan Road which is a Protected Route.

Having weighed all material considerations which have been set out in the above report, it is recommended that this application proceeds by way of a refusal of planning permission.
### 10. Recommendation

Refuse Planning Permission

### 10. Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement, Paragraph 6.73 as it does not meet the criteria for sustainable development in the countryside.
2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a crossroads; the dwelling would if permitted significantly alter the existing character of the cluster in the creation of ribbon development.
4. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside as the site does not represent a small gap site in a substantially built up frontage and the proposal would result in the creation of ribbon development along the private lane.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
## ITEM 4.2

**Ards and North Down Borough Council**

<table>
<thead>
<tr>
<th>Application Ref</th>
<th>LA06/2017/1434/F</th>
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<tbody>
<tr>
<td>Proposal</td>
<td>4 No. 2 bedroom apartments, 1 No. 3 bedroom penthouse and 1 No. detached dwelling</td>
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<tr>
<td>Location</td>
<td>95 Bangor Road, Newtownards</td>
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<td>Committee Interest</td>
<td>Call in by Cllr McIlveen</td>
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### Summary

Main considerations:

- Area is characterised by a mix of housing types and densities and site fronts onto the main A21 road. PPS7 advises that on sites which benefit from high accessibility to public transport, high density development such as townhouses or apartments will normally be acceptable;
- Development will not breach the established building line along this side of the Bangor Road and will actually be set back further from the road than other existing dwellings;
- The height of the proposed buildings will sit below that of the nearest two storey dwelling at 91 Bangor Road.
- Adequate parking and private amenity space will be provided for all residential units in line with the recommended standards;
- The proposed apartment building has been designed so that there will be no unacceptable degree of overlooking to the private amenity space of No. 93;
- The proposed buildings will be located at least 29m away from the closest dwelling on Belvedere Road (No. 27) exceeding the recommended 20m separation distance outlined in Creating Places. Both proposed buildings will also have a significantly lower finished floor level than No. 27;
- The apartment building will be situated at least 12.5m away from the rear boundary which is shared with 91a Bangor Road. This exceeds the recommended rear garden depth of 10m as set out in Creating Places;
- Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas is not applicable to this application given its location on a key transport corridor

### Recommendation

**Approval**

### Attachment

Item 4.2a - Case Officer Report
Development Management Case Officer Report

Application Ref: LA06/2017/1434/F  DEA: Newtownards

Proposal:
4no 2 bedroom apartments, 1no 3 bedroom penthouse and 1no. detached dwelling

Location:
95 Bangor Road, Newtownards

Applicant:
Dorrian Quality Developments Homes LTD

Agent:
Dickson Architectural Services

Date Valid: 18/12/2017  ES Requested: No

Date last Advertised: 11/10/2018

Date last Neighbour Notified: 27/09/2018

Consultations: Yes

Consultee | Response
--- | ---
DFI Roads | No objections subject to conditions
Ni Water | No objections
Natural Environment Division | No objections
Water Management Unit | No objections

Representations: No

Letters of Support: 0

Letters of Objection: 10 (4 separate addresses, including e-mail from J Shannon MP forwarding objection from 27 Belvedere Road and representation received from 93 Bangor Road withdrawing initial objection)

Petitions: 0

Summary of Main Issues:

- Principle of development
- Planning history of the site and surrounding area
- Impact on residential amenity
- Impact on the character of the area
- Access and parking requirements
- Devaluation of existing dwellings
- Natural heritage impacts and the potential effects on European Sites

Case Officer: Mark Hanvey

Email: Mark.hanvey@ardsandnorthdown.gov.uk

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

1. Description of Site and Surrounding Area

The application site is located within an existing residential area on the western side of the main A21 Bangor Road in Newtownards.

![Image 1 – View of side from Bangor Road at junction with Belvedere Road.]

The application site is set down in level from existing dwellings to the north which are positioned along Belvedere Road. Existing on the application site is a single storey semi-detached dwelling, which adjoins no.93 Bangor Road to the south. The external walls of the building are finished in a cream dash render and the shared pitched roof is finished with flat tiles. A small bay window exists on the front elevation. The dwelling is set back 23 metres from the roadside boundary, with a similar separation distance to the rear boundary. An embankment defines the northern boundary of the site. The dwelling is sited in a raised position from its access onto the Bangor Road, with the adjoining semi-detached dwelling at no.93. A 2-storey dwelling is located at no.91 Bangor Road at a lower level to no.95 Bangor Road.

The application site is within the Settlement Limits of Newtownards under the Ards and Down Area Plan 2015. The land is shown as whiteland. The predominant land use in the area is residential and there are a variety of house types evident with varying degrees of setback to the public road.

![Image 2 – Existing semi-detached dwellings at 93 & 95 Bangor Road with 91 to the south]
3. Planning History

There is no relevant planning history specific to the application site.

4. Planning Policy Framework

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements
5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows:

- Creating Places
- Living Places
- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards

6. Consultations

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFI Roads</td>
<td>DFI Roads has reviewed the proposed site layout and associated access onto the Newtownards Road and has no objections subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>Advice is provided</td>
</tr>
<tr>
<td>Natural Environment Division</td>
<td>A bat activity survey has been assessed and NED is content with the proposed development</td>
</tr>
<tr>
<td>Water Management Unit</td>
<td>WMU has no specific comments to make in relation to the proposed development and has provided general advice and guidance</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections</td>
</tr>
</tbody>
</table>

7. Consideration and Assessment

Ards and Down Area Plan 2015

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. 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 within the Settlement Limits of Newtownards under the Ards and Down Area Plan 2015. The application site is shown as whiteland.
Strategic Planning Policy Statement for Northern Ireland

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.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

Planning Policy Statement 2: Natural Heritage

Policy NH 2
Species Protected by Law

I am satisfied that the proposed development is not likely to harm European Protected Species or National Protected Species.

Consultation has taken place with Natural Environment Division and advice has been provided. As recommended by NED a biodiversity checklist was requested and subsequently received by e-mail 5th February 2018.
The biodiversity checklist has been completed and an ecological statement is provided following a walkover of the site on 22nd January 2018.

The following features have been noted –

- Amenity grassland (gardens front and rear) with shrub and non-native planting;
- Scattered semi-mature trees (northern boundary)
- Dense scrub (northern boundary)
- Existing dwelling and outbuildings
- Railway embankment forming northern boundary

The application site including land 25 metres outwith were inspected for evidence indicating the likely presence of badger. No evidence was recorded. The existing dwelling was inspected to assess its suitability to support roosting bats. After inspection the roosting suitability of the building was assessed as negligible. The associated outbuildings have also been assessed as having negligible suitability.

Due to the absence of field evidence indicating the presence of priority or protected species or habitats, it is deemed that no further species-specific surveys are required in the absence of identified likely negative impacts.

**Policy NH 5**  
Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A biodiversity statement has been received which states that there is no suitable habitat for badgers identified within the site or for any other protected species. No mammal paths or other tracks/ signs were observed within the site.
Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2
Access to Public Roads

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

Policy AMP 3
Access to Protected Routes

Other Protected Routes –

Within Settlement Limits Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

(a) where access cannot reasonably be taken from an adjacent minor road; or

(b) in the case of proposals involving residential development, it is demonstrated to the Department’s satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

After consultation with DFI Roads there are no objections to the proposed development subject to conditions.

Policy AMP 7
Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department’s published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. I am satisfied that the proposed parking provision is sufficient in this urban location. Two in-curtilage parking spaces are provided for the detached dwelling with a further eight communal spaces provided for the five apartments at a rate of 1.5 spaces per apartment. In addition, public transport is available within walking distance with a bus stop directly opposite the application site and another to the north on the western side of the public road.
Planning Policy Statement 7 – Quality Residential Environments

Policy QD 1
Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. In order for the proposal to fully comply with PPS 7, the proposed development must meet criteria (a) – (h) of Policy QD1.

(a) The development respects the surrounding context and is 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.

I am satisfied that the proposed development takes account of the surrounding context and is in keeping with the wider area. The original proposal included 4no. 2 ½-storey townhouses to replace the existing dwelling with a block of 3no. apartments and 1 no. duplex within the front garden area. After discussions with the agent for the application the development has been amended to include 2 buildings. One detached dwelling is proposed along the northern boundary with the adjacent building along the boundary with 93 containing 5 apartments. Both buildings will be finished in red/brown brick at ground floor and render at first floor level on the front elevations. The roof will be finished with black concrete tiles. The design of both buildings is such that they will appear as two dwellings fronting onto the Bangor Road. The buildings will be slightly higher than the existing semi-detached dwelling at no.93 Bangor Road, with the finished floor levels 1.5 metres below the existing dwelling. The existing 2-storey dwelling at no.91 will be higher than the proposed buildings and existing dwellings to the north are set on higher ground beyond the embankment. I am satisfied on the basis of the information presented that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

No features of the archaeological and built heritage have been identified. Existing mature vegetation along the embankment is shown as retained.
(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

There is no requirement for public open space as this application relates to the provision of 6 residential units. Private amenity space is provided to the rear of the proposed dwelling and is in excess of the standard 70m² guideline set out within Creating Places. A larger area to the rear of the apartment building will be provided as a communal area which will include ground floor patio areas for two ground floor units and a communal bin storage area.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.

Not applicable.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures

DFI Roads has been consulted and there are no objections subject to conditions. The access onto the public road will connect with the existing footpath with public transport available within walking distance of the application site.

(f) adequate and appropriate provision is made for parking

The parking provision has been assessed and it is considered that it is adequate and appropriate for this development.
(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The proposed design is in keeping with the surrounding area. External wall finishes are in keeping with the surrounding area and the 2-storey front elevations with rooflights are reflective of other 2-storey dwellings in the area.

Image 6 – Existing building to south of application site

Image 7 – Residential development to the east of the application site

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance

The proposed design and layout has been assessed and I am satisfied that there will be no unacceptable adverse effect on existing or proposed properties. The revised design of the proposed dwellings will ensure that they will not impact on the amenity of existing residents in the vicinity of the site.
At its closest point the proposed apartment building is 12.4 metres to the rear boundary which is in keeping with current guidance contained within Creating Places which suggests a minimum separation of 10 metres from upper floor windows to rear boundaries. There is a minimum gap of 12 metres between the northern boundary of the application site to the rear boundary with no.27 Belvedere Road with a greater distance between the existing dwelling and the side elevation of the proposed detached dwelling.

(i) the development is designed to deter crime and promote personal safety.

Rear garden areas will be enclosed and internal driveways will be overlooked by the proposed residential units.
Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas

Annex E within the Addendum to PPS 7 provides a definition of an ‘Established Residential Area.’ In recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will not apply along key and link transport corridors (including designated arterial routes) within cities and large towns.

In light of the application site’s position along the A21 Bangor Road I am satisfied that Policy LC 1 is not applicable in this instance.

Planning Policy Statement 12 – Housing in Settlements

The proposal complies with relevant policy and guidance in PPS12. The proposal allows for an increase in density of housing without town cramming. The proposed design of the dwellings respects the character of the area. It will not have a detrimental impact on the surrounding area.

8. Consideration of Representations

Ten letters of objection have been received throughout the processing of this planning application. The owner of 93 Bangor Road has subsequently withdrawn an initial objection letter and another representation from Jim Shannon MP passes on the objections raised by the owner of no.27 Belvedere Road. Objections have therefore been received from a total of 4 separate addresses.

Issues raised include the following –

- Overshadowing/ lack of privacy – The proposed buildings are adequately set back from existing residential properties and I am satisfied that these dwellings will not impact upon the residential amenity of existing dwellings in the area. I am content that existing properties in Belvedere Road will not be impacted given that they are at a higher level in comparison to the application site. In addition, the finished floor levels will be 1.5 metres below the existing floor level of the adjoining property at no.93 Bangor Road.

- Sewage problems – NI Water has not raised any specific issues. The developer will be required to discuss proposals with NI Water to ensure that the development will be adequately served.

- Road safety – DFI Roads has been consulted and there are no objections to the proposed development subject to conditions.

- Overdevelopment – The proposal has been reduced from eight residential units to six. The original scheme proposed a row of four townhouses and a block within the front garden area containing three apartments and a duplex. The current proposal appears as two 2-storey buildings alongside one another.
and include one detached dwelling to the north and a block of five apartments to the south. I am satisfied that the revised scheme can be accommodated on the application site without detriment to existing properties and the surrounding area.

- Impact on embankment and loss of vegetation – There are concerns in relation to the removal of existing vegetation on the application site. Site layout plans clarify that the majority of existing vegetation along the embankment will not be impacted as it lies beyond the northern site boundary. Having re-inspected the application site on 20th November 2018, I have measured the distance from the boundary with no.93 to the embankment confirming the distances shown on the proposed site layout plan. The agent for the application confirmed on site that some clearance work had taken place as far as the northern site boundary to accommodate the proposed development. Having inspected the embankment on the opposite side of the boundary I am satisfied that the majority of the vegetation and the screening that it provides will be retained.

- Proposed development is out of character with surrounding properties – I am satisfied that the proposed development is in keeping with existing residential development. Properties to the north-west are located on a higher level when compared with the application site. Residential development to the east of the application site includes 2-storey dwellings and a large 3½ storey building. To the south of the site there are 2 storey dwellings evident most notably no.91 Bangor Road which will be higher than the proposed buildings on the application site. The proposed design of the front elevations facing onto the Bangor Road and external finishes are in keeping with existing dwellings in the surrounding area.

9. Conclusion

All material planning considerations have been assessed fully and comments from consultees and one objection letter have been considered. On this basis, I am satisfied that the proposed development would meet all the relevant prevailing planning policies and guidance and it is my opinion that planning permission should be approved.

10. Recommendation

Grant Planning Permission

11. 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 vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance within the Proposed Site Layout Plan, Drawing No. 03A bearing the stamp dated 12th September 2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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


5. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season after occupation of any part of the development hereby approved.

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

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

Reason: To ensure the provision, establishment and maintenance of a high
standard of landscape.
## Development Management Case Officer Report for LA06/2017/1434/F

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<th>12. Signatures</th>
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</thead>
<tbody>
<tr>
<td>Date:</td>
<td>22/01/19</td>
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</table>

**Comments:**

Approval agreed. Following receipt of amended plans, the scheme is now considered to respect the established character and pattern of development on this part of the Borough Road. This report supersedes previous version dated 14/01/19 to include correction of paragraph 3, pg. 13 of report.
## ITEM 4.3
Ards and North Down Borough Council

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>LA06/2016/0295/F</th>
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<tbody>
<tr>
<td>Proposal</td>
<td>Erection of a new dwelling consisting of a detached two storey house and associated site works</td>
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<tr>
<td>Location</td>
<td>Site to the rear of 18 Old Cultra Road, Holywood</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Application with 6 or more representations contrary to officer recommendation</td>
</tr>
<tr>
<td>Validated</td>
<td>05/04/2016</td>
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</table>

### Summary
- Impact of development on character of established residential area and appearance of the proposed ATC.
- Density of development is similar to other existing development in the area.
- Height of dwelling will be lower than adjacent 2 ½ storey dwellings.
- Existing trees and hedgerows will be retained.
- Principle of a two storey dwelling on this site already established by previous planning approvals W/2012/0038/O & LA06/2015/0075/O.
- Proposal has been amended at the request of the Council to ensure that there will be no unacceptable adverse impact on the amenity of adjacent residential properties. Windows have been carefully positioned and obscure glazing will be used to mitigate against any overlooking.
- The design and finishes of the dwelling – simple linear plan and pitched roof with use of red brick and slate will ensure that the dwelling will respect the established built form.

### Recommendation
- Approval

### Attachment
- Item 4.3a - Case Officer Report
# Development Management Case Officer Report

**Application Ref:** LA06/2016/0295/F  |  **DEA:** Holywood & Clandeboye

**Proposal:**
Erection of a new dwelling consisting of a detached two storey house and associated site works

**Location:**
Site to the rear of 18 Old Cultra Road, Holywood

**Applicant:**
S MacGowan

**Agent:**
Des Ewing Residential Architects

**Date Valid:** 31/03/2016  |  **Env Statement Requested:** No

**Date last Advertised:** 08/11/2018

**Date last Neighbour Notified:** 31/10/2018

**Consultations:** Yes

**Representations:** Yes

| Letters of support | 0 | Letters of Objection | 20 | Petitions | 0 |

**Summary of Main Issues:**

- Planning history of the site and area
- Impact on the character and appearance of the established residential area and proposed ATC
- Impact on protected trees
- Impact on the residential amenity of adjacent properties
- Access and parking

**Case Officer:** Andrea Todd

**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](http://www.planningni.gov.uk)
1. Description of Site and Surrounding Area

The site encompasses a large portion of the rear garden area of the existing dwelling at 18 Old Cultra Road. It is laid out in grass and the ground is relatively level throughout. Mature hedgerows run along the boundaries of the site and a new Griselinia hedge has been planted to define the new boundary between the site and No. 18. There are also several existing trees on the site which are protected by a Tree Preservation Order (TPO). The site is accessed via a private lane which runs between Old Cultra Road and Farmhill Road.

The area is exclusively residential and consists primarily of large dwellings set within generous mature plots. No. 18 is a two storey red brick detached dwelling with an integral single storey garage. The existing dwellings at 16 and 16a to the north east of the site are also large red brick detached properties. No. 1 Farmhill Lane to the south of the site is a large bungalow and Nos. 2 and 3 Farmhill Lane are 1½ storey dwellings.

2. Site Location Plan

Image 1 – Aerial view of site
3. Planning History

Application site

LA06/2015/0075/O
Site B to the rear of 18 Old Cultra Road, Cultra
Erection of a two storey dwelling
Approved - 20.08.2015

W/2012/0038/O
Site B to the rear of 18 Old Cultra Road, Cultra
Erection of a two storey dwelling
Approved – 27.06.2012

Planning history of surrounding area

W/2013/0343/F & LA06/2017/1525/F (change of house type)
20 Old Cultra Road
Demolition of existing dwelling and construction of 3 dwellings.
Approved – 22.12.2014

W/2015/0055/O & LA06/2017/1139/RM
22 Old Cultra Road, Holywood
Demolition of existing dwelling to provide residential development for 3 No. dwellings
Approved – 12.05.2016

4. Planning Policy Framework

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

- North Down and Ards Area Plan 1984 - 1995
- Draft Belfast Metropolitan Area Plan (BMAP) 2015
Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission’s Report on the BMAP Public Inquiry, a decision on a development proposal
can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations. Consequently, dBMAP is a material consideration relevant to this application.

- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6 (Addendum): Areas of Townscape Character
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas

5. **Supplementary Planning Guidance**

Relevant supplementary planning guidance for this application is as follows:

- Creating Places
- Living Places
- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards

6. **Consultations**

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

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<tr>
<th>Consultee</th>
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<tbody>
<tr>
<td>DFI Roads</td>
<td>No objections</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections. Available capacity in receiving WWTW</td>
</tr>
<tr>
<td>Water Management Unit</td>
<td>Water Management Unit has no specific comment on this development</td>
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</table>

7. **Consideration and Assessment**

**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 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.

**North Down and Ards Area Plan 1984 - 1995**

The application site is located within the development limits of Holywood under the North Down and Ards Area Plan 1984 - 1995 and within the Cultra/Craigavad Policy Zone where it is recommended that the minimum plot size for a dwelling in this area should be 0.1ha. However paragraph 18.9 notes that there will be developments which are acceptable in planning terms although they are not strictly in accordance with this plot size policy. This can be generated by the physical or environmental considerations of a particular site or the nature of the development proposed.
The size of the proposed plot is 0.15 hectares and the size of the remaining plot for No. 18 Old Cultra Road will be 0.1 hectares. Therefore the size of both plots will be in conformity with the plot size policy set out in the plan.

**Draft BMAP**
Under the draft Belfast Metropolitan Area Plan 2015 the site is also located within the settlement development limit for Holywood, and also located within the proposed Marino, Cultra, and Craigavad Area of Townscape Character.

Given that the reports of the Planning Appeals Commission in response to the hearing of objections to draft BMAP were in the public domain prior to adoption (now judged unlawful), and the Department's consideration of those recommendations was set out in its Adoption Statement, which was also in the public domain prior to the challenge being lodged, material weight is being given to the policies and proposals in BMAP as they relate to North Down.

Under the draft BMAP, objections to the proposed ATC (HD 09) relating to the design criteria were dismissed by the Planning Appeals Commission in favour of a specific design guide for each ATC. As yet these have not been published. One objection to the proposed ATC sought the exclusion of No. 17 Seafront Road, however, the PAC recommended no change to the Plan. Objections requesting the retention of the plot size criteria contained within the NDAAP were also dismissed as it was considered that the designation of the area as an ATC would be sufficient to protect the character of the area. The proposed ATC remains a material consideration. Given that it is unclear as to how the area will be characterised, determining weight cannot be given to the potential impact on the character of the ATC, however, its appearance is still a material consideration.

The impact of the development on the appearance of the proposed ATC will be considered in detail under Planning Policy Statement 6 (PPS6) Addendum below. However in broad terms, the principle of the development of a single dwelling on this site is considered to be acceptable, given the planning history of outline approval on two separate occasions in 2012 and 2015 (the 2015 approval was granted following the adoption of BMAP and the designation of the ATC). As such it is considered that provided the proposal complies with the criteria set out in policy ATC2 of PPS6 Addendum, it would be in conformity with draft BMAP and the proposed ATC designation.

**Strategic Planning Policy Statement for Northern Ireland**

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 interest of acknowledged importance.

Paragraph 6.21 states that: ‘In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.’
Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

Planning Policy Statement 2: Natural Heritage

Policy NH 1
European and Ramsar Sites, International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on –

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

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. The proposed development site is not adjacent to or hydrologically connected to Belfast Lough SPA/Ramsar, Belfast Lough Open Water SPA and East Coast Marine (Proposed) SPA.

Policy NH 2
Species Protected by Law

The Council carried out an assessment of the proposal’s potential impact on local natural heritage using the NIEA Biodiversity Checklist. Following this assessment, it was found that the proposal presents a low risk to the local natural environment and the proposed development is not likely to harm European Protected Species or National Protected Species.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2
Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
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 has no objections to the proposed development which will gain access off the existing private lane linking through to both Old Cultra Road and Farmhill Road. The access was also previously approved in principle as part of the 2012 and 2015 outline approvals on the site. There shall be no vehicular access onto Farmhill Lane which also adjoins the site and any planning approval will be conditioned as such. An existing pedestrian access is to be retained here.

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.

The proposed site layout will allow for three in-curtilage car parking spaces which would meet the Creating Places guidelines for a dwelling of this size. A condition requiring the provision of these spaces prior to occupation and their permanent retention thereafter would be attached to any approval.

Planning Policy Statement 6 (Addendum): Areas of Townscape Character

Policy ATC 2
New Development in an Area of Townscape Character

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

Any trees, archaeological or other landscape features which contribute to the distinctive character of the area are required to be protected and integrated in a suitable manner into the design and layout of the development.

The Marino, Cultra and Craigavad ATC (HD 09) is now only considered to be a proposed ATC rather than a designated ATC due to the adoption status of draft BMAP. Nevertheless, it has been established by the Planning Appeals Commission in numerous recent appeal decisions that the impact on the appearance of the proposed ATC remains to be a material consideration. Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) has established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole to which attention must be directed and that preserving the character
or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the ‘no harm’ test).

As required by legislation, given the site’s location within an ATC, a Design and Access Statement has been submitted. This explains the design principles and concepts applied to the development, the steps taken to appraise the context of the site and how the design takes the context into account as well as the access to the site. The proposal is for a single detached dwelling within the rear garden of the existing dwelling at No. 18 Old Cultra Road. As stated, the principle of a dwelling on this site is already established through the previous outline approvals, the most recent of which was granted in August 2015 following the adoption of BMAP which formally designated the ATC. It was considered that a dwelling on the site would result in no harm to the ATC. This is a material consideration which must be given significant weight in the determination of the current proposal.

![Image 2- Site viewed from existing private shared access lane](image)

The area is exclusively residential and is predominantly characterised by large detached dwellings on generous, mature plots. The proposed plot size and density of development are comparable with other existing plots within the area. The proposed house type and design initially submitted with the application was not considered to be acceptable in the context of the site and proposed ATC in respect of the materials and finishes which included timber cladding and an aluminium standing seam roof. Amended plans were submitted changing the materials to brick for the external walls and slate for the roof which is considered to be much more sympathetic to the appearance of the area.
The scale of the proposed dwelling is similar to other dwellings in the area and the retention of existing mature hedges will help to integrate the dwelling. Views of the site from the surrounding public roads are limited. Only glimpses of the roof of the new dwelling will be visible to the rear of No. 18 from the Old Cultra Road. The main view of the new dwelling will be from the existing private shared access lane. From this view the two storey dwelling will be subordinate to the larger 2 ½ storey dwellings at 16 and 16a and will not be overly dominant when viewed in the context of the existing bungalow at 1 Farmhill Lane. The previous outline permissions are also a material consideration when assessing the height of the dwelling as these granted approval for a two storey dwelling on the site with no ridge height restriction.

The design of the dwelling is of a simple linear form with pitched roof which would be sympathetic to the established built form. The existing trees on the site are protected by a Tree Preservation Order. All of the trees are to be retained with the exception of an Ash tree located adjacent to the south eastern boundary which is in poor condition.

For these reasons I am therefore satisfied that the development will not result in an adverse impact on the proposed ATC.

**Planning Policy Statement 7 – Quality Residential Environments**

**Policy QD 1**
Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.
In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

Para 4.10 states that in assessing housing proposals in Conservation Areas and Areas of Townscape Character, the protection of the existing character and distinctive qualities will be paramount. Proposals in the primarily residential parts of these designated areas which involve intensification of site usage or site coverage will not normally be acceptable. Such proposals usually involve demolition, plot sub-division or plot amalgamation which can be particularly detrimental to their character and appearance. Proposals involving intensification in these areas will only be permitted in the following exceptional circumstances:

(a) An extension in keeping with the scale and character of the dwelling and its surroundings;
(b) The sympathetic conversion of a large dwelling in appropriate locations to smaller units;
(c) The development of a significant gap site within an otherwise substantial and continuously built up frontage provided this would be of a density and character prevailing in the area.

While it is acknowledged that the proposed development will involve an intensification of site coverage, which the policy states should only be permitted in exceptional circumstances, in this particular case, it is the professional planning judgement that the proposed intensification is not considered to be at odds with the existing pattern of development in the ATC exhibited around the site and will not result in harm to the overall appearance of the ATC. There are a considerable number of existing sites of a similar size to that proposed and a number of planning approvals have been granted in recent years for sub division of the sites at 20 and 22 Old Cultra Road as it was also considered that these could be successfully integrated into the area without causing harm to its character or appearance. Furthermore, public views of the dwelling from within the wider ATC will be extremely limited. Significant weight must also be attached to the previous outline planning permissions which have established the principle of a dwelling on the site. These factors are considered to outweigh the exceptional circumstances test in this instance.

In order for the proposal to fully comply with PPS 7, the proposed development must meet criteria (a) – (h) of Policy QD1.

(a) The development respects the surrounding context and is 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.

As outlined above, the proposed dwelling will respect the surrounding context in terms of its layout, scale, proportions, massing and appearance. The plot is similar in size to numerous others in the area. The height, scale, massing and design of the dwelling itself will also respect the established built form of the area. The development will not have excessive hard surfaced areas and existing trees and hedgerows are to be retained and augmented with additional landscaping.
(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

No archaeological or built heritage features have been identified. Protected trees have been identified and will be retained as indicated on the site layout plan and landscaping scheme with the exception of one Ash tree which has been identified by the arboriculturalist as being in poor condition. Drawings have been submitted indicating the measures proposed to protect retained trees during construction. A detailed landscaping scheme has also been submitted which will further help to integrate the dwelling. The boathouse which was originally proposed at the south western end of the site adjacent to Farmhill Lane has been removed from the proposal at the request of the Council. The boathouse was considered to be unacceptable at this location as it would have resulted in an adverse visual impact to the front of the existing dwellings on Farmhill Lane and would have resulted in the loss of or damage to the existing mature hedgerows which make a positive contribution to the appearance and character of the area.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

Adequate provision is made for private amenity space within the application site in line with the requirements of the Creating Places Guidelines. Sufficient private amenity space will also be retained for the existing dwelling at 18 Old Cultra Road.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.

Not applicable.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures

There will be a vehicular access to the front of the site and a pedestrian only access also onto Farmhill Lane at the rear of the site.

(f) adequate and appropriate provision is made for parking

There will be adequate in curtilage parking for a minimum of 3 cars for both the new and existing dwelling.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

I am satisfied that the proposed design is appropriate for its location. As outlined above, the height, scale and massing of the dwelling is comparable to existing dwellings in the area. The red brick finish and slate roof will also reflect the finishes of dwellings in the area.
(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance

The potential impact of the proposed development on the existing adjacent dwellings has been assessed in great detail. A number of amendments have been made to the scheme at the request of the Council to ensure that there will be no unacceptable adverse impact on the amenity of the adjacent residential properties by way of overlooking, over dominance and loss of light. These amendments made throughout the processing of the application have included a reduction in the overall height of the dwelling from 9.5m to 8.5m. This reduction in height includes the removal of the accommodation at second floor level along with the removal of the two associated bedroom windows. Two gable windows at first floor level have also removed leaving only a single bathroom window on the south western gable which shall have obscure glazing to prevent overlooking towards No. 1 Farmhill Lane. The size of the windows on the first floor of the front elevation have also been significantly reduced in size to help reduce the perception of overlooking towards No. 1 Farmhill Lane and the window closest to No. 1 will have obscure glazing. There will be adequate separation distances between the proposed and existing dwellings in line with the recommended standards set out in Creating Places. The impact of the new dwelling upon each of the adjacent properties is assessed in turn below.

Impact on No. 18 Old Cultra Road
The new dwelling will be orientated so that its gable wall will face towards the main rear elevation of No. 18. There will be no windows on the gable wall and therefore no overlooking towards No. 18. The new dwelling will be positioned between 6m–10m away from the sun room at the rear of No. 18 which is considered to be a sufficient distance to ensure that there will be no unacceptable loss of light or overbearing impact to No. 18. The main front elevation of the new dwelling will face towards the north west away from the rear private amenity space of No. 18. The existing Griselinia hedge to the rear of No. 18 is to be retained at a minimum height of 1.8m which will provide screening to the amenity space.

Impact on 16a Old Cultra Road
The rear elevation of the new dwelling will face towards the rear private amenity space of No. 16a. The single storey portion of the proposed dwelling will be located 6m from the party boundary with 16a and the main two storey part of the building will be 9m away. The existing mature Griselinia/Laurel hedge along the party boundary with 16a is of a sufficient height to provide adequate screening from the proposed windows at ground floor level to the rear of the new dwelling. The only windows at first floor level on the rear elevation of the new dwelling will be 3 landing windows which shall be fitted with obscure glazing and 3 small roof lights. One of the roof lights will be located at the top of the stairs and will be 2.9m above finished floor level which will ensure that there would be no views out form this window. The other two roof lights will serve a hot press cupboard and an en suite. These windows will be positioned 2.2m above the finished floor levels of these rooms, which is also a sufficient height to ensure that there will be no views out of these windows. The distance of the two storey element of the dwelling from the party boundary with 16a (9.4m) and the reduced height of the dwelling (8.5m) will also ensure that there will be no unacceptable overbearing impact on 16a.
Impact on 1 Farmhill Lane
The proposed dwelling will be orientated so that its south western gable will face towards the rear of 1 Farmhill Lane. The existing mature hedgerow along the party boundary will be retained and will provide adequate screening at ground floor level. The only window at first floor level on the gable facing No. 1 will be an en suite window which will be fitted with obscure glazing. The first floor windows to the front elevation of the new dwelling will also face towards the rear garden of No. 1 Farmhill Lane however these windows will be positioned a sufficient distance from the boundary with No. 1 to ensure that there will be no unacceptable degree of overlooking. The closest first floor window to No.1 which will serve the master bedroom of the new dwelling will be fitted with obscure glazing to prevent views towards the private amenity space of No. 1. The remaining windows at first floor will be positioned between 10m-18m away from the party boundary with No. 1 which would be in line with the minimum separation distance of 10m as recommended in Creating Places.

Given the relatively narrow gable width of the new dwelling (7m), the reduced ridge height of 8.5m and the separation distance between the new dwelling and No. 1 of approximately 12-14m, it is not considered that the development would result in any unacceptable over bearing or over-dominant impact on No. 1. There are a number of windows to habitable rooms on the rear elevation of No. 1 which will face the proposed dwelling. However only a small section of the gable wall (2.4m in length) of the new dwelling will site immediately opposite the rear elevation of No. 1 and given the separation distance of 14.6m between the existing and proposed dwellings there will be no unacceptable loss of light to No.1.

To ensure that no potential future alterations or extensions to the proposed dwelling could be constructed without an assessment of their impact upon the existing dwellings, any planning approval should be subject to a condition removing permitted development rights for the dwelling. Effectively, any future additions or alterations would be subject to a planning application.

(i) the development is designed to deter crime and promote personal safety.

The dwelling is orientated to ensure supervision of the main driveway and the rear of the site will be enclosed and supervised from rear windows.

Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas

Policy LC1
Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:
(a) the proposed density is not significantly higher than that found in the established residential area;

I am satisfied that this is the case. The density of the development is 6.6 dwellings per hectare which is similar to and in some cases lower than the density of existing development in the area. For example, the density of Nos. 16 & 16a is 9 dwellings per hectare and the density of Nos. 2 & 3 Farmhill Lane is 12.5 dwellings per hectare.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

I am satisfied that the proposed development is in keeping with the overall character and environmental quality of the existing residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

I am satisfied that this is the case.

Policy LC 3
Permeable Paving in New Residential Developments

Favourable consideration will be given to using permeable paving within new residential developments as a means of reducing the risk of flooding associated with surface water run-off. Where appropriate private driveways, patios, paths, and shared hard landscaped surfaces should be built using permeable paving materials.

The proposed driveway will finished with gravel which is a permeable material and will help to maintain a good level of drainage on the site.

8. Consideration of Representations

A total of 20 objections have been received from six separate addresses including 1, 2 & 3 Farmhill Lane, 41a Farmhill Road, 16 Old Cultra Road and 16a Old Cultra Road.

Following notification of the final set of amended plans received on 18 November 2018, only 2 objections were received, one each from the residents of 16a Old Cultra Road and 1 Farmhill Lane.

The concerns raised by each objector during the processing of the application are summarised and considered below.

2 Farmhill Lane
• Visual impact of proposed boathouse on ATC and loss of mature hedge as a result.
• Traffic impact from vehicles accessing proposed boathouse

The boathouse originally proposed as part of the development has now been removed from the proposal.
41a Farmhill Road
- Removal of protected tree
- 2 ½ storey dwelling excessive for size of site

As outlined above, all protected trees within the site are to be retained with the exception of a single Ash tree which has been identified by the arboriculturalist as being in poor condition. In addition, it is not considered that this tree makes any material contribution to the character or appearance of the area. Four new Silver Birch trees are also proposed within the site which will help to compensate for the loss of the existing tree.

The height of the dwelling has been reduced and is now only 2 storey rather than 2 ½ storey.

3 Farmhill Lane
- Loss of light as a result of proposed boathouse
- Loss of hedge as a result of proposed boathouse
- Traffic impact of boathouse on existing narrow lane

The boathouse originally proposed as part of the development has now been removed from the proposal.

16 Old Cultra Road
- Overlooking from upper floor windows into rear garden and bathroom
- Loss of sunlight to garden
- 2 ½ storey dwelling is excessive for size of plot
- Proposed materials out of character

The main two storey rear elevation of the dwelling will be located approximately 23m from the rear garden of No. 16. This separation distance is considered to be more than adequate to ensure that there will be no unacceptable degree of overlooking. This separation distance would exceed the 20m ‘back to back’ separation distance as recommended in the ‘Creating Places’ guidelines. Furthermore, the height of the dwelling has been reduced to 2 storey and the only upper floor windows on the rear elevation facing towards No. 16 are either to be fitted with obscure glass or are high level roof windows. Therefore there will be no unacceptable overlooking from these windows.

Due to the significant separation distance from No. 16, there will be no unacceptable loss of sunlight. The new dwelling will actually be located to the north west of No. 16, therefore it will not be in the path of the sun in respect of No. 16 until late evening.

The height of the dwelling has been reduced to 2 storey.

The materials proposed for the dwelling have been amended to include red brick and natural slate, both of which are prevalent in the surrounding area.
16a Old Cultra Road
In total throughout the processing of the application, 7 letters of objection have been received from the residents of 16a Old Cultra Road. While significant amendments have been made to the proposal, the residents of 16a have continued concerns as follows:

- The site boundary has not been accurately shown on the plans (red line does not run along the centre of the hedge)
- The dwelling should be repositioned so that its rear elevation is at least 10m from the common boundary with 16a.
- It will be difficult to enforce the retention of obscure glazing in the first floor windows of the rear elevation.
- New dwelling will result in direct overlooking into the bathroom of 16a
- A 2 storey dwelling positioned at a right angle to 16a in close proximity to the common boundary would be at odds with the character of the area.

The red line drawn on the site location plan defines the extent of the application site for the purposes of this planning application. The plan shows the red line of the site running along the existing party boundary which is currently defined by a mature hedgerow. It is taken that this runs along the middle of the hedge.

Planning permission does not confer title. Land ownership disputes are entirely a civil matter between the parties involved or a matter for the courts and the Council cannot become embroiled in disputes over title to land. In cases where there is a dispute over the accuracy of boundary delineation or the accuracy of a certificate of ownership submitted under Section 42 of the Planning Act, the key issue is any prejudice to the interested parties. If someone disputing title is aware of the planning application then it is normal practice to consider that the purpose of the statutory provision of Section 42 remains unimpaired as they are aware of the application and therefore not prejudiced in any way. Furthermore, the proposal does not involve any new development along this party boundary and the existing hedgerow which currently defines it is to be retained.

With regard to the position of the proposed dwelling, the single storey section to the rear will be located approximately 6m from the rear garden of No. 16a. The main two storey part of the building will be located approximately 9m away. The Creating Places Guidelines recommend a separation distance of around 20m or greater between the opposing rear first floor windows of new houses and goes on to recommend a minimum of around 10m between the rear of new houses and the common boundary for this relationship of opposing rear elevations. In this case, the proposed dwelling and the existing dwelling at 16a will not have opposing rear elevations, rather, the proposed dwelling will sit at a right angle to 16a and therefore will not face directly towards its rear elevation. Furthermore, the proposed dwelling will have no windows at first floor level which will serve any habitable rooms and as a further mitigation measure, these windows will be subject to a condition requiring obscure glazing to be fitted. If this condition is not complied with or breached at any time, this will be a matter for the Council’s Enforcement Team to take appropriate action. The three small roof lights above will serve a hot press cupboard, and en suite and a landing, none of which are considered to be habitable rooms. These roof lights will be positioned above eye level when measured from first floor levels. The roof lights to the hot press and en suite will
be positioned 2.2m above floor level and the landing roof light will be positioned 2.9m above the landing floor level. There will therefore be no potential for views from these roof lights and there will be no adverse impact on the privacy of 16a.

In their last piece of correspondence, the residents of 16a requested that the proposal should be amended to provide a separation distance of 10m between the two storey section of the proposed dwelling and the middle of the boundary hedge. While Creating Places recommends a minimum of around 10m between the rear of new houses and the common boundary with existing properties, it does not rule out smaller separation distances in appropriate circumstances. Paragraph 7.15 of Creating Places advises that where smaller separation distances are employed, the design should include mitigating measures to help promote privacy, for example through the location of bathrooms and the use of high level windows on upper floors to minimise overlooking. The guidelines go on to advise that smaller separation distances will also generally be acceptable for single storey development. The proposed dwelling has been designed to incorporate these mitigating measures as outlined above, therefore it is considered that the separation distances of 6m and 9m to the common boundary are acceptable in this case and will not result in any loss of privacy to 16a. As noted in the report above, it is also proposed that any planning approval will be subject to a condition removing permitted development rights to ensure that no windows or extensions can be added to the dwelling which could adversely impact upon privacy.

The positioning of the dwelling at a right angle to No. 16a is not considered to harm the character or appearance of the area. The area has a very varied pattern of development with numerous examples of backland development, development accessed via private lanes, all with varied interrelationships.

1 Farmhill Lane

In total throughout the processing of the application, 8 letters of objection have been received from the residents of 1 Farmhill Lane. One of these representations was submitted following the submission of the amended proposal on 12 November 2018. The residents continue to raise the following concerns:

- Overlooking from first floor windows on the front elevation of the proposed dwelling towards the bedroom and bathroom windows of No. 1.
- The boundary line between No. 1 and the application site has not been properly established and the height and health of the existing boundary hedge cannot be guaranteed.

The impact of the proposed dwelling on the amenity of No. 1 Farmhill Lane has been carefully considered. The new dwelling will be positioned so that its gable will face the main rear elevation of No. 1. The proposed gable windows at ground floor will be screened by the existing mature boundary hedge which will be subject to a condition requiring its retention at a minimum height of 2m and its replacement in the event of it dying with a new hedge and close boarded timber fence. The only first floor window on the gable will be an en suite window which will also be subject to a condition requiring it to be fitted with obscure glazing. There will therefore be no unacceptable overlooking towards No.1 from this elevation. The front elevation of the proposed dwelling will face north west and therefore the windows on this elevation will not be directly opposite any
of the windows to No.1. The closest first floor window (master bedroom window) will be situated approximately 6m from the party boundary with No. 1 at its closest point. As the position of this window would fall short of the recommended minimum 10m separation distance and there would be the potential for a view towards the private amenity space of No. 1 albeit from an angle, this window would be subject to a condition requiring obscure glazing to be fitted prior to occupation. The next closest window (also to the master bedroom) will be located between 9-10m from the party boundary. As it will not be orientated directly opposite the rear windows of No. 1, this is considered to be an acceptable separation distance to ensure that there will be no unacceptable overlooking of either the windows to No. 1 or its private amenity space.

With regard to boundary delineation, as outlined above, any planning permission will not confer title of land and any disputes over land ownership or boundaries are entirely civil matters between the parties involved. In this case the red line of the application site is drawn along the party boundary with No. 1 which is currently defined by a mature Griselinia hedge. The plans show no proposals to remove the existing hedge and no new development along the party boundary. As the hedge currently provides good quality screening between the site and No. 1 at ground floor level, a condition should be attached to any approval requiring the hedge to be retained at a minimum height of 2m and a further condition attached requiring replacement of the hedge with a 2m high close boarded timber fence and new hedge in the event of it dying. This will ensure the retention of an adequate level of privacy at ground floor level for both properties.

9. Conclusion

All material planning considerations have been assessed fully and comments from consultees and representations from members of the public have been considered. There was a previous outline planning permission for a two storey dwelling on this site (LA06/2015/0075/O) which must be attributed weight in the consideration of the current application. The proposal has been significantly amended during the processing of the application to address the Council’s concerns in relation to overlooking and impact on the character and appearance of the area and is now considered to have no unacceptable adverse impact on either the amenity of the adjacent properties or the character of the area as a whole. Planning conditions as outlined below will further ensure that the proposal will respect the character and amenity of the area. On this basis, I am satisfied that the proposed development would meet all the relevant prevailing planning policies and guidance and it is my opinion that planning permission should be granted.

10. Recommendation

Grant Planning Permission

11. 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 dwelling hereby approved shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of three private cars.

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

3. The dwelling hereby approved shall have one vehicular access only as indicated on drawing No. 03G bearing the Council date stamp of 12 November 2018. This vehicular access shall be provided in accordance with the approved details prior to the commencement of any other works or 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.

4. Prior to the commencement of development or any other works, 2.3m high protective barriers shall be erected in accordance with the standards set out in BSE5837:2012 and the approved plans around the base of the protected trees shown on drawing No. 3G bearing the Council’s date stamp of 12 November 2018. No construction traffic, fire, materials or debris will be permitted within this zone of protection which must be maintained until all construction works have ceased.

Reason: To ensure the continuity of amenity afforded by the existing protected trees.

5. The existing trees as indicated on drawing No. 3G bearing the Council date stamp of 12 November 2018, shall be retained. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place or any retained tree be topped or lopped without the written consent of the Council.

Reason: To ensure the continuity of amenity afforded by the existing trees.

6. During the first available planting season following the occupation of the dwelling hereby approved, new trees and hedgerows shall be planted as indicated on drawing No. 3G bearing the Council date stamp of 12 November 2018.

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

7. The existing hedgerows as highlighted in YELLOW on drawing No. 3G bearing the Council date stamp of 12 November 2018 shall be retained at a minimum height of 2m.
Reason: To ensure the amenity and screening afforded by existing hedges is maintained.

8. The existing hedge as highlighted in BLUE on drawing No. 3G bearing the Council date stamp of 12 November 2018 shall be retained at a minimum height of 1.8m.

Reason: To ensure the amenity afforded by existing hedges is maintained.

9. If any retained tree as indicated on drawing No. 3G bearing the Council date stamp of 12 November 2018 is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and those trees shall be of such size and species and shall be planted at such times as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. If any retained hedge as indicated on drawing 3G bearing the Council date stamp of 12 November 2018 is removed, uprooted, destroyed or dies or if in the opinion of the Council, has become seriously damaged or defective, another hedgerow shall be planted at the same place and the new plants comprising the hedgerow shall be of such size and species and shall be planted at such times as may be specified by the Council.

Reason: To ensure the continuity of amenity and privacy afforded by existing hedgerows.

11. The first floor windows as highlighted in GREEN on drawing No. 12 bearing the Council date stamp of 16 November 2018 shall comprise of obscure glazing and will be non-opening (unless the parts of the window which can be opened are more than 1.7m from the floor of the room in which they are installed). The obscure glazing must be fitted before the dwelling hereby approved is occupied and shall be permanently retained thereafter.

Reason: To protect the private amenity of the neighbouring properties at 16a Old Cultra Road and 1 Farmhill Lane.

12. Notwithstanding the permitted development rights set out in Article 3, Part 1 Classes A, B and D of the Planning (General Permitted Development) Order (NI) 2015, no enlargement, improvement or other alteration including the installation of windows other than those indicated on the approved drawings or alterations or additions to the roof, shall be made to the dwelling hereby approved, nor shall any buildings or enclosures be erected within its curtilage without the granting of a separate planning permission from the Council.

Reason: To protect the private amenity of the neighbouring properties at 16a Old Cultra Road and 1 Farmhill Lane.
View of existing dwelling at 18 Old Cultra Road (application site is located to the rear of this dwelling)

View within site looking towards rear garden of 16a Old Cultra Road
View within site looking towards 2 Farmhill Lane to the south east

View within site looking towards 1 Farmhill Lane
Site location plan
Site layout
Proposed elevations

PROPOSED GROUND FLOOR
ITEM 4.4

Ards and North Down Borough Council

<table>
<thead>
<tr>
<th>Application Ref</th>
<th>LA06/2018/0742/F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Demolition of former petrol filling station, retail unit and canopy for redevelopment for Nos. 18x2 bedroom apartments for social housing, including associated car parking, landscaping and all other ancillary site works</td>
</tr>
<tr>
<td>Location</td>
<td>Former Petrol Station at No 375 Old Holywood Road, Holywood</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Application with 6 or more representations contrary to officer recommendation</td>
</tr>
<tr>
<td>Validated</td>
<td>06/07/2018</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary</th>
<th>Main considerations:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Site is located within the settlement of Holywood.</td>
</tr>
<tr>
<td></td>
<td>• Full planning permission previously granted for 2 No. ground floor retail units and 8 No. 2 bedroom apartments (W/2007/0901/F) on 11.10.2012.</td>
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<tr>
<td></td>
<td>• Principle of residential development on this site is therefore acceptable.</td>
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<td></td>
<td>• The Housing Executive is in support of the proposal and has confirmed that there is demand for two-bed social housing accommodation in the Holywood area.</td>
</tr>
<tr>
<td></td>
<td>• The surrounding area is largely characterised by high density two storey terraced dwellings.</td>
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<tr>
<td></td>
<td>• The site comprises a former petrol filling station and is currently being used as a car wash. The proposed apartment building will introduce a more attractive frontage along Old Holywood Road.</td>
</tr>
<tr>
<td></td>
<td>• A separation distance of approximately 16m from the rear (western boundary) and the common boundary of private garden areas of existing properties has been provided which exceeds recommended standards. The separation distances provided will ensure that the proposal will cause no unacceptable adverse impact on existing residential amenity.</td>
</tr>
<tr>
<td></td>
<td>• The proposal has been amended at the request of the Council to further reduce any potential impact on adjacent residential properties. The number and size of upper floor windows on the western elevation has been reduced and Juliet balconies removed from the proposal.</td>
</tr>
<tr>
<td></td>
<td>• Adequate parking and private amenity space will be provided for all residential units</td>
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<td></td>
<td>• No objections from consultees.</td>
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<tr>
<th>Recommendation</th>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment</td>
<td>Item 4.4a - Case Officer Report</td>
</tr>
</tbody>
</table>
## Development Management Case Officer Report

<table>
<thead>
<tr>
<th>Application Ref:</th>
<th>LA06/2018/0742/F</th>
<th>DEA: Holywood &amp; Clandeboye</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposal:</strong> Demolition of former petrol filling station, retail unit and canopy for redevelopment for Nos 18 x 2 bedroom apartments for social housing, including associated car parking, landscaping and all other ancillary site works</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Location:</strong> Former petrol filling station at 375 Old Holywood Road, Holywood</td>
<td></td>
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</tr>
<tr>
<td><strong>Applicant:</strong> Lacuna Developments</td>
<td><strong>Agent:</strong> Matrix Planning Consultancy</td>
<td></td>
</tr>
<tr>
<td><strong>Date Valid:</strong> 06/07/2018</td>
<td><strong>Env Statement Requested:</strong> No</td>
<td></td>
</tr>
<tr>
<td><strong>Date last Advertised:</strong> 24/01/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Date last Neighbour Notified:</strong> 18/01/2019</td>
<td></td>
<td></td>
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<tr>
<td><strong>Consultations:</strong> Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Representations:</strong> Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Letters of Support | 0 | Letters of Objection | 10 | Petitions | 0 |

**Summary of Main Issues:**

- Principle of development
- Visual and residential amenity impacts
- Access and road safety
- Potential to impact on setting of a listed building

<table>
<thead>
<tr>
<th>Case Officer:</th>
<th>Caroline Herron</th>
</tr>
</thead>
</table>

**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
1. Description of Site and Surrounding Area

The site is located on the western side of the Old Holywood Road. The site is flat and irregular in shape with a depth of 38m front to back. The northern boundary is defined by a 1.5m high red brick boundary wall. The southern and western boundaries are defined by a close boarded timber fence. There is a single storey building on the site with forecourt and canopy which has previously been used as a petrol filling station. The site is currently being used for car washing.

No. 397 Old Holywood Road located immediately north of the application site is grade B2 listed building (HB23/17/005). The site contains a veterinary practice and tennis court. The application site is abutted on its western and southern sides by two storey dwellings which form the development known as Clarehill Lane. The dwellings west of the site sit on land slightly lower than the application site. The dwellings to the south are located on a similar ground level fronting the Old Holywood Road. The former Redburn Primary School site is on the opposite side of the Old Holywood Road.

The site is located within the settlement limit for Holywood as shown in both the North Down and Ards Area Plan 1984-1995 and Draft Belfast Metropolitan Area Plan 2015 (BMAP).

2. Site Location Plan
3. Planning History

Site:

W/2007/0901/F - Adjacent to 397a Old Holywood Road, Belfast - Mixed use development comprising of 2 No ground floor retail units and 8 no. 2 bedroom apartments – Permission granted 11.10.2012

Planning permission was previously granted for the redevelopment of this site. This permission was not implemented and has now expired; however, remains material to the determination of the application presently under consideration.

Adjacent site to north:

W/2014/0213/F - Lands at 397 Old Holywood Road, Holywood - Proposed residential developments of 4 no. dwellings (with new vehicular access from Old Holywood Road) including new walls and all other associated siteworks. Also includes demolition of select existing buildings to the rear of the site – Permission granted 31.07.2015.

This planning permission relates to the adjacent site where there is a live permission for 4 no. dwellings. The existing tennis courts will be replaced by the access to the proposed dwellings and a formal garden adjacent to the listed building. The proposed apartment block has the potential to over-look this site and therefore the application must be considered.

4. Planning Policy Framework

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

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (BMAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements
5. **Supplementary Planning Guidance**

Relevant supplementary planning guidance for this application is as follows:

- Creating Places
- Development Control Advice Note 8

6. **Consultations**

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>DfI Roads</td>
<td>No objection to the proposal subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections to the proposal.</td>
</tr>
<tr>
<td>Ards and North Down Borough Council Environmental Health</td>
<td>No objections to the proposal subject to conditions.</td>
</tr>
<tr>
<td>NIEA – Land and Groundwater Team (Waste Management)</td>
<td>No objections to the proposal subject to conditions.</td>
</tr>
<tr>
<td>NIEA – Water Management Unit</td>
<td>No objections to the proposal.</td>
</tr>
<tr>
<td>Historic Environment Division</td>
<td>No objections to proposal subject to conditions</td>
</tr>
</tbody>
</table>

7. **Consideration and Assessment**

Section 6 (4) of The Planning Act (NI) 2011 establishes that the planning system within the Councils will be plan-led and advises that ‘Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’ Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the Department of the Environment’s development plans and Planning Policy Statements (PPSs) which contains the main operational planning policies for the consideration of development proposals.

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

The 0.15 hectare application site is located within the settlement of Holywood. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area. A further consequence of the judgment is that draft BMAP published in 2004, is a material consideration in the determination of this application. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission’s Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission’s recommendations.

The site is not zoned for any particular use and remains as ‘whiteland’ in both the NDAAP and draft BMAP. The principle of housing is therefore in conformity with the development plan provided it complies with the relevant regional planning policies.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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 interest of acknowledged importance.

The SPPS retains the policy provisions of PPS 7 until they are replaced by a Local Development Plan for Ards and North Down Borough. The SPPS also refers to the continued materiality of Creating Places.

Planning Policy Statement 2 Natural Heritage

This sets out the policies for conservation, protection and enhancement of our natural heritage. Within this, natural heritage is defined as the diversity of our habitats, species, landscapes and earth science features. In taking decisions, the planning authority should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.
The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species. In this instance it has indicated that there is not a reasonable likelihood of there being protected species present and therefore further investigation is not considered necessary.

**Planning Policy Statement 3 Access, Movement and Parking**

**Policy AMP 7 Car Parking and Servicing Arrangements**

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

The proposal is for the erection of 18 No. 2 bedroom apartments. PPS 3 is accompanied by supplementary guidance on parking standards, which calculates the recommended number of parking spaces for each type of development. It is recommended that 1.5 unassigned parking spaces are provided per unit for 2 bed apartments. The requirement for this proposal would therefore be 27 spaces. The proposal however only provides 19 spaces. This shortfall in parking has been raised by objectors expressing concern that people will park in Clarehill Lane. Generally, statistical evidence suggests that residents of social housing exhibit lower levels of car ownership and it is recognised that car ownership per household for social housing is lower than that required for private housing. The site is also is close proximity to public transport in the form of a regular bus service on the Old Holywood Road. Therefore I am content the level of car parking provided is acceptable.

DfI Roads has been consulted on the proposal and no objections have been raised.
Planning Policy Statement 7 - Quality Residential Environments

QD1 (a) The development respects surrounding context and appropriate to the character and topography of the site

The proposal seeks re-development of a former petrol filling station to facilitate one block comprising of 18 No. apartments. The block is set 3.9m back from the public road to ensure that it respects the existing building line along the road frontage. The proposed building will be three and a half stories high with a ridge height of 10.08m. The finishes will be brick and render mix for the ground, first and second floors and a slate tile roof with dormer windows for the third floor.

The area west and south of the application site is characterized by residential development comprising of 2 storey terraced dwellings. The area would be categorized as high density and therefore the apartment development would not be considered to be out of character with the area. The height of the proposed building will be higher than the adjacent dwellings. The typical height of a 2 storey dwelling is approx. 8m; therefore, the proposal will only be approximately 2m higher than adjacent buildings. It should also be noted that planning permission was granted on the site in 2012 for a mixed use development with a similar ridge height. The proposed finishes complement the brick and pebble dash dwellings in the surrounding area.

Ample spacing has been provided between the proposed building and the neighbouring dwellings on either side to allow for the ease of movement around the building, for landscaping to soften the visual appearance of the building and for the integration of the development into the area.

The topography of the site is flat which is similar to the surrounding area. The dwellings to the rear of the site in Clarehill lane sit at a slightly lower level than the application site by 0.8 metres.

The proposed building will result in the introduction of a more attractive frontage along the Old Holywood Road where there is currently a forecourt with canopy being used as a car wash. Hedging is proposed along the roadside boundary which will soften the visual appearance of the building and provide screening for the ground floor windows. The existing wall along the northern boundary will be retained and it will be extended along the western and southern boundaries. The future residents of the units will also have an attractive outlook due to the landscaping proposed around the building and the grassland located on the opposite side of the road.

I am satisfied that unacceptable harm will not be caused to the local character, environmental quality or residential amenity of the area.
QD 1 (b) Archaeological and built heritage

The site is not located within any designated area in the development plan. There are no archaeological or landscape features identified in the NDAAP 1984-1995 or in draft BMAP which need to be integrated into the development.

Historic Environment Division (HED) were consulted on the proposal due to its proximity to the Garden Lodge Veterinary Practice at 397 Old Holywood Road which is a grade B2 listed building. HED was content with the proposal however it was requested that the northern wall was retained. Due to the contained nature of the existing listed building, the proposal is not considered to harm its setting in this instance. In my opinion the proposal would be a more appropriate land use on the site in comparison to the current commercial use and which does not make a positive visual contribution to the street scene.

QD 1 (c) Private and Public Open Space

The development incorporates communal amenity space to the side of the proposed building and adjacent to the rear boundary meeting the minimum 10sqm per unit. The site benefits from being in close proximity to Redburn Country Park which is accessed from the northern end of the Old Holywood Road, some 215 metres from the application site.

Landscaping is provided as an integral part of the development with laurel hedging abutting the public road and small laurel trees and grass bordering the building and parking areas. The site is currently finished in hardstanding and therefore the proposed landscaping is welcomed. Any approval of the proposed application will be conditional on the submission and implementation of a Landscape Management and Maintenance Plan.

QD 1 (d) Necessary Local Neighbourhood Facilities

Due to the proposal only being for 18 units there is no need for local neighbourhood facilities to be provided as an integral part of the development.

QD 1 (e) Movement Pattern

The site is located approximately 1 mile from Holywood town centre, with footpaths and street lighting on both sides of the Old Holywood Road, which encourages walking. The site is also located on a bus route with bus shelters located 40 metres to the south and 80 metres to the north. There is a further stop 200m to the north offering regular services to Belfast and Bangor. Holywood train station is located 1.3 miles away.
date there are no cycle paths in close proximity to the site. The site is not dependent on private car travel due to its location and a cycle store has been integrated into the layout.

**QD 1 (f) Adequate and appropriate provision is made for parking**

The development provides 19 No. unassigned in-curtilage car parking spaces. The shortfall in parking spaces has been previously assessed and on this occasion it is considered to be acceptable.

**QD 1 (g) Design**

The proposed finishes are similar to those found in the surrounding area. The proposed design is modern; however the complementary finishes will ensure the proposal will cause no detriment to local character.

**QD 1 (h) Residential amenity**

The proposed apartments will provide two bedroom accommodation on all four floors. The apartments will be 16m from the western boundary and approximately 4.9m from the southern boundary. I have considered the previous planning application and whilst the permission has now expired, it remains a material consideration. The proposal at three and a half stories in height is located further away from the boundary with No. 1 Clarehill Lane than the previous approval. The separation distance to the southern boundary has increased from 1.4m to 4.9m. The 45 degree light test as detailed in the “BRE Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)” has been applied from the nearest rear window on the rear elevation of No. 1 and the proposed building meets this guideline. This dwelling also benefits from being on the southern side and therefore the path of the sun is not affected by the proposal. With regards to over-looking, a ground floor hall window is proposed on the gable facing this southern boundary however the 1.75m high proposed brick wall will restrict over-looking into the neighbouring dwelling. Landing windows are proposed on the gable at first and second floor however they are to be finished in obscure glazing and shall be conditioned accordingly.

The proposed apartment building will be approximately 16m from the rear (western) boundary. A ‘back to back’ separation distance of approximately 23-25m will be provided between the apartment building and the dwellings to the west. Paragraph 7.17 of Creating Places states that “Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary.” The proposal therefore is in excess of the recommended separation distance. Paragraph 7.18 goes on to state that “Greater flexibility will generally be appropriate in assessing the
separation distance for apartments ... in inner urban locations or other higher density areas. ... but schemes likely to result in a significant loss of privacy or overlooking, particularly of existing properties, will not be acceptable."

The proposed apartment contains living room and bedroom windows on the upper floor rear elevation and whilst the separation distance to the boundary has been adhered to, the planning agent was asked to amend the proposal to reduce potential overlooking on Nos 22-25 Clarehill Lane. The windows were all reduced in size on the rear elevation and the Juliet balconies were removed from the proposal. Two living room windows were moved to the northern gable which will look towards No. 397 Old Holywood Road. The majority of the remaining upper floor windows serve bedrooms with the exception of three living room windows which are located directly to the rear of Nos. 23 & 24 Clarehill Lane. These neighbouring terrace dwellings have three first floor windows each, one being narrow and one high level. The separation distance is in excess of 25 metres back to back between the proposed living room windows and the existing properties which is considered to be an acceptable separation distance to minimize any potential adverse impact on existing residential amenity. A degree of overlooking is to be expected in an urban environment and therefore the proposal is not considered to cause an unacceptably adverse loss of privacy or over-looking to warrant a refusal.

The proposal will not adversely impact the level of sunlight currently received by these neighbouring dwellings due to the separation distance. The 25 degree light test as detailed in the BRE Site Layout and Planning for Daylight and Sunlight document has been applied between the proposed unit and the dwellings to the rear of the site and the 25 degree angle is adhered to. Parking is provided adjacent to this western boundary however a 1.75m high brick wall is proposed to mitigate noise and light impacts from the movement of cars within the site. A grass area and laurel trees are also provided as a decorative border which will prevent parking immediately adjacent to the wall.

The northern boundary abuts the curtilage of the listed building. The intervening boundary wall and existing mature trees within the neighbouring site will mitigate against any adverse impacts on the listed building and the on the four dwellings approved under ref: W/2014/0213/F. The windows proposed on the northern gable are in excess of 30 metres from No. 397 Old Holywood and would be even further from the approved dwellings west of this property.

Bin storage is located north of the application site, 10m back from the public road but is easily accessible to the vehicular access for bins to be emptied.
QD 1 (i) Development designed to deter crime and promote personal safety

The proposal is designed to deter crime and promote personal safety with viewpoints out of both the front and rear of the development. Bicycle parking is provided along the southern boundary, set in from the public road by 17m which should ensure bicycle security.

Other Considerations

A revised Preliminary and Generic Quantitative Risk Assessment, dated July 2018 and referenced A1069249-1 was submitted to the Council due to the previous use on the site. The report refers to a previous 2007 risk assessment undertaken on the site (WYG Preliminary and Generic Quantitative Risk Assessment ref: E011769 dated March 2007). This report previously confirmed a remedial strategy as:

• A clean cover system to sever direct contact pathways with Nickel on site and tank removal and verification in line with PPG2 & PPG27.

Anecdotal information suggests that the use as a petrol filling station stopped operations in 2010 and that in April 2011 tanks were decommissioned in situ. In June 2018 the site conditions were reviewed and concluded that no additional sources were present within the site.

Environmental Health has considered the reports and has suggested conditions be attached to any potential planning approval to ensure any contamination on site is effectively remediated.

Addendums to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC1 is applicable. It states that ‘in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out in Policy LC1 are met.

In accordance with Policy LC1 the proposed density is not significantly higher than that found in the area, the pattern of development is in keeping with the overall character and environmental quality of the area. Communal amenity space and parking areas have been provided and the units will be built to a size not less than those set out in Annex A.
Planning Policy Statement 12 – Housing in Settlements

The proposal complies with relevant policy and guidance in PPS12. The proposal allows for an increase in density of housing without town cramming. The proposal has a good design and respects the character of the area. It will not have a detrimental impact on the surrounding area.

Development Control Advice Note 8

Proposals should seek to ensure that the form, density and character of any new development is in harmony with adjacent housing and does not detract from the environmental quality, residential amenity and established character of the surrounding area. As discussed above this would be the case for this proposal.

8. Consideration of Representations

Letters of representation have been received from 10 No. addresses in relation to this proposal.

The concerns relate to:

- Out of character with the area – the height of the proposed unit is of great concern to the nearby residents however the proposal is no higher than the previously approved scheme. The separation distances to the nearby dwellings are also similar to the previous scheme. I am content that the site can accommodate this proposal without compromising the character of the area.

- Over-looking – I have considered residential amenity in the body of the report and the proposal is not considered to have a significant adverse impact to warrant a refusal. Obscure glazing has been provided on the gable facing No. 1 Clarehill Lane and changes have been made to re-configure windows and reduce their size on the rear elevation. The majority of the upper floor windows on the rear elevation serve bedrooms, with only three windows serving living rooms. The separation distance is in excess of 25 metres back to back which will ensure that potential impacts on the residential amenity of the dwellings at Nos. 22 to 25 Clarehill Lane will not be unacceptably adverse.

- Loss of light/Over-shadowing – The path of the sun as well as the 25 degree light test as set out in the ‘BRE Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)’ have been considered and applied accordingly. The proposal will not cause any unacceptable adverse impact on existing residential amenity in terms of loss of light/daylight or overshadowing.

- Loss of view - It is should be noted that there is no right to a view; however, proposals which would have an adverse overbearing/dominant effect on an
existing property which would result in an unduly oppressive living environment for existing and future residents is a material planning consideration.

- **Overbearing** – Whilst it is noted that the proposed development is approximately 2m higher than the adjacent dwellings, there are windows provided on four floors. The dwellings at 22 – 25 Clarehill Lane are located 0.8 metres below the level of the application site. The brick wall along the party boundary and the separation distance will ensure the proposal will not cause an unacceptable dominant or over-bearing impact on the neighbouring dwellings.

- **Density** – The site is located within an area of high density and therefore the provision of apartments is not considered to be out of character with the area.

- **Parking provision** – Considered in body of report.

- **Overflow parking** – Whilst there is no control over where someone can park their car in a residential area, I am content that ample parking provision is made within the curtilage of the building.

- **Traffic congestion** – The proposal is not considered to involve such significant traffic movements to cause congestion. DfI Roads was consulted in relation to the provision of a safe access to the public road and the proposal was considered to be acceptable.

- **Noise and disturbance** – A proposal for housing within a primarily residential area is considered to be in-keeping with the character of the area. The impact on the parking area adjacent to the rear amenity space of Nos. 1 and 22-25 Clarehill Lane is reduced by the provision of a brick wall and a landscaped border to deflect and limit noise and disturbance. The previously proposed balconies have since been removed from the proposed drawings in order to reduce the impact on residential amenity. The Council’s Environmental Health Department has provided no objection to the proposal in terms of noise.

- **Boundary treatments** – The comments regarding the provision of a brick wall and landscaped border were taken on board by the Applicant and a brick wall of 1.75 metres high is now proposed along the rear (western) elevation with grass and laurel trees planted on the inside.

- **Grass area to be planted to avoid parking** – The open space within the site will be conditioned that it shall only be retained as open space and not used for any other purpose.

- **Building line** – The proposal was amended during the processing of the planning application to set it back and respect the existing building line as requested by the third parties.

- **Social housing need** - Assertions were made that 3-4 bed family homes were needed in the area however no evidence was submitted to support this comment. The Northern Ireland Housing Executive has confirmed that there is a demand for 2 bed accommodation in the Holywood area. The Annual Housing Need Assessment has been published for Ards and North Down. As of March 2018 the social housing need projection for 2018-2023 in Holywood is 156. The Housing Executive supports this proposal.

- **Human Rights and loss of house value** - The issue of Human Rights was raised by third parties in relation to potential financial loss and potential impact on enjoyment of a person’s property. No substantive evidence specific to this proposal has been submitted to verify that approval of this application would result in any financial loss in terms of the value of neighbouring residential properties.
• Request for building survey –This matter is assessed under a separate regulatory regime and is not relevant to the determination of the planning application.

9. Conclusion
The proposal has been considered having regard to the Development Plan, all material planning considerations, the relevant regional planning policies, consultee comments, planning history and representations. The proposal is considered to improve the visual amenity of the area and is not considered to have an unacceptable adverse impact on the residential amenity of the neighbouring dwellings. Having weighed all the material planning considerations, on balance, it is the professional planning judgement that the application should proceed by way of an approval of full planning permission.

10. Recommendation

Grant Planning Permission

11. Conditions

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 residential development hereby approved shall be allocated for social housing use and shall be managed by a registered Housing Association.

   Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. The gable windows on the southern elevation, as indicated in green on the approved drawing No. 17, date stamped 6 July 2018, shall be finished with obscure glass and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be installed prior to the occupation of the first dwelling unit and permanently retained thereafter.
4. A landscape management plan for the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Council in writing prior to the occupation of any part of the development hereby permitted. The landscape management plan shall be carried out as approved in perpetuity.

Reason: To ensure the provision and maintenance of public open space within the site.

5. The long term management and maintenance of the open space, as indicated on Drawing No. 14C bearing the Council’s date stamp 16 January 2018, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing with the Council prior to the occupation of any part of the development hereby permitted.

Reason: To ensure the provision and maintenance of public open space within the site.

6. No part of this development hereby approved shall be occupied until the proposed open space outlined blue on Drawing No. 14C bearing the date stamp 17 January 2019 has been provided in accordance with the details shown on said plan. The open space area shall be permanently retained and shall not be used for any purpose other than as open space.

Reason: To ensure the provision and retention of public open space within the site.

7. Hard surfaced areas shall be constructed in accordance with the approved drawing 14C bearing the date stamp 16 January 2019 to provide adequate facilities for parking within the site prior to the occupation of any part of the development hereby permitted. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking of vehicles.

Reason: To ensure that adequate provision has been made for parking within the site.

8. All hard and soft landscape works shall be carried out in accordance with the approved plan Drawing Nos. 14C date stamped 16 January 2019 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season following the occupation of any part of the development hereby approved.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. The existing wall along northern boundary of the site coloured yellow on drawing No.14C bearing the Council’s date stamp 16 January 2019 shall be retained at the existing height of 1.5m in perpetuity.

Reason: To maintain the setting of the adjacent listed building.

10. The proposed 1.75m high redbrick wall coloured blue on drawing No. 14C shall be constructed prior to the occupation of any part of the development hereby permitted.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to protect the amenity of adjoining neighbours.

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

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

12. Prior to the occupation of the proposed development, the applicant shall provide to the Council, for approval, a Verification Report. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

In particular, this Verification Report must also demonstrate that:

(a) All fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution Prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been fully verified. All certificates of decommissioning, all waste consignment and/or duty of care
transfer notes for waste movements and all verification sample laboratory certificates and all documentary evidence of backfilling must be presented.

(b) All remaining soils at each side of the tank are to be sampled to confirm that current ground conditions are representative of what was previously found and are to be proven suitable for the proposed end-use (Residential without Plant Uptake) under current criteria.

Reason: Protection of environmental receptors to ensure the site is suitable for use and protection of human health.

13. If during the development works, new contamination and risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use and protection of human health.

14. No development or piling work shall commence on this site until a piling risk assessment has been submitted in writing and agreed by the Council. Piling risk assessments shall be undertaken in accordance with the methodology contained within the Environment Agency document “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”, available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http:cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 14C bearing the date stamp 16 January 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

16. The access gradient to the development hereby permitted shall not exceed 8% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users
Draft Belfast Metropolitan Area Plan (BMAP) 2015

Source: Map 4A – Holywood Draft BMAP 2015

Photographs of site

From Old Holywood Road
From site towards the rear of Nos. 22-25 Clarehill Lane

Proposed site plan
Amended rear elevation

Original rear elevation
Comparative front elevation with previously approved scheme
## ITEM 4.5

### Ards and North Down Borough Council

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>LA06/2017/0793/F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Proposed residential development of 43 detached dwellings with public open space and associated car parking, landscaping and site works</td>
</tr>
<tr>
<td>Location</td>
<td>Lands to the rear of Nos. 1-7 Brooklands Avenue &amp; Brooklands Park, Nos. 2-24 Alderrange Park &amp; 57-63 Manse Road, Newtownards</td>
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<tr>
<td>Committee Interest</td>
<td>Major application</td>
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<tr>
<td>Validated</td>
<td>26/06/2017</td>
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### Summary

Main considerations:
- Site is located within settlement limits of Newtownards on land zoned for housing (NS18, 2.61 hectare site) in the Ards and North Down Plan 2015
- 44 units on the site were approved at outline stage under planning ref: X/2010/0712/O – reserved matters are currently under consideration
- The principle of development has been established by the above Outline Approval
- No objections from consultees
- Residential area is characterised by large detached dwellings set on medium to large plots
- New development respects the setting of the area – all detached dwellings. Slightly higher density but complies with requirement of local area plan
- Eight objection letters received- three from the same objector – all objections fully assessed in case officer report
- Appropriateness of MOVA system to deal with traffic

### Recommendation

Approval

### Attachment

Item 4.5a - Case Officer Report
### Development Management Case Officer Report

<table>
<thead>
<tr>
<th>Application Ref: LA06/2017/0793/F</th>
<th>DEA: Newtownards</th>
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</thead>
<tbody>
<tr>
<td><strong>Proposal:</strong> Proposed residential development of 43 detached dwellings with public open space and associated car parking, landscaping and site works</td>
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| **Location:** Lands to the rear of Nos. 1-7 Brooklands Avenue & Brooklands Park, Nos. 2-24 Aldergrange Park & 57-63 Manse Road, Newtownards |
|-----------------------------------|------------------|

| **Applicant:** Antrim Construction Company | **Agent:** Turley |

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<tr>
<th><strong>Date Valid:</strong> 26/06/2017</th>
<th><strong>ES Requested:</strong> No</th>
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<tr>
<th><strong>Date last Neighbour Notified:</strong> 05/07/2018</th>
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<th><strong>Consultations:</strong> Yes</th>
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<tr>
<th><strong>Consultee</strong></th>
<th><strong>Response</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>DFI Roads</td>
<td>No objection</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA – Natural Environment Division</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA – Water Management</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA – Land and Groundwater</td>
<td>No objection</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objection</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection</td>
</tr>
<tr>
<td>Shared Environmental Services</td>
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<tr>
<th><strong>Representations:</strong> Yes</th>
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<th><strong>Letters of Support:</strong> 0</th>
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<tr>
<th><strong>Letters of Objection:</strong> 8 objection letters – 5 from separate addresses</th>
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<table>
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<tr>
<th><strong>Petitions:</strong> 0</th>
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<tr>
<th><strong>Summary of Main Issues:</strong></th>
</tr>
</thead>
</table>

- Design
- Impact on residential amenity
- Impact on character of the area
- Impact on roads
- Impact on biodiversity
- Conformity with Development Plan

| **Case Officer:** Gillian Corbett |

<table>
<thead>
<tr>
<th><strong>Recommendation:</strong> Grant Planning Permission</th>
</tr>
</thead>
</table>

**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
1. Description of Site and Surrounding Area

The site is located at the end of Manse Road on lands to the rear of Brooklands Avenue and Aldergrange Park. The site is currently agricultural land which is relatively flat. A stream runs in a north-east to south-west direction through the site. The boundaries of the site are defined by mature hedging.

The site is located within the settlement limits of Newtownards on land zoned for housing (NS18, 2.61 hectare site). To the west of the site is agricultural land which is outside the settlement limit. To the north, east and south-east of the site are residential properties within the settlement limit. The residential area is characterised by large detached dwellings set on medium to large plots. A nursing/residential home is located north of the site.

2. Site Location Plan

![Site Location Plan]

3. Planning History

X/2010/0712/O - Proposed housing development consisting of 38 dwellings and 6 apartments with associated landscaping and car parking – PERMISSION GRANTED 08.05.2013
LA06/2016/0416/RM - Proposed development of 44 No. dwellings consisting of 40 dwellings and 4 apartments with associated landscaping, car parking and all other associated site works – UNDER CONSIDERATION

The principle of 44 dwelling units was granted under outline permission X/2010/0712/O. This proposal is for full permission as it includes a different layout to that conditioned under the outline permission, it removes the apartments and is for 43 detached dwellings.

4. Planning Policy Framework
The relevant planning policy framework for this application is as follows:
- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 15 – (Revised) Planning and Flood Risk

5. Supplementary Planning Guidance
Relevant supplementary planning guidance for this application is as follows:
Creating Places
Development Control Advice Note 8 – Housing in Existing Urban Areas

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFI Roads</td>
<td>No objection subject to Private Streets Determination and an Article 122 Agreement.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objections</td>
</tr>
<tr>
<td>NIEA – Natural Environment Division</td>
<td>Proposal will have a negligible impact upon local biodiversity.</td>
</tr>
<tr>
<td>NIEA – Water Management</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA – Regulation Unit Land &amp; Groundwater</td>
<td>No objection</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection</td>
</tr>
<tr>
<td>Shared Environmental Services</td>
<td>No objection</td>
</tr>
</tbody>
</table>
Consideration and Assessment

Ards and Down Area Plan 2015

The site is within the settlement limit of Newtownards and on land that is zoned for housing (NS18, 2.61 hectare site).

Under the key design considerations for the housing zoning the development shall have a minimum gross site density of 20 dwellings and a maximum gross site density of 25 dwellings per hectare. The proposal is for 43 dwellings on a 2.46 hectare site. For a site this size, applying the above densities, the area plan would allow a maximum of 62 dwellings and a minimum 49 dwellings. The proposal falls below the minimum requirement however 44 units on the site were assessed and approved at outline stage under planning ref: X/2010/0712/O. The principle of the proposed density is therefore already established.

The other key design considerations are:
- the developer is advised to contact NI Water for advice on the positioning of buildings in relation to water mains structures prior to the submission of the planning application,
- the junction of Blair Mayne Road and Manse Road to be upgraded; and
- the boundaries of the site adjacent to the countryside to be landscaped with 8-10m deep belt of trees of native species to provide screening for the development and help integrate it into the surrounding countryside.

Following consultation with NI Water, it offers no objection to the proposal. A wayleave will be included to allow access to services.

Following consultation with DFI Roads, it does not consider upgrading the junction of Blair Mayne Road and Manse Road with a signalised junction as an appropriate solution due to the proximity of Ards Shopping Centre and the already signalised junction at Hardford Link /Church Street /Belfast Road. DFI Roads considers the proposal of 43 dwellings would have a negligible impact on the existing junction and the installation of a MOVA (Microprocessor Optimised Vehicle Actuation) system at the Hardford Link /Church Street /Belfast Road junction is the appropriate solution. The MOVA system will provide improved traffic progression on Blair Mayne Road and consequently provide associated benefit at the Manse Road junction. The developer will make a contribution to the installation of the MOVA system and DFI Roads has confirmed this is programmed for March 2020.

The proposal includes an 8-10 metre wide planted buffer along the boundaries of the site adjacent to the countryside.

The proposal complies with the zoning and the key design considerations set out in the plan. It is therefore considered that the proposal is in conformity with the plan and the principle of development is acceptable.

Strategic Planning Policy Statement for NI (SPPS)
The SPPS sets out the guiding principle relating to the grant/refusal of development contained within paragraph 3.8. This states that sustainable development should be permitted, having regard to the development plan and all other material.
considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPPS retains the policy provisions of PPS 2, PPS 3, Addendum to PPS6, PPS 7 and addendum and PPS 12 until they are replaced by a Local Development Plan for Ards and North Down Borough.

The SPPS also refers to the continued materiality of the guidance document Creating Places.

Planning Policy Statement 7 - Quality Residential Environments
This sets out planning policies for achieving quality in new residential development and advises on the treatment of this issue in development plans.

Policy QD1 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character, appearance and residential amenity of the local area. This policy sets out criteria that all proposals for residential development will be expected to conform to and the proposal has been assessed against these criteria as detailed below.

The proposal will not damage the quality of the local area. The site is within the settlement limit of Newtownards, on land zoned for housing and a housing development of 44 units has been previously approved on this site.

The layout, scale and massing of the proposed dwellings will respect the topography of the site and the character of the area. The site is relatively flat and is dissected by a stream. Part of the stream will be culverted on agreement with Rivers Agency for access to the dwellings.

The area is characterised by detached dwellings with front and rear gardens and in-curtilage car parking which front onto the public. The proposed layout will respect this and follow the surrounding pattern of development.

The proposal is for 43 detached dwellings with a variety of house types and designs. All dwellings will be two-storey and finished in red brick and cast stone detailing with tiled roofs.

The size of each plot is adequate to ensure that sufficient provision is made for private amenity space in front and rear gardens with the average space standard for the development as a whole providing greater than 70m² amenity space per dwelling as recommended in Creating Places.

A detailed landscaping plan and landscaping maintenance plan has been included which details the location and species of trees and hedging to be planted and how the future maintenance of the open space/green areas will be implemented and managed. An 8-10m planted buffer will be added along the boundaries of the site adjacent to the countryside to provide screening for the development and help it integrate into the surrounding countryside.

Two areas of communal open space will be provided. One will be at the entrance to the site and the other will form a focal point in the middle of the development. The
layout of both areas of open space has been designed so dwellings will overlook the
green space for security and to provide a quality residential environment.

Adequate car parking is provided within the development with each dwelling having at
least 2 in-curtilage spaces. Visitor car parking will also be provided within the site.

The proposal will have no unacceptable adverse impacts on adjacent dwellings and
will cause no significant overlooking or overshadowing. The proposed dwellings will
back on to existing dwellings in Brooklands Avenue, Aldergrange Park, a nursing
home at no. 61 Manse Road, no. 63 Manse Road and the countryside. There will be a
sufficient separation distance of at least 20 metres back to back between the
proposed and existing dwellings and existing hedging will be retained along the
adjoining boundaries to prevent any unacceptable adverse impacts on the residential
amenity of existing and future residents.

The exception to this is the relationship between the proposed dwelling on site no. 1
and the existing dwelling at no. 1 Brooklands Park. At this location the proposed
dwelling backs onto the gable of no. 1 Brooklands Park. The proposed dwelling at site
no. 1 will have a single storey rear return. Whilst there is not 10m separation distance
between the rear wall of the single storey return and the adjoining boundary with no. 1
Brooklands Park there is 10m separation distance between the two storey portion of
the house which is the main element that would cause any unacceptable adverse
overlooking or overshadowing. The separation distance is considered acceptable.
The proposed dwelling is also facing the gable and side garden of no. 1 Brooklands
Park and not the rear private amenity of this dwelling. The existing hedge along this
boundary will be retained and a 3 metre planted buffer will also be added along the
adjoining boundary. These factors combined will prevent the proposed dwelling at site
no. 1 from having any unacceptable adverse impacts on the residential amenity of no. 1
Brooklands Park.

The proposed dwellings on site nos. 35 and 36 will be gable onto two existing
dwellings at nos. 57 and 59 Manse Road. The existing dwellings at nos. 57 and 59
Manse Road are separated from the proposed site by at least 30 metres and the
existing hedging along the adjoining boundaries will be retained which will assist in
preventing any unacceptable adverse impacts on the residential amenity of existing or
proposed dwellings. The proposed dwelling on site 36 will have an ensuite window on
the gable elevation facing the existing dwellings, however as this is not a habitable
room there will be no unacceptable overlooking caused by this window.

The proposed dwelling on site no. 35 will have a dressing room window on the first
floor and a bedroom window at roof level in the gable facing the existing dwellings.
Both windows will be obscure glazing to ensure there is no unacceptable overlooking
on the adjacent existing dwellings. The bedroom will have an alternative additional
light source via a roof light to allow sufficient light in.

The proposed dwelling on site 43 will be gable onto no. 57 Manse Road and no. 2
Aldergrange Park. There is approximately 25 metres between the proposed and
existing dwellings, the existing hedging along the adjoining boundaries will be
retained and there is only a bathroom window proposed on the gable which is not a
habitable room. These factors will ensure there are no unacceptable adverse impacts
on the residential amenity of these dwellings.
The layout and design of the dwellings within the site has been considered to ensure there is no unacceptable adverse overlooking or overshadowing within the site to protect the residential amenity of future residents.

There are no archaeological or built heritage features to protect or integrate into the overall design and layout of the development. As discussed above there is a landscape feature of a stream within the site which will be culverted and integrated into the overall design and layout of the development to provide access to the site.

The proposal for 43 dwellings is not considered of a significant size to require the need for local neighbourhood facilities to be provided as an integral part of the development. The site will be accessible to social and community facilities such as schools, crèches, surgeries, local shops and play facilities within the local area.

The layout has been designed to deter crime as the dwellings will front onto the road network and the back gardens of the dwellings will be enclosed by fencing and landscaping and areas of open space will be appropriately overlooked.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

The primary purpose of this policy is to reinforce existing planning policy on housing within urban areas by introducing additional provisions to protect areas of established residential character, environmental quality and local amenity.

Policy LC 1 is applicable. It states that ‘in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out in Policy LC1 are met.

The proposal is for 43 dwellings within the settlement limit of Newtownards and adjacent to an established residential area. As mentioned above the proposal complies with Policy QD1 of PPS7. In relation to Policy LC 1 the proposed density is considered slightly higher than the surrounding area but not significantly higher and the proposed layout will consist of all detached dwellings which is characteristic of the area.

The pattern of development is in keeping with the overall character and environmental quality of the area and the dwellings will be built to a size not less than those set out in Annex A of the Addendum.

For example: a 5-Person / 3-Bedroom dwelling the size should be not less than 90/95m² for a two storey dwelling. A typical 3-bedroom two storey dwelling within the development will be 116m².

For a 7-Person / 4-Bedroom dwelling the size should be not less than 115/120m² for a two storey dwelling. Within the proposal a typical four bedroom dwelling will be 171.2m².
Planning Policy Statement 3 - Access, Movement and Parking
This policy sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

Policy AMP2 relates to access to public roads and Policy AMP7 relates to car parking. Access to the site will be via an existing road at Manse Road. The road layout meets current standards and will be adopted by DFI Roads. The access will not prejudice road safety or significantly inconvenience the flow of traffic.

Policy AMP7 relates to car parking and states that development proposals will be required to provide adequate provision for car parking. A Parking Schedule Plan was submitted which demonstrates two in-curtilage car parking spaces will be provided per dwelling (86 spaces) and 45 visitor parking spaces will be provided throughout the site. Parking Standards sets out that for this development of 43 dwellings, with a mix of 3 bed, 4 bed and 5 bed dwellings there should be 131 spaces provided. The proposed layout will provide 131 spaces.

The Area Plan sets out that the junction of Blair Mayne Road and Manse Road should be upgraded for any housing development on this site. As discussed above, following consultation with DFI Roads, it does not consider upgrading the junction of Blair Mayne Road and Manse Road with a signalised junction as an appropriate solution due to the proximity of Ards Shopping Centre and the already signalised junction at Hardford Link /Church Street /Belfast Road. DFI Roads considers the proposal of 43 dwellings would have a negligible impact on the existing junction and the installation of a MOVA (Microprocessor Optimised Vehicle Actuation) system at the Hardford Link /Church Street /Belfast Road junction is the appropriate solution. The MOVA system will provide improved traffic progression on Blair Mayne Road and consequently provide associated benefit at the Manse Road junction. The developer will make a contribution to the installation of the MOVA system and DFI Roads has confirmed this is programmed for March 2020.

The proposal will, therefore not prejudice road safety or significantly inconvenience the flow of traffic.

Planning Policy Statement 2 - Natural Heritage
This policy sets out the policies for conservation, protection and enhancement of our natural heritage. Within this, natural heritage is defined as the diversity of our habitats, species, landscapes and earth science features.

Policy NH1 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

This proposal 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.
Having considered the nature, scale and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

The mitigation measure is to ensure a suitable buffer of at least 10m is maintained between the location of all construction works and the adjacent watercourse.

Policy NH2 and Policy NH5 relate to protected species and habitats, species and features of natural heritage importance. Within the policies it states that planning permission will only be granted for a development proposal that is not likely to harm a protected species or result in the unacceptable adverse impact on, or damage to known priority habitats and species.

Following submission of a Biodiversity Statement and Biodiversity Checklist, the potential of the proposal to impact on newts (which are a Priority Species) was highlighted and there was concern from NIEA Natural Environment Division regarding the removal of some hedgerows.
Following submission of a Newt Survey, NIEA Natural Environment Division are content that newts are not present on site and that there will be a native planting scheme in place to compensate for the removal of some hedgerows. The proposal is therefore unlikely to have any significant impacts on the natural heritage features of the site.

**Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation**
This policy sets out planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

Policy OS 2 relates to public open space in new residential development. Within this it states that for new residential developments of 25 or more units, or on sites of one hectare or more, proposals will only be permitted where public open space is provided as an integral part of the development.

The proposal is for 43 dwellings on a 2.46 hectare site. In order to comply with Policy OS 2 two open space areas have been provided throughout the site. The open space has been designed as an integral part of the development. The dwellings adjacent to the open space have been designed to overlook it to provide an attractive outlook and security. The provision of public open space contributes to creating a quality residential environment.

Policy OS2 states the normal expectation of open space for housing developments over 25 units will be at least 10% of the total site area. The site is 2.46 hectares with over approximately 2400m² being allocated as open space which is roughly 10% of the site and therefore the provision of open space is acceptable.

**Planning Policy Statement 12 – Housing in Settlements**
The proposal complies with relevant policy and guidance in PPS12. The proposal will not result in a significant increase of density on the site and it will not cause town
cramming. The proposal has a good design and will respect the character of the surrounding area.

**Planning Policy Statement 15 – Revised Planning and Flood Risk**

This policy sets out the planning policies to minimise and manage flood risk to people, property and the environment.

The site is bounded by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and known as the ‘Ballycullen Stream’. This watercourse bounds the south-eastern boundary of the site and an undesignated section of this watercourse also traverses the site. As a result, Rivers Agency was consulted.

Policy FLD1 which relates to development within a floodplain is not applicable as the proposal is not within the 1 in 100 year floodplain.

Policy FLD2 which relates to protection of flood defence and drainage infrastructure is applicable to this proposal. Rivers Agency has responsibility for the ongoing maintenance of the stream within the site. Point 6.32 within this policy states that ‘where a new development proposal is located beside a flood defence, control structure or watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency. The working strip should have a minimum width of 5m but up to 10m where considered necessary and be provided with clear access and egress at all times.’

The Drainage Assessment submitted as part of the application states that a maintenance strip of a minimum of 5m width will be provided along the route of the culverted stream to enable future maintenance. Appropriate wayleaves of 6.0m minimum width will be provided along the routes of the existing watermains traversing the site to enable future maintenance as required by Northern Ireland Water.

Policy FLD3 which relates to development and surface water flood risk is applicable as the proposal is for more than 10 dwellings. As a result, a Drainage Assessment was submitted. The applicant has received consent to discharge for the proposal from Rivers Agency and Rivers Agency local area office is in agreement to the proposed arrangement.

Policy FLD4 which relates to artificial modification of watercourses is applicable to this proposal as part of the existing stream within the site will be culverted. Under Policy FLD4 artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.

Rivers Agency acknowledges confirmation from DfI Rivers Eastern Region that approval has been granted to undertake the proposed culvert works to the undesignated section of the Ballycullen Stream. The culverting will be a short length of the stream and is necessary to provide access to the site.

Policy FLD5 relates to development in proximity to reservoirs and states that new development will only be permitted within the potential flood inundation area of a “controlled reservoir” under certain conditions. The site is within the potential flood
inundation area of Ballycullen reservoir but this is not considered as a “controlled reservoir” as it is a NI Water Service Reservoirs and NI Water has recently advised that it is reviewing the volume of water that its Service Reservoirs are capable of holding above the natural level of any part of the surrounding land. This review will take several months and, until it is completed, DfI Rivers has decided that none of NI Water’s Service Reservoirs is a “controlled reservoir”.

The proposal is therefore acceptable from a flood risk perspective.

Creating Places
The proposal complies with guidance in Creating Places as the design and layout are in keeping with the character of the area, sufficient private amenity space and car parking will be provided and there is a sufficient separation distance between the proposed and existing properties.

Development Control Advice Note 8
Proposals should seek to ensure that the form, density and character of any new development is in harmony with adjacent housing and does not detract from the environmental quality, residential amenity and established character of the surrounding area. As discussed above this would be the case for this proposal.

8. Consideration of Representations
Eight objection letters have been received. Three of the letters are from the same objector. The main issues of concern are:

i. Flooding – stream within site, underground lake

ii. Increased traffic accessing from Manse Road – already difficult to access Manse Road particularly turning right, junction already at capacity, traffic delays and congestion, blocking yellow box at junction, safety of pedestrians. Proposal includes pedestrian crossing lights which will create more congestion.

iii. Density higher than Manse Road

iv. Impact on nature and wildlife

v. Ruin tranquil setting

i. In relation to flooding, Rivers Agency was consulted and a Drainage Assessment, Flood Risk Assessment and information relating to the nearby reservoir was submitted. Rivers Agency has given consent to culvert the stream and the reports submitted demonstrate that the proposal is acceptable from a flood risk perspective and Rivers Agency is content with the proposal.

ii. In relation to traffic issues the site is zoned for housing within the area plan (Ards and Down Area Plan 2015). Within the key design considerations of the housing zoning the junction of Blair Mayne Road and Manse Road is to be upgraded. Following consultation with DFI Roads, it does not consider signalising the junction as an appropriate solution due to the proximity of Ards Shopping Centre and the already signalised junction at Hardford Link /Church Street /Belfast Road. DFI Roads considers the proposal of 43 dwellings would have a negligible impact.
on the existing junction and the installation of a MOVA system at the Hardford Link /Church Street /Belfast Road junction as the appropriate solution. The MOVA system will provide improved traffic progression on Blair Mayne Road and consequently provide associated benefit at the Manse Road junction. The developer will make a contribution to the installation of the MOVA system and DFI Roads has confirmed this is programmed for March 2020. DFI Roads offers no objections and considers that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

iii. The density is slightly higher than that found within the surrounding area. However, it is not significantly higher and will only include detached dwellings which is in keeping with the character of the area. The site is also zoned for housing within the area plan and within the key site characteristics the maximum and minimum density for the site is detailed. As discussed above the proposal is below the minimum density requirement therefore the proposed density is acceptable as the area plan would allow more dwelling units on this site.

iv. With regards to the impact on nature and wildlife, a Biodiversity checklist and Biodiversity Statement was submitted. As discussed above, NIEA Natural Environment Division was consulted and the main concern highlighted was the potential impact on newts. A newt survey was submitted which indicated there are no newts on site. NIEA Natural Environment Division also had concerns regarding the loss of some hedging within the site. However, a landscaping plan shows native species will be planted to compensate this loss and following this NIEA Natural Environment Division has no natural heritage concerns. The proposal will therefore have no unacceptable adverse impacts on wildlife.

v. The land is zoned for housing within the area plan and the site is within the settlement limit of Newtownards where the principle of housing is considered acceptable.

9. Conclusion
The proposal has been assessed against relevant planning policies and all relevant material considerations, representations from neighbours and consultation replies have been considered. I am content that the proposal complies with planning policy and will respect the character and residential amenity of the area and will not prejudice road safety or significantly inconvenience the flow of traffic. I therefore recommend that planning permission is granted.

10. Recommendation

Grant Planning Permission
11. 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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992:-

   The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 48 bearing the date stamp 30th October 2017.

   Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

   Reason: To ensure there is a safe and convenient road system within the development.

4. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

   Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

5. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in verges/service strips determined for adoption.

   Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

6. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.

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

7. The development hereby permitted, shall not be commenced until any highway structure/retaining wall/culvert requiring technical approval, as specified in the Roads (NI) Order 1993, has been approved and constructed with BD2 technical
8. Any telegraph poles/ street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of DFI Roads.

Reason: Road safety and convenience of traffic and pedestrians.

9. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Department for Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

10. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section.

(These works will be carried out entirely at the developer’s expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

11. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Department for Infrastructure’s specification (Design Manual for Roads & Bridges) and as directed by Department for Infrastructure Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

12. The gradient of a private access shall not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of road safety.

13. The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department for Infrastructure for agreement in writing.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

14. The developer/applicant shall contact Department for Infrastructure Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require relocation as a result of this proposal.
Reason: In the interests of road safety and traffic progression.

15. All hard and soft landscape works shall be carried out in accordance with the approved plan Drawing No. 46 bearing the date stamp 26th June 2017 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following occupation of the first dwelling hereby approved.

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

16. During the first available planting season following occupation of the first dwelling hereby approved, the buffer planting zone as indicated in green on Drawing No. 46 bearing the date stamp 26th June 2017 shall be planted and permanently retained thereafter.

Reason: In the interests of visual amenity and to ensure the development integrates into the countryside.

17. The existing natural screenings of the site, as indicated on Drawing No. 46 bearing the date stamp 26th June 2017 shall be retained at a height of no less than 1.8m unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing by the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

18. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the first dwelling for its permitted use another tree (or trees) shall be planted at the same place and that tree (or trees) shall be of such size and species and shall be planted at such time as may be specified in writing by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

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

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

20. The open space as indicated on Drawing No. 02 bearing the date stamp 26th June 2017 shall be laid out in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and shall not thereafter be used for any purpose other than as open space/ play space.
Reason: To ensure amenity space is available concurrently with the development of the site.

21. The long term management and maintenance of the open space as indicated on Drawing No. 02 bearing the date stamp 26th June 2017, shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing by the Council prior to the occupation of any dwelling hereby approved.

Reason: To ensure the provision and maintenance of public open space within the site.

22. Prior to the occupation of the dwellings labelled as nos. 8, 13, 20, 21, 27, 32 and 35 on Drawing No. 02, bearing the date stamp 26th June 2017, the gable windows highlighted in green on Drawing Nos. 33B, 34B, 51, 52, 53, 54, 55, 56, 57, 58 bearing the date stamp 2nd July 2018, shall comprise of obscure glazing. The obscure glazing shall be retained in perpetuity thereafter.

Reason: To protect private residential amenity

23. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no buildings, extensions or alterations to dwellings, walls, gate pillars, fences or other structures shall be erected within the curtilages of the dwellings hereby approved other than those expressly authorised by this permission.

Reason: To ensure the continued amenity afforded by existing trees and to maintain the privacy and amenity of the adjacent residential properties.
### Report Checklist

<table>
<thead>
<tr>
<th>Neighbour Notification checked</th>
<th>Yes</th>
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</thead>
<tbody>
<tr>
<td>Date of EIA Determination</td>
<td>12/02/2018</td>
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<tr>
<td>ES requested</td>
<td>No</td>
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<td>Design and Access Statement checked</td>
<td>Yes</td>
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<tr>
<td>Notification to Department (if relevant)</td>
<td>N/A</td>
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<tr>
<td>Date of Notification to Department:</td>
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<tr>
<td>Response of Department:</td>
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<tr>
<td>Major Application</td>
<td>Yes</td>
</tr>
<tr>
<td>Date Pre-Application Notice Received:</td>
<td>01/10/2016</td>
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<tr>
<td>Community Consultation Report checked:</td>
<td>Yes</td>
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</tbody>
</table>
Aerial Image of Site

Site Layout
View of the site from the entrance at Manse Road

View towards the west (countryside)
View towards Brooklands Avenue
Examples of House Types
## ITEM 4.6
### Ards and North Down Borough Council

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>LA06/2018/0436/F</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proposal</strong></td>
<td>Demolition of existing public house and toilet block buildings. Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>The Front, Hibernia Street Stokers Halt, 25-29 Hibernia Street, Toilet block and car park adjacent to and north of 2 Redburn Square and 25-35 Hibernia Street, Holywood</td>
</tr>
<tr>
<td><strong>Committee Interest</strong></td>
<td>Application on land in which the Council has an interest</td>
</tr>
<tr>
<td><strong>Validated</strong></td>
<td>30/04/2018</td>
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</tbody>
</table>

### Summary

Main considerations:

- Planning history of site. Principle of similar development previously established by planning permission W/2013/0389/O.
- Proposed retail, restaurant/café and office uses are acceptable uses within the town centre. The submitted Retail Impact Report and Sequential Test has demonstrated that the proposed uses at this location will not result in an adverse impact on the primary retail core of Holywood and that there are no sequentially preferable sites available within the primary retail core.
- Impact on the character and appearance of the proposed ATC and the setting of Holywood Conservation Area and a number of nearby listed buildings. Historic Environment Division are content. Scale and massing of buildings are similar to previously approved scheme.
- A total of 138 car parking spaces will replace the 121 existing spaces. DFI Roads has requested that 100 spaces must be retained in perpetuity for use by the general public.
- Impact on amenity of adjacent dwellings. The development is considered to be a sufficient distance from existing dwellings to ensure no unacceptable
disturbance or loss of privacy will occur. Weight must also be afforded to town centre location and previous planning approval.

- Flood risk associated with coastal flood plain and reservoir inundation area. Only a small portion of the site is within the coastal floodplain and the proposed buildings will be sited outside this area. Previous approval has established principle of development.

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<tr>
<th>Recommendation</th>
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<td>Attachment</td>
<td>Item 4.6a - Case Officer Report</td>
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<tr>
<td><strong>Application Ref:</strong> LA06/2018/0436/F</td>
<td><strong>DEA:</strong> Holywood &amp; Clandeboye</td>
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<td><strong>Proposal:</strong> Demolition of existing public house and toilet block buildings. Construction of new mixed use development comprising food retail units, non-food retail units, café/restaurants, office accommodation, public car park and new public toilet facilities</td>
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<tr>
<td><strong>Location:</strong> The Front, Hibernia Street; Stokers Halt 25-29 Hibernia Street; toilet block and car-park adjacent to and north of 2 Redburn Square and 25-35 Hibernia Street, Holywood BT18 9JE</td>
<td></td>
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<tr>
<td><strong>Applicant:</strong> Robinson Family Ltd</td>
<td><strong>Agent:</strong> RPP Architects Ltd</td>
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<td><strong>Date Valid:</strong> 30/04/2018</td>
<td><strong>Env Statement Requested:</strong> No</td>
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<td><strong>Date last Advertised:</strong> 10/01/2019</td>
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<td><strong>Consultations:</strong> Yes</td>
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<td><strong>Representations:</strong> Yes</td>
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<td><strong>Summary of Main Issues:</strong></td>
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<tr>
<td>• Planning history of the site and area</td>
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<tr>
<td>• Principle of development</td>
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<tr>
<td>• Impact on the Primary Retail Core of Holywood</td>
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<tr>
<td>• Impact on the character and appearance of the Holywood Conservation Area and proposed ATC</td>
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<td>• Impact on the setting of listed buildings within the vicinity of the site</td>
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<tr>
<td>• Water run-off and drainage</td>
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<td>• Potential impacts of coastal flooding and reservoir inundation</td>
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<tr>
<td>• Potential impact on the amenity of existing dwellings</td>
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<tr>
<td>• Potential effects on European Sites, protected species &amp; priority habitats</td>
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<tr>
<td><strong>Case Officer:</strong> Mark Hanvey</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation:</strong> Grant Planning Permission</td>
<td></td>
</tr>
<tr>
<td><strong>Agreed by Authorised Officer</strong></td>
<td></td>
</tr>
</tbody>
</table>
1. Description of Site and Surrounding Area

The application site is located on the northern side of Hibernia Street, Holywood. Access is obtained from an existing entrance between a public toilet block and a public house in the south-eastern portion of the application site. The majority of the land within the red line boundary is an existing ground level hard surfaced pay and display car park. The existing ‘Stokers Halt’ public house is contained within the application site and has a frontage onto Hibernia Street. Its rear elevation backs onto the public car park to the north. The external walls are finished in a painted render with a stone cladding on the front elevation. The roof is finished with concrete interlocking tiles. The toilet block to the east of the entrance is single storey and is finished in brown brick. The hipped roof of the building is finished with concrete interlocking tiles.

The north-western boundary runs parallel with Marine Parade with direct views available across the application site from the roadside and public footpath. Recent development is evident directly to the north of the site with the construction of a multi-storey apartment complex and ground floor retail unit. The site shares a boundary with existing terraced properties along the Shore Road to the north-east. The site shares a boundary with buildings along High Street, to the east, most notably the First Presbyterian Church. To the south of the site there is a boundary with existing premises along Hibernia Street with an existing 2-storey building occupied by Radius housing projecting northwards. Redburn Square is located to the west of the application site and recent public realm works are evident extending along Hibernia Street towards High Street.

The application site is located within the Town Centre of Holywood and is located just outside the Primary Retail Core to the east. The surrounding urban area has a mixture of land uses and a variety of design and height. The modern apartment block to the north is four storeys in height with a three-storey building to the south-west near Redburn Square. A pedestrian subway is located adjacent to the application site to the west providing access to Holywood Train Station on the opposite side of the A2.
2. Site Location Plan

3. Planning History

Application site
W/2013/0389/O

Vacant land/existing DRD carpark at Marine Parade, Shore Road, Hibernia Street, Holywood

Development of 20,000 sq ft major retail unit. Development of 8400 sq ft ground floor retail space with 8,000 sq ft offices on upper floor

Permission granted: 9th June 2015

This outline planning approval was extant on the date which the current application was received and is a material consideration in relation to the principle of development for retail and office use on the application site.

Surrounding area
LA06/2016/0785/F

Hibernia Street, Redburn Square and Sullivan Place, Holywood
Redburn Square Public realm/environmental improvement scheme to improve streetscape and create flexible public spaces through the provision of high quality natural stone paving, street furniture, trees, lighting and soft landscaping, across Redburn Square, Hibernia Street and Sullivan Place. Scheme proposals also include relocating the existing War Memorial by approx. 6m and positioning it in a more prominent and central location within the square. Also included is a 1.5m high timber fence with hedge screening along the boundary with the A2 Bypass and feature signage to enhance the entrance to Holywood from the A2 Bypass via Sullivan Place.

Permission granted: 06.10.2016
LA06/2015/0074/F

Vacant Land at Marine Parade/Shore Road junction, Holywood,

Development of 18 No. Apartments above 500sqm Retail Unit and private parking

Permission granted: 7th January 2016

4. Planning Policy Framework

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

- North Down and Ards Area Plan 1984 - 1995
- Draft Belfast Metropolitan Area Plan 2015
  Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission’s Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission’s recommendations. Consequently, dBMAP is a material consideration relevant to this application.

- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 4: Planning and Economic Development
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 6 (Addendum): Areas of Townscape Character
- Planning Policy Statement 15: Planning and Flood Risk

5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows:

- Living Places
- DCAN 15: Vehicular Access Standards
6. Consultations

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared Environmental Services</td>
<td>The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.</td>
</tr>
<tr>
<td>DFI Roads</td>
<td>There are no objections subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>There are no objections and general advice and guidance is provided</td>
</tr>
<tr>
<td>Water Management Unit</td>
<td>There are no objections and general advice and guidance is provided</td>
</tr>
<tr>
<td>Natural Environment Division</td>
<td>Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns</td>
</tr>
<tr>
<td>Marine and Fisheries Division</td>
<td>Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided is content with the proposal;</td>
</tr>
<tr>
<td>Historic Environment Division</td>
<td>There are no objections subject to conditions and it is considered that the proposed development satisfies the requirements of Policy BH 11.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>There are no objections subject to condition.</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>Advice is provided stating that a portion of the site is located within the Coastal Floodplain. It is also stated that the application site is located within an inundation area of Church Road Lower and Upper impoundments.</td>
</tr>
</tbody>
</table>

7. Consideration and Assessment

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 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 within the urban area of Holywood under the North Down and Ards Area Plan 1984 - 1995 and within the Settlement Development Limits of Holywood under the draft Belfast Metropolitan Area Plan 2015. The NDAPP
contains policy relating to the designation of specific areas within the town centre for town centres uses particularly retail use and office use.

**North Down and Ards Area Plan 1984 - 1995**

The application site is shown on Proposals Map 7 – Holywood Town Centre. It is annotated as an existing car park. A portion of the site is zoned for town centre uses with the remainder shown as whiteland.

The NDAAP states the following in relation to those streets closest to High Street –

*While office uses will not be excluded here the predominant land use at ground floor level should be retailing and retail services. Future proposals for non-retail uses will be assessed on their likely effect on the achievement of a thriving commercial core.*

In total 6 ground floor units are proposed for retail/ town centre uses with office space provided on the first floor of the main building and on the first and second floor above the new ground floor toilet block in the south-eastern corner of the application site. I am satisfied that the proposed development is in keeping with the land zoning for Holywood Town Centre. Public Car Parking is retained within the site with town centre uses accommodated at ground floor with office uses contained within the upper levels of the proposed buildings.

**Draft Belfast Metropolitan Area Plan 2015**

Given that the reports of the Planning Appeals Commission in response to the hearing of objections to draft BMAP were in the public domain prior to adoption (now judged unlawful), and the Department’s consideration of those recommendations was set out in its Adoption Statement, which was also in the public domain prior to the challenge being lodged, material weight is being given to the policies and proposals in BMAP as they relate to North Down.
Under the draft BMAP one objection was considered in relation to the application site’s inclusion within the Holywood South Area of Townscape Character. The PAC concluded that given the prominence of the site, the sensitivity of the surrounding area and the potential impact on views into the Conservation Area, the site’s inclusion within the ATC is appropriate and recommended no change to the Plan.

The proposed ATC remains a material consideration. Given that it is unclear as to how the area will be characterised, determining weight cannot be given to the potential impact on the character of the ATC, however, its appearance is still a material consideration. As such it is considered that the proposed development is in conformity with draft BMAP as the scale and form of the proposed dwelling is in keeping with other buildings in the surrounding area and there will be no adverse impact on the appearance of the proposed ATC. A detailed consideration is set out below under the Addendum to Planning Policy Statement 6.

Designation HD 22

Urban Design Criteria - Holywood Town Centre

- Development shall respect the established building line;
- Building heights shall generally be 4 storeys facing the Holywood By-Pass / Marine Parade (or 5 storeys where setback is used). These building heights shall step down to a minimum of 3 storeys where they meet Sullivan Place and Shore Road. Taller buildings up to a maximum of 5 storeys shall be located on corner sites;
- In the market square and off Church View development shall be 2 storeys; and
- The external façade of development sites shall reflect the fine pattern and traditional character of the Town Centre. A sub-division of 8 - 10m along Holywood By-Pass/Marine Parade and 6 - 8m in other areas should be used to reflect historic character.

The proposed elevation onto Marine Parade is seen in the context of the existing building on the corner of Shore Road. The height of the proposed building is comparable with the previously approved outline planning application. The building is
2-storey, however, its height ensures that it is comparable to existing buildings in the vicinity of the application site. At this location there is no established building line, however, taking into consideration the previously approved application I am satisfied that the layout is acceptable.

![Previously approved layout W/2013/0389/O and proposed site layout](image)

Taking into consideration the previously approved site layout and elevations submitted as part of the previous outline planning application I am satisfied that the proposed development complies with Designation HD 22 of the Draft Belfast Metropolitan Area Plan 2015.

Under the draft BMAP one objection was considered in relation to the Primary Retail Core of Holywood. The PAC concluded that retail activity should remain focussed on the main street of the town.
Policy TRAN 2
Publicly Owned Off-Street Surface Car Parks within City and Town Centres

Planning permission will only be granted for development on publicly owned off-street surface car parks in designated City and Town Centres, provided that all existing car parking spaces are replaced, either on site or in an appropriate location in the vicinity of the site, and that the spaces are reserved for short-stay use only controlled to permit only short stay parking between the hours of 8am and 6pm, Monday to Friday.

The previous outline approval on the application site accepted a loss of parking spaces on the basis of the site’s town centre location and availability of public transport links in the immediate vicinity. DFI Roads has previously requested confirmation that approximately 100 car parking spaces will be held in perpetuity for use by the general public and the most recent site layout plan indicates the provision of 138 car parking spaces.

Policy R1
Retailing in City and Town Centres

Planning permission will be granted for retail development in all town and city centres.

Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use.
The Primary Retail Cores will be the preferred location for new comparison and mixed retail development. Outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the Primary Retail Core.

The application site lies within the Holywood Town Centre and outside and adjacent to the Primary Retail Core. Consideration of the proposed retail use is considered below in detail. It is accepted that there is no suitable site within the Primary Retail Core for the proposed development and the previous outline permission is a material consideration in accepting the proposed retail use on the application site.

Retail services and leisure uses will be expected to locate within the designated city and town centre boundaries. Bars, cafes and restaurants complement the primary shopping function of city and town centres by contributing to the range and choice of facilities available to residents and visitors. They also contribute to the evening economy, 24-hour city living and support tourism.

Policy OF 1
Belfast City Centre, Lisburn City Centre and other Town Centres

Planning permission will be granted for Office development within Classes A2 and B1 of the Planning (Use Classes) Order (NI) 2004 in the designated Belfast City Centre, Lisburn City Centre and other Town Centres.

It is accepted that the proposed office accommodation, included as part of this planning application, is ideally situated within Holywood Town Centre as directed by Policy OF 1. Further consideration of the proposed office use is outlined below under Planning Policy Statement 4.

City and town centres lie at the heart of local transport networks, including public transport. Promotion of office development within these areas will support sustainable development, assist urban renaissance and provide jobs in local areas, which are accessible to all sections of the community.

Holywood Town Centre is well served by public transport and the application site is in close proximity to Holywood Train Station. I am satisfied that the proposed office development will meet the objectives to Policy OF 1.

Strategic Planning Policy Statement for Northern Ireland

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 interest of acknowledged importance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should
be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

**Town Centres and Retailing**

The SPPS contains policy for Town Centres and Retailing and supersedes policy previously contained within Planning Policy Statement 5.

The SPPS states that 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, consistent with the Regional Development Strategy.

The SPPS states that planning authorities will require applications for main town centre uses to be considered in the following order of preference –

- Primary retail core;
- Town centres;
- Edge of centre; and
- Out of centre locations, only where sites are accessible by a choice of good public transport modes

Councils should require applicants to prepare an assessment of need which is proportionate to support their application.

The previous outline planning application established the principle of retail development on the application site. A large retail convenience store was accepted in the location of the main building proposed currently. As the current application proposes a number of smaller units comparable with the scale of existing retail units within the Primary Retail Core a retail assessment was requested from the agent for the application. A retail impact report and sequential test was received 19th December 2018 which is proportionate to enable the Council to assess the revised provision of retailing within the current scheme.

The outline application granted permission for a single 1,860sq. metre retail unit and the current application proposes a total of 1,765sq. metres of retail floorspace in 6 no. units.

The report identifies 153 no. units within the primary retail core with only 9 no. units vacant, which is less than 6% of the total units available. The report concludes that there are no potential development sites available within the Primary Retail Core. The vacant units identified are not large enough to accommodate the development as proposed. In the absence of an available site within the Primary Retail Core, this town centre location is the next sequentially preferable site. It is noted that a letter of support has been received from the Holywood Chamber of Commerce, which states the following –
This development project will provide more opportunities for local trade and commerce and will benefit our unique town by bringing increased footfall, improving the look and the choices offered for town visitors and consumers.

**Planning Policy Statement 2: Natural Heritage**

**Policy NH 1**
European and Ramsar Sites, International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on –

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

- a listed or proposed Ramsar Site

The proposed development is approximately 90m from the nearest marine designated sites of National, European and International importance:

- Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;

- Belfast Lough SPA, Belfast Lough Open Water SPA and East Coast Marine SPA all of which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds); and

- Belfast Lough Ramsar Site which is designated under the Ramsar Convention.

The proposal has an adequate buffer to the adjacent designated sites and is separated by a roadway, railway, housing etc.

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

Consultation has taken place with DAERA’s Natural Environment Division and there are no objections to the proposed development given the separation distance to Belfast Lough.
Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2
Access to Public Roads

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

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.

After consultation with DFI Roads there are no objections to the proposed access arrangements subject to conditions. After discussions with the agent for the application various options have been examined in relation to the location of a service yard and associated access and manoeuvring of vehicles. The access from Hibernia Street was selected as other positions within the application site would have resulted in a loss of available car parking spaces.

AMP 7
Car Parking and Servicing

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

The car parking associated with the proposed development will be accessed through a new one-way system. The site will be accessed from Redburn Square and will lead through to Hibernia Street. The existing car park has provision for 119 spaces with 2 designated disabled parking spaces. The car parking provision will increase to 138 spaces to include 7 spaces for disabled parking.

In addition to the increase in car parking provision, the application site is located in a highly accessible location well served by public transport.

A new service yard is proposed with an entrance onto Hibernia Street to serve the proposed development. Consultation has taken place with DFI Roads. After assessment of the proposed servicing arrangements and car parking DFI Roads has no objections subject to conditions.
Planning Policy Statement 4: Planning and Economic Development

PED 1
Economic Development in Settlements

Cities and Towns
Class B1 Business Use
A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

The Regional Development Strategy indicates that the urban hubs/clusters of the region will be the main focus for employment and services. The objective is to capitalise on development opportunities provided by the concentration of people and goods combined with available infrastructure and the clustering of a range of business services, including the professional, technical and financial services essential to economic development.

I am satisfied that this is the case. The application site is located within Holywood Town Centre and the proposed development offers the opportunity to combine the proposed office use with other appropriate town centre uses.
Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Policy BH 11
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 proposed development is in close proximity to the following listed buildings which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011:

- HB23 20 010 First Holywood Non-Subscribing Presbyterian Church
- HB23 20 022A-D 20-26 Shore Road, Holywood
- HB23 20 023A-C 28-32 Shore Road, Holywood

Elevational drawings and sections through the application site have been submitted and show the proposed development in the context of the listed buildings in the surrounding area.

Historic Environment Division, Historic Buildings (HED: HB) has reconsidered the proposal on the basis of additional information published 6th Sept and 22nd Oct 2018 and advises that, subject to conditions, it satisfies the policy requirements of paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. It is considered that the detailed design respects the listed buildings in terms of scale, height, massing and alignment; and the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the buildings. Given the site’s town centre location the proposed retail and office use of the buildings is deemed appropriate.

Policy BH 12
New Development in a Conservation Areas

The Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

(a) the development preserves or enhances the character and appearance of the area;
(b) the development is in sympathy with the characteristic built form of the area;
(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
(e) important views within, into and out of the area are protected;
(f) trees and other landscape features contributing to the character or appearance of the area are protected; and
(g) the development conforms with the guidance set out in conservation area documents.

Special care is also needed in the location and design of development proposals close to a conservation area. Inappropriate development outside a conservation area can have a detrimental effect on the character and setting of the area. In such cases new development will be expected to respect the character and appearance of the adjacent conservation area while the Department will also seek to retain important views in and out of the area.

I am satisfied that the proposed development will not impact upon the Holywood Conservation Area which is located to the east of the application site. Views of the application site from the Conservation Area are restricted by existing buildings most notably by the large multi-storey building on the corner of Marine Parade and Shore Road. Views from the application site focus largely on the rear elevations of existing buildings and it is not envisaged that the proposed buildings will dominate views into or out of the Conservation Area.
Planning Policy Statement 6 (Addendum): Areas of Townscape Character

Policy ATC 1
Demolition Control in an Area of Townscape Character

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

Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

Having inspected the application site, I am of the opinion that the existing public house and toilet block do not contribute to the character of the Holywood South ATC. Both buildings are not listed and make no material contribution to the distinctive character of the area.
Policy ATC 2
New Development in an Area of Townscape Character

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

The Holywood South Area of Townscape Character is now only considered to be proposed due to the adoption status of draft BMAP. The Planning Appeals Commission has stated that the impact on the appearance of the proposed ATC remains to be a material consideration.

Key features of the Holywood South ATC relate to buildings contained within High Street, My Lady’s Mile, Demesne Road, Downshire Road and Church View.

I am satisfied that the proposed development will not result in an adverse impact on the proposed ATC. Given the variety of architectural styles in the locality I am content that the proposed design is in keeping with the existing built form along Marine Parade and Hibernia Street.

The elevation onto Marine Parade will have a clear glazed frontage with buff coloured brickwork detailing. The brickwork will be continued on the other elevations of the main building alongside sections of clear glazing. The roof will have a standing seam membrane coloured grey. The service yard will have a rendered finish with a landscaped wall and gate facing onto Hibernia Street. The replacement toilet block, retail and office building will have matching materials to the main building within the development. The main building will be 2-storey and will be divided into distinct sections with variations in height. The building along Hibernia Street will be 3-storey in height and will be in keeping with surrounding buildings in the area.

Existing 3-storey building along Hibernia Street opposite the application site.
Planning Policy Statement 15: Planning and Flood Risk

Policy FLD 1
Development in Fluvial (River) and Coastal Flood Plains

A portion of the application site at the entrance from Redburn Square is shown within the Coastal Floodplain.

Policy states that Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of O.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The agent for the application has confirmed that after discussions with Rivers Agency that only a small portion of the overall application site is within the 1:200 year coastal floodplain at the site entrance. The proposed buildings fall outside of the floodplain in this instance. In addition, it is noted that an access has been accepted at this location under the previously approved outline planning application.
Policy FLD3
Development and Surface Water

After consultation with DFI Rivers, it is advised that a drainage assessment will be required for all development proposals that exceed the following thresholds:

- Residential development comprising 10 dwelling units or more.
- A Development site in excess of 1 hectare.
- New hard-surfacing exceeding 1000m².

I am satisfied that an assessment is not required as there is no residential development proposed under the current application and the application site does not exceed 1 hectare. In addition, the application site is an existing surface level car park and is therefore an existing hard-surfaced area.

Policy FLD5
Development in Proximity to Reservoirs

DFI Rivers has advised that the application site is shown to be within the inundation path of both the Church Road Lower and Upper impoundments.

The principle of development has previously been accepted on the application site for retail development. Correspondence between the applicant and NI Water confirms that Church Road Lower and Upper impoundments are within NI Water’s ownership. The Church Road Upper Impounding Reservoir Holywood is owned and operated by NI Water, is maintained to the spirit of the Reservoirs Act 1975 and NI Water addresses recommendations to be taken in the interests of safety as directed by the “All Reservoirs Panel Engineer.”

On the basis of the previous permission for a similar form of development on the application site, it is accepted that there is no requirement for additional information.

8. Consideration of Representations

Impact of construction works on existing properties – It is the developer’s legal responsibility to ensure that construction works associated with the proposed development do not cause damage to neighbouring properties.

Increased flow of traffic – DFI Roads has no objections to the proposed development subject to conditions. The proposed development will be accessed from Redburn Square with a new one-way system through the car park, which will exit onto Hibernia Street. Public transport is available in close proximity to the application site and provision is made for cycle parking so the development is not solely reliant on the use of private cars.

Loss of privacy – I am satisfied that the proposed buildings are set back a sufficient distance from neighbouring properties and there will be no loss of amenity as a result.
of the proposed development. Unit 2 is set back approximately 21 metres from existing properties located along Shore Road. The elevation of Unit 5 is set back from residential properties along Marine Parade by over 37 metres.

Car parking – It is considered that sufficient car parking remains within the application site. The Design and Access Statement outlines that there will be an increase in parking provision from 119 existing spaces to 138. There will also be an increase from 2 to 7 spaces for people with disabilities. The buildings will occupy a town centre location close to public transport links. There are suitable alternative modes of travel available to serve the proposed development.

9. Conclusion

All material planning considerations have been assessed fully and comments from consultees and representations from members of the public have been considered. On this basis, I am satisfied that the proposed development would meet all the relevant prevailing planning policies and guidance and it is my opinion that planning permission should be approved.

10. Recommendation

Grant Planning Permission

11. 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. Prior to the commencement of operation of any part of the development, hereby approved, the applicant shall submit, to Ards and North Down Borough Council, for approval, details of the location and specification all plant and equipment (including odour abatement/ refrigeration equipment) to be used in connection with each of the units and service yard.

   Reason: In the interests of public health

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02C bearing the date stamped 19/12/2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear
thereafter.

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

4. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 4% (1 in 25) over the first 10.0 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The proposed parking provision as indicated on drawing no. 02C bearing the date stamp 19th December 2018 shall be for short stay parking only between the hours of 8am and 6pm. Details of a pricing structure for the car park shall be submitted to and agreed by Council prior to the commencement of operation of the car park. The parking arrangements shall be operated in accordance with the approved details in perpetuity unless otherwise agreed in writing with the Council.

Reason: To ensure the continued availability of the car park for short stay public parking.

6. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

8. The development hereby permitted shall not become operational or be occupied until a Service Management Plan has been submitted to and approved in writing by the Council. The approved plan shall restrict the
servicing of the development to those times outside of normal retail opening hours.

Reason: To ensure that there is no restriction on the car parking provision or prejudice to customer and pedestrian safety.

9. A detailed programme of works and any required/associated traffic management proposals including temporary parking arrangements shall be submitted to and agreed in writing by Transport NI prior to the commencement of any development.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

10. A detailed landscaping scheme shall be submitted to the Council for approval prior to commencement of works. Such a scheme shall provide for species, siting and planting. All hard and soft landscape works shall be carried out in accordance with the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the commencement of operation of any part of the development in accordance with a programme to be agreed with the Council.

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

11. Planting shall be carried out along the north western boundary of the site adjacent to Marine Parade and shall be carried out prior to commencement of operation of any part of the development hereby approved. Details of the proposed landscaping shall be submitted to the Council as required by condition 10 above.

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

Hibernia Street elevation

Marine Parade elevation
ITEM 5

Ards and North Down Borough Council

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<td>05 February 2019</td>
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<td>Responsible Director</td>
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Section 75 Compliant: Yes ☒ No ☐ Other ☐
If other, please add comment below:

Subject: Update on Planning Appeals

Attachments
- Item 5a - Commission Decision 2018/A0044 & A0049
- Item 5b - Commission Decision 2018/A0059
- Item 5c - Commission Decision 2018/E0025
- Item 5d - Commission Decision 2018/A0105

Decisions

1. The following appeals, heard concurrently, were dismissed on 20 December 2018.

| Appeal reference:       | 2018/A0044            |
| Application Reference:  | LA06/2017/1199/F      |
| Appeal by:              | Mr Stephen Kirk       |
| Subject of Appeal:      | Retrospective temporary change of use of partial yard to Class A1 use: shops/retail for siting of barber shop |
| Location:               | 2A Bingham Street East, Bangor |
2. The Commissioner considered that there was no support in principle for this retail development on the appeal site given its location outside the Primary Retail Core (PRC) on a sequentially less preferable site when there are other vacant premises within the PRC itself. It would not comply with the relevant provisions of the SPPS for that reason. It was also considered to have an unacceptable visual impact on the character of the area, even on a temporary 3-year basis, and it would fail to maintain or enhance the overall character of the proposed Area of Townscape Character (ATC).

3. In relation to the related appeal against refusal of advertising consent, the Commissioner found that the appeal signs would fail to respect amenity when assessed in the context of the general characteristics of the locality. They would not comply with Policy AD1 of PPS17 (Control of Outdoor Advertisements) and the related provisions of the SPPS. It follows that the appeal signage would also fail to maintain the overall character and appearance of the proposed ATC.

4. All the Council’s reasons for refusal in respect of both appeal were sustained by the Planning Appeals Commission.

5. The Commissioner's Decision is appended to this report.

6. The following appeal was dismissed on 15 November 2018.

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<td>Mr Aubrey Greer</td>
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7. The Council dismissed the application above for the following reasons:

- The proposal is contrary to Policy CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, create a ribbon of development along Killinakin Road;

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21 Sustainable Development in the countryside in that there are no overriding
reasons why this development is essential in this rural location and could not be located within a settlement; and

- The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted create a ribbon of development along Killinakin Road and would therefore result in a detrimental change to the rural character of the countryside.

8. The Commissioner sustained each of the Council’s reasons for refusal and dismissed the appeal.

9. The following enforcement appeal decision was published on 14 January 2019.

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<tr>
<td>Appeal by:</td>
<td>Mr J Hamilton</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Appeal against an Enforcement Notice alleging ‘Erection of modular dwelling with concrete foundations and concrete base, associated hard standing for parking and creation of access laneway’</td>
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<td>Location:</td>
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10. The Council served the Enforcement Notice on 20 June 2018 on this unauthorised development, which had been in situ since 2015, and the appellant appealed under the following grounds under Section 143 of the Planning Act (NI) 2011:

- Ground (a) that planning permission ought to be granted; and
- Ground (g) that any period specified in the enforcement notice (specifying the period at the end of which the unauthorised development should be removed) falls short of what should reasonably be allowed.

11. The Commissioner found in respect of ground (a) that the appeal development failed to meet the requirement of Policy CTY 9 and Policy CTY 6, and thus did not constitute an acceptable form of development in accordance with Policy CTY 1 of PPS 21: Sustainable Development in the Countryside. Furthermore, the Commissioner did not find that other personal and domestic circumstances put forward by the appellant provided any overriding reason why the development was essential on the appeal site.

12. In respect of the appeal on ground (g) the Commissioner varied the Enforcement Notice from 180 days to 1 year from the date of the decision for removal of the unauthorised development, on the basis that the appellant was expecting approval of a current application for a replacement dwelling, submitted in July 2018.
13. The following appeal was dismissed on 21 January 2019.

<table>
<thead>
<tr>
<th>Appeal reference:</th>
<th>2018/A0105</th>
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<tr>
<td>Application Reference:</td>
<td>LA06/2018/0107/A</td>
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<tr>
<td>Appeal by:</td>
<td>Mr J Hamilton</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Refusal of consent to display a freestanding poster panel display</td>
</tr>
<tr>
<td>Location:</td>
<td>Adjacent to gable of 136 High Street, Holywood</td>
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14. The Council dismissed the application above for the following reasons:

- The proposal is contrary to paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH11 criteria (a) and (c) of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage, as the proposal, if permitted, would fail to respect the listed buildings located at 140-150 and 155 High Street in terms of its scale and would fail to respect the character of the setting of the listed buildings due to its scale and the resulting adverse cumulative visual impact of an excessive number of large advertising boards at this location.

- The proposal is contrary to Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that it would fail to respect amenity when assessed in the context of the general characteristics of the locality by reason of the size and scale of the sign which would appear over-dominant in relation to the host building and obtrusive in the street scene creating clutter when viewed in the context of existing signage in the area.

- The proposal is contrary to Policy ATC3 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that it would, if permitted, fail to maintain the overall appearance of the area by reason of its size and scale and the cumulative impact when viewed with other existing signage which would detract from, and fail to respect, the appearance of the area.

15. The Commissioner sustained each of the Council’s reasons for refusal and dismissed the appeal.

**New Appeals Lodged**

16. The following appeal was lodged on 17 December 2018:

<table>
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<tr>
<th>Appeal reference:</th>
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<tr>
<td>Application Reference:</td>
<td>LA06/2017/1416/O</td>
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<tr>
<td>Appeal by:</td>
<td>Mr Ray Jackson</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Site for 2no. dwellings and garages</td>
</tr>
<tr>
<td>Location:</td>
<td>Land between no. 59 Thornyhill Road &amp; 44 Ballymacashen Road, Killinchy</td>
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17. The following appeal was lodged on 24 September 2018:

<table>
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<th>Appeal reference:</th>
<th>2018/A0093</th>
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<td>Application Reference:</td>
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<tr>
<td>Appeal by:</td>
<td>Mr Martin Kane</td>
</tr>
<tr>
<td>Subject of Appeal:</td>
<td>Proposed dwelling and garage</td>
</tr>
<tr>
<td>Location:</td>
<td>Lands to the rear and side of no. 1 Farnham Park, Bangor</td>
</tr>
</tbody>
</table>

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

**Recommendation:** That members note the content of this report.
Appeal References: (1) 2018/A0044 & (2) 2018/A0049.
Appeals by: Mr Stephen Kirk.
Appeals against: (1) The refusal of full planning permission. (2) The refusal of consent to display an advertisement.

Proposed Development: (1) Retrospective temporary change of use of partial yard to Class A1 use: shops/retail for siting of temporary accommodation (single storey), temporary change of use for 3 years. (2) Shop signage – flat (low voltage LED illumination concealed below eaves signage).

Location: 2A Bingham Street East, Bangor.
Planning Authority: Ards and North Down Borough Council.
Application References: (1) LA06/2017/1199/F. (2) LA06/2018/0178/A.
Procedure: Written Representations with Accompanied Site Visit on 20 November 2018.
Decision by: Commissioner Mark Watson, dated 20 December 2018.

Decisions

1. The appeal in respect of the retrospective temporary change of use with accompanying operational development is dismissed.

2. The appeal in respect of the proposed signage is dismissed.

Reasons

3. The main issues in the appeal for the retrospective temporary change of use are whether or not it would:
   • be acceptable in principle;
   • maintain or enhance the overall character and appearance of a draft Area of Townscape Character (ATC);
   • provide sufficient parking and not prejudice road safety; and
   • give rise to amenity impacts by way of noise.

4. The main issues in the appeal pertaining to the proposed advertisements are:
   • their effect on the amenity of the locality, as well as on the overall character and appearance of a draft ATC; and
   • whether or not they would prejudice public safety.
Policy Context

5. Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently BMAP must be disregarded. The North Down and Ards Area Plan 1984 - 1995 (NDAAP), despite its vintage, now operates as the LDP for the area the site lies in. In it the site lies within the development limit for Bangor. It also lies within the Town Centre but outside the Shopping Core. The Bangor Town Centre Plan (BTCP), also an adopted LDP, identifies the appeal site as lying within the Commercial Area but outside the Main Shopping Core.

6. A further consequence of the Court of Appeal judgement is that the draft BMAP, published in 2004, is a material consideration in the determination of this appeal. In draft BMAP (dBMAP) the appeal site lies within the Town Centre (TC) boundary, but outside the Primary Retail Core (PRC). The site also lies within the proposed Bangor Central ATC (BR 49). The text for the draft ATC identifies multiple key features of the ATC, though none specifically reference Bingham Street or Bingham Street East.

7. The Strategic Planning Policy Statement for Northern Ireland ‘Planning for Sustainable Development’ (SPPS), provides the regional policy for retailing, under which the principle of development for the change of use and accompanying operational development falls to be considered under. There is no conflict or change in policy direction between the provisions of the SPPS and Planning Policy Statement 3 – Access, Movement and Parking (PPS3). The same is the case in regard to the appeal for the advertising signs where there is no conflict or change in policy direction between the provisions of the SPPS and those of Planning Policy Statement 17 – Outdoor Advertisements (PPS17). PPS3 and PPS17 remain applicable to the appeals and I will address the matter of the applicability of the Addendum to Planning Policy Statement 6 – Areas of Townscape Character (APPS6) later on.

(1) The temporary Class A1: Shop Use and accompanying operational development

8. The appeal site comprises part of a yard area to the rear of a terrace of buildings that front onto Hamilton Road. The site lies at the south-eastern corner of the crossroads formed by the intersection of Bingham Street with Bingham Street East and Bingham Lane. The appeal site is accessed from Bingham Street East, a street which terminates in a hammerhead some distance to the east of the appeal site, though there remains pedestrian access beyond the turning head to Mill's Road. Bingham Lane affords access to a public car park and pedestrian access to Bingham Mall. The appeal site accommodates a flat roofed portacabin building, coloured dark grey which is in use as a barbershop. There is an area of raised timber decking to the front of the structure. There is a low rendered wall, painted the same colour as the appeal building, with wooden fencing atop it, which demarcates the edge of the site from the public footpath. The remainder of the yard
is given over to a longstanding car valeting business operated by the Appellant, comprised of a flat roofed garage structure and the yard itself. The site lies in a mixed use area comprising a mix of residential and commercial land uses.

9. The appeal development seeks the retention of the existing portacabin structure and associated change of use for a part of the existing yard to a barbershop. The permission is sought for a 3 year period to allow the Appellant to ascertain if the business is a viable one. Several signs are proposed to be mounted on the appeal building and on the adjacent boundary wall advertising the business. These are subject to a separate, concurrent appeal and will be addressed elsewhere in this decision.

10. There was no disagreement between the Council and Appellant that the barbershop use on the appeal site fell within Class A1: Shops, as defined in the Planning (Use Classes) Order (NI) 2015. The Council’s objections in respect to the principle of development stem from the appeal site’s location outside the PRC of Bangor TC.

11. The NDAAP explains at paragraph 9.5 that the shopping core has been defined in order to control non-retail sales uses at ground floor level within that area. Paragraph 17.42 of the NDAAP states that Main Street will remain the principal shopping street where there will generally be a presumption against non-retail sales uses at ground floor level. It goes on to identify several locations for additional shopping facilities and office accommodation. There is nothing within the NDAAP that would preclude the appeal development being read as acceptable in principle against that document.

12. The BTCP extended the Main Shopping Core within the Commercial Area to include part of High Street. Policy S1 of that plan states that new shopping and retail services will generally be expected to locate within the Commercial Area defined on the TCP map. It goes on to state that retail development outside the commercial area will be discouraged except for local shops serving the needs of local residential communities. As the appeal site lies within the commercial area and is a retail use, it accords with Policy S1. Policy S2 identifies the principal shopping streets which constitute the main shopping core of Bangor. Though the policy makes no provision for the assessment of individual applications, I consider that the appeal development would not be at odds with Policy S2, or the provisions of the BTCP read as a whole.

13. Whilst the appeal development would accord with the provisions of the NDAAP and BTCP, those LDPs designated a Shopping Core and Main Shopping Core respectively within the TC. Whilst those designations do not bear the name PRC, they serve very much the same function as that of a PRC, which is a more modern term. Thus, a continuity of approach to the envisaged location of retailing for Bangor in those LDPs is evident, one which was carried through into the dBMAP. In respect of dBMAP, no objections were received in respect of the proposed TC, or the PRC. Although there is no indication as to when BMAP might be adopted, it seems likely that if and when BMAP is lawfully adopted, a Bangor TC designation, including a PRC, will be included and I accordingly place significant weight on these designations. Whilst the Appellant referred to Policy R1 of dBMAP, that policy was objected to and changes were suggested to it by the Commission in its report. I therefore do not afford it significant weight in this case.
14. The SPPS contains a dedicated section on Town Centres and Retailing, which replaced retail policy as was previously contained in Planning Policy Statement 5 – Retailing and Town Centres. The advent of the SPPS represented a major shift in retail policy. At paragraph 6.271 it lists a series of regional strategic objectives for town centres, including to secure a town centres first approach for the location of future retailing and other main town centre uses and to adopt a sequential approach to the identification of retail and main town centre uses in LDPs and when decision-taking.

15. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. The use for a barbershop can be considered a main town centre use. Draft BMAP does not operate as the LDP for Bangor, with the NDAAP having primacy in this case, as well as the BTCP. Paragraph 5.16 of the SPPS states that Councils in preparing LDPs must take into account the Regional Development Strategy 2035 (RDS), the Sustainable Development Strategy for NI, the SPPS and any other policies or advice. Although the NDAAP and BTCP operate as LDPs for Bangor, both documents predate the SPPS and RDS. They could not have taken those documents into account. The NDAAP and BTCP therefore are not in accordance with paragraph 5.16 of the SPPS and consequently are not up-to-date plans. Likewise, although dBMAP could be considered a more recent expression of planning policy, its publication in 2004 predates both the RDS and SPPS.

16. Paragraph 6.282 of the SPPS states that in the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. I note that the use of the word ‘should’ suggests this is not mandatory. The policy goes on to state that this may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites. Whilst the LDP is this case is not up-to-date, there was no assessment of need submitted, nor however does it appear that one was asked for by the Council. The Appellant’s rationale for the temporary three year consent was to test the viability of the barbershop business. It therefore follows that there could not have already been an assessment of need carried out. Thus, to that extent the appeal development does not meet this aspect of policy.

17. Policy within the SPPS must be read as a whole. Paragraph 6.281 states that planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal’s catchment): PRC, TCs, edge of centre and out of centre locations. Regardless of its proximity to the edge of the draft Bangor PRC, the appeal site lies 7m outside that designation on the opposite side of the road from it. Thus the appeal site falls into the TC category.

18. The Appellant considered that the provisions of the sequential test in the SPPS should not be applied in this case given the close proximity of the appeal site to the PRC and the mixed use nature of the street the site lay in. It was also considered that the compliance with the LDPs weighed in favour of the appeal development and that the sequential test within the SPPS was not intended for scenarios such as that of the appeal development. Whilst I have already determined that the appeal development would not be at odds with either of the LDPs in question, the policy
provisions of the SPPS cannot be set aside on the basis of geographic proximity to the PRC. It is a matter of fact whether a site falls in or out of a particular designation and where it consequently falls to be considered against the sequential test. Although there may be existing businesses along Bingham Street these are longstanding and would not justify the appeal development or non-application of the sequential test. Regardless of the close proximity to the PRC, which for reasons already given I afford significant weight to that designation, the sequential test must be applied.

19. The Council and Objectors pointed to the existence of other more sequentially preferred sites within the PRC, namely a number of vacant shop units in various locations. Two were referred to in the nearby Bingham Mall, which are at most several minutes’ walk from the appeal site. From my own assessment I agree that there were a number of vacant units evident within the PRC, including at the time of my site visit at least one in Bingham Mall. Whilst the Appellant’s development seeks to establish the level of demand for the business, hence the three year temporary permission sought, this could equally have been carried out through the renting of a vacant retail unit in the locality. Whilst reference was made to a 2018 analysis by the Local Data Company which identified that barbershops represented one of the biggest growth areas in retailing, this would not justify the siting for the appeal development. Notwithstanding the cost of rental of existing vacant units or the convenience of using the Appellant’s own land, other vacant units exist within the PRC that would represent sequentially preferable sites within the appeal development’s catchment. The use of such a vacant unit would bring it back into use, as well as allowing for investment to be channelled into the town, which the Appellant stated has suffered economic hardships. I find that the appeal development does not meet the policy test within paragraph 6.281 of the SPPS.

20. The Appellant referred to the Project 24 retail “pods” that have occupied a site at Queen’s Parade for some years. These comprise several modified steel containers which accommodate shops run by local businesses. The Council explained that they were first granted planning permission by the then Department of the Environment in April 2003 as a stop gap measure to fill a large, unsightly gap in the streetscape. Two further time extensions for retention of these pods were subsequently granted, the most recent of which was determined by the Council itself. Although I agree that the appeal building shares some characteristics with the built form of the pods, the Project 24 pods are located within the PRC and occupy a large gap site, where an approved large, mixed use development has yet to take place. The appeal development represents the temporary subdivision of an existing well maintained yard area associated within an existing business use.

21. I accept the Council’s explanation that the location, rationale and longstanding planning history pertaining to the Project 24 pods distinguish them from the appeal development. They would not support the granting of temporary planning permission for the appeal development. Whilst the Appellant drew my attention to the difference in the processing of the two applications and queried the timing of the decision to grant a further temporary permission for Project 24 whilst then seeking to refuse the application that forms this appeal, those matters are in the first instance ones between the Council and Appellant. Although the Case Officer for the appeal development recommended the granting of permission for the appeal development, it is the corporate view of the Council which prevails in taking a decision to grant or refuse planning permission.
22. Although only temporary consent is sought, for the reasons given above the appeal development would be contrary to paragraph 6.281 of the SPPS. Although the appeal development meets the provisions of the two LDPs, the failure to meet prevailing regional retail planning policy is a material consideration that leads me to a determination that would not be in accordance with those LDPs. Whilst Objectors pointed to the large number of hairdressers in Bangor, that in itself would not be justification to withhold planning permission. Nevertheless, for the reasons outlined above the Council’s first reason for refusal and the related concerns of the Objectors are sustained.

*Visual amenity considerations*

23. Paragraph 4.27 of the SPPS states that where the design of proposed development is consistent with relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. It goes on to state that planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance. In this case the Council considered that the design and scale of the appeal building would fail to maintain or enhance the proposed ATC designation.

24. The Commission considered a general objection to all proposed ATC designations within the then North Down district in its report on the BMAP public inquiry. The Commission recommended no change to the plan. It is therefore likely, if and when BMAP is lawfully adopted, a Bangor Central ATC designation will be included. The proposed ATC designation is a material consideration in this appeal.

25. The Commission also considered objections to the general policy for the control of development in ATCs which is contained in the draft BMAP. The Commission recommended that the policy be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Bangor Central ATC will be repeated. As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP.

26. Policy ATC2 of APPS6 applies only to designated ATCs and not to proposed ATCs. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designed, it is not possible to assess the impact of the appeal development on that character. The same reasoning applies in respect of the separate but concurrent appeal for the signage with regard to Policy ATC3 of APPS6. However, regardless of the lack of a policy context, the impact of the appeal development and the signage on the overall character of the proposed ATC remain material considerations and can still be objectively assessed.

27. Whilst the precise character of the ATC cannot be defined at this point given the lack of a specific detailed character analysis, the appeal design can still be assessed against the context of the surrounding built form. Bingham Street is comprised of a mix of two and three storey terraced buildings, many of which are of late Victorian / Edwardian design. Some have experienced modifications over the years to varying degrees of success. As a consequence of its crossroads location the appeal building occupies a prominent roadside position. The Appellant is correct that
travelling north from the junction with Hamilton Road along Bingham Street towards the appeal site, views of the appeal development would be minimal until reaching the site itself. Although the appeal building sits within a context where the existing development on the southern side of the site “steps down” to the single storey level adjacent to the site, the flat roof and the overall design features lend it the appearance of a temporary structure. Despite its single storey nature, the overall design and appearance would appear out of place within the streetscape. The visual impact of the building would be evident travelling south on Bingham Street towards the appeal site from just after the curve in the street. Although from longer distances the terrace of buildings on the left hand side of Bingham Street would initially obscure it, this would not be the case when approaching closer to the appeal site.

28. Irrespective of the low elevation and muted colour palate of the appeal building, its overall design and appearance would be contextually inappropriate and it presents as a jarring feature within the streetscape, even with the backdrop of the higher buildings that front Hamilton Road from the critical view. The Appellant’s photographs would not persuade me otherwise. Whilst the Appellant may not have been offered an opportunity by the Council to amend the design, such as inclusion of a pitched roof, I must assess what is before me. Whilst I note the Appellant’s adjacent car valeting service in the remaining part of the host yard, that building is longstanding, sits further back in the yard and presents less prominently from the critical view.

29. Whilst I note the existing garage and shed structures sited in the adjacent back land areas to the east of the appeal site, some of those buildings are longstanding. The buildings are generally ancillary to the primary use of those properties to which they relate. They are not comparable to a freestanding retail use building, even one for which only a temporary three year period is sought. Although this back land area to the east of the appeal site may not be a particularly attractive part of the proposed ATC, the appeal building occupies a prominent roadside corner position wherein it is juxtaposed against generally attractive terraced buildings on Bingham Street which form part of the character of the area. I am not persuaded that the appeal building would enhance the vibrancy of a run-down back land area as was suggested, as those plots adjacent to the east only form part of the surrounding context and a less critical part of it given the crossroads location of the appeal building. Nor am I persuaded that the appeal development represents betterment for the area given I do not accept that it is solely defined by the adjacent back land plots, as well as the fact the Appellant has evidently maintained his business and property to a high standard.

30. Further reference was made to the retail pods situated at Queen’s Parade, comprising the Project 24 initiative. Whilst I agree that these are similar to the appeal development in that they are comprised of temporary structures rather than permanent buildings, they occupy a different site context, despite their location within the middle of the proposed ATC. Given my earlier conclusion that they are not comparable to the appeal development I am not persuaded that they would justify the appeal development in visual terms.

31. In respect of the portacabin building situated within the yard next to the Coastguard building close to the marina, although it is set behind a wall from several public vantage points and has partial backdrop from the Coastguard building I cannot
disagree that it is utilitarian in character and contextually inappropriate to its wider surroundings. However, I note that the Council stated that enforcement action is being taken in respect of that structure. It would not justify the appeal development.

32. Even though the site is not located in a distinctive part of the proposed ATC, for the reasons given above the appeal development would fail to maintain or enhance the overall character of the proposed ATC. The Council’s and Objectors’ related concerns in this regard are sustained to the extent specified.

Parking and traffic matters
33. Objectors raised the matter of insufficient parking space within the site for the temporary barbershop use, as well as traffic impact arising from the development. Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

34. The appeal site does not lie in an area of parking restraint. The site’s location is within several minutes’ walking distance of several bus stops. The appeal site’s town centre location is highly accessible and well served by public transport. The availability of reasonable levels of on-street and public car park capacity in close proximity to the appeal site is such that it would benefit from spare capacity available in those parking locations. I am told that over the period of time the barbershop has been in operation, there have never been more than 3 customer cars parked at any one time and that many customers walk to the premises. I also note the Appellant’s comments that his site can accommodate up to 14 vehicles at one time, if carefully parked. From my own inspection I have no reason to doubt this as I observed 9 vehicles comfortably parked within the Appellant’s yard area. I note that DFI Roads raised no objections to the appeal development. I consider that there is sufficient parking space within the yard for the appeal development.

35. Policy AMP2 of PPS3 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 it meets two criteria. These are: that such access will not prejudice road safety or significantly inconvenience the flow of traffic and that the proposal does not conflict with Policy AMP 3 Access to Protected Route. The second criterion is not engaged as the access is not onto a protected route. The level of vehicular activity associated with the barbershop is such that it would not prejudice road safety or significantly inconvenience the flow of traffic. For the reasons given above the appeal development would comply with Policies AMP3 and AMP7 of PPS3 and the related provisions of the SPPS. The Objectors’ concerns in these regards are not sustained.

Amenity
36. Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. It cites the example of the planning system having a role to play in minimising
potential adverse impacts, such as noise on sensitive receptors by means of its influence on the location, layout or design of new development.

37. An Objector raised the matter of noise impacts from loud music played from the barbershop. The Council’s Environmental Health Department raised no objection in respect of the planning application that is subject of this appeal. Whilst loud music could prove to be disruptive, I note the ambient levels of background noise given the site’s town centre location, as well as noise from traffic. In the event that music played within the appeal building reached unduly loud or disruptive levels, affected parties would have recourse to lodge a complaint to the Council’s Environmental Health Department. I am not persuaded that this matter would warrant the withholding of planning permission. The matter of appropriate licences for the playing of music within the appeal building is not one for this appeal.

Conclusions

38. A petition and number of letters, including one from an elected representative, were submitted in support of the appeal development. There was also support from the organiser of the Open House Festival. Support for the appeal development stated a number of benefits in terms of adding variety and vibrancy to the streetscape, economic spin-off benefits to other local businesses, as well as personal benefits to individual patrons. However, having taken these representations fully into account, I am not persuaded that these stated benefits would outweigh the harm to planning policy and visual amenity that would arise from the granting of planning permission. It was stated that the appeal building and barbershop use has fostered a sense of community and a place for people to meet, however, the use of an existing vacant unit within the PRC could equally provide such benefits. It was stated that the objections raised against the appeal development amounted to little more than a dispute between barbershop businesses. However, regardless of that opinion I must assess the various objections before me on their face value.

39. There is no support in principle for this retail development on the appeal site given its location outside the PRC on a sequentially less preferable site when there are other vacant premises within the PRC itself. It would not comply with the relevant provisions of the SPPS for that reason. Given my conclusions as to the unacceptable visual impact of the appeal development on the character of the area, even on a temporary 3 year basis, it would fail to maintain or enhance the overall character of the proposed ATC. The Council’s reasons for refusal and related concerns of the Objectors are therefore sustained to the extent specified.

(2) The signage

40. Policy AD1 of PPS17 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. The Council did not raise any issue in respect of public safety in regard of the proposed signs, however some third party Objectors did. The policy states that the guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing proposals. Again, the impact on the proposed ATC was raised in this regard and my earlier reasoning as to the applicability of ATC policy contained in the APPS6 applies to this appeal also. Policy ATC3 would only apply in respect to signage within designated ATCs and not proposed ATCs.
Nevertheless for the same reasons given earlier, the impact on the proposed ATC from the signage can still be considered objectively.

41. Paragraph 4.1 of PPS17 states that care must be taken to ensure that an advertisement will not detract from the place where it is to be displayed. The Council drew my attention to paragraph 4.7 of PPS17 wherein it lists a number of matters which will be taken into account in assessing the impact of an advertisement on amenity. Listed at (d) of this section is the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area. Paragraph 18 of Annex A states that signs and advertisements on commercial premises are important in announcing the presence of a business in the street and in directing customers to that location, and can assist the vibrancy of city and town centres and other commercial areas. Paragraph 19 however warns that an excessive number of signs or those which are too large can dramatically affect the premises on which they are sited and can have an adverse impact on the general character of the area.

42. Two of the proposed signs, given their location on the site boundary for a business occupying a yard, do not neatly fall into any of the design guidelines contained within the Annex A of PPS17. The design guidelines for commercial premises envisage scenarios for signage relating to a host building, such as fascia signs, projecting signs, blinds and awnings. However, as the parties did in their own submitted evidence, I am still able to make an assessment as to whether or not the proposed signs would respect amenity in the context of the general characteristics of the locality. With regard to the Design Guidelines in PPS17 for fascia signs, the first criterion is of relevance; fascia signs should be of an appropriate size, and sited and designed to harmonise with the shop front, the façade of the building and any detailing thereon.

43. The proposed signs entail two static, flat fascia signs bearing the words ‘Barber Shop’ and would be mounted on the western façade and northern gable of the building. They would not be illuminated on their face, but rather utilise concealed low voltage LED lighting along the underside of the sign. One circular static sign bearing the business logo “Mustang Sally’s” would be mounted centrally on the western façade of the building, between two windows. Two smaller versions of this circular sign would be mounted on the low wall on either side of the pedestrian access into the site. There would also be a small illuminated low voltage LED ‘Open’ sign hung within the building close to the door. The Council confirmed it did not object to that particular sign. Whilst there are presently signs on the appeal building, they are of a slightly different design and the Appellant’s representative confirmed that they did not form the basis of the appeal signage, but rather a temporary measure until the outcome of the appeal process. It was also clarified that a sign shown on the submitted plans relating to the adjacent car valeting business did not form part of the appeal.

44. The site lies within a mixed use area where signage for a number of other businesses on Bingham Street are evident. The scale of the signage taken as a whole is not unacceptable when assessed against the host building and in that particular regard I am not persuaded that the signage would read as dominant or overwhelming on the host building itself. However, the number and disposition of the signs on the host building and on the existing boundary wall are such that they
would present as visually obtrusive and dominant on the character of the area when travelling south on Bingham Street towards the appeal site. From this critical view they would read as clutter both on the host building itself and when read with the existing signage in the vicinity, namely the existing signage for the adjacent car valet business and that of the vacant Indian restaurant opposite and west of the appeal site. Views travelling the opposite direction on Bingham Street, as well as from Bingham Street East travelling westwards are not critical given the limited opportunity to view the appeal signs from those approaches until reaching the site itself. Whilst the Appellant considered that the signage provided betterment to this back land location and that the area lacked distinctiveness in its own right, the site’s prominent corner location on a crossroads and its relationship to Bingham Street are such that the visual impacts already outlined above render the signage taken as a whole unacceptable in terms of amenity.

45. The Appellant drew my attention on site to and also provided photographs of a number of commercial properties in the locality. The signage associated with those properties, although varying in design, size and consequent visual impacts, are predominantly fascia signage, with several projecting signs also. Despite the variety of signage evident, that signage generally relates well to the respective host properties. I do however note the amount of signage on the two facades of an estate agent to the south at the corner with Hamilton Road, which I agree is overly dominant. However, that signage would not justify further unacceptable signage which would add further clutter to the locality. The same is the case with the two large poster panel boards mounted on the buildings to either side of that junction. The signage for Lesley Plateau to the north along Bingham Street is low key and relates well to the host building. The aforementioned vacant Indian restaurant has signage which is visually obtrusive, but it appears to be longstanding and would not justify further signage that would be visually unacceptable.

46. The Wilson Nesbitt Solicitors signage is visually obtrusive from certain vantage points, but I do not know how if it has consent or how long it has been in place and each application must be assessed on its own merits. The recent erection of a barber’s pole on nearby premises would not justify the appeal signage. Signage on Bingham Lane I was directed to certainly has a high visual impact despite its location within the ATC, however it was suggested that some of this existing signage in the locality may be unauthorised. The signage for the car dealership some distance to the north-east in proximity to the roundabout wherein Bingham Street and Mills Road intersect occupies a different context, despite also lying within the draft ATC. It would not justify the appeal signage.

47. In respect to the signage associated with the pods at Project 24 on Queen’s Parade, those relate to development that has the benefit of planning permission. Whilst the same case officer may have assessed the Project 24 application and the application subject of the appeal before me, each application must be assessed on its own merits. I viewed the large wall mounted billboard on the side of the Coastguard building at the direction of the Appellant. I note its location within the heart of the proposed ATC and although it is visually prominent I am not persuaded that it would be in the public interest to perpetuate further harm to the overall character and appearance of the area by the granting of consent for the appeal signage.

48. Whilst the Appellant may have at some point in the past had larger signs mounted on the site periphery which did not raise concerns with the then planning authority,
those signs have since been removed and in any event would not justify the appeal signage.

Public safety

49. Objectors stated that the signs would be a dangerous distraction for motorists passing by. Without prejudice to my conclusions on the visual aspect of the signage, several of the signs are only partly illuminated by low voltage LED lighting, whilst others are non-illuminated. I am not persuaded that this level of illumination would prejudice road safety. I note that DFI Roads raised no objection in response to the signage in its consultation response. Whilst an Objector stated that the signs produced migraines, the effect on a single individual would not be grounds to withhold consent. From the evidence submitted and my own assessment I am not persuaded that the appeal signage would give rise to any issue relating to public safety. These third party objections are not sustained.

50. Even if the smaller circular signs and the internal illuminated open sign might not require consent, the suite of signs proposed for the barbershop and its curtilage must be taken as a whole. Irrespective of the temporary 3 year consent sought, the appeal signs would fail to respect amenity when assessed in the context of the general characteristics of the locality. They would not comply with Policy AD1 of PPS17 and the related provisions of the SPPS. It follows that the appeal signage would also fail to maintain the overall character and appearance of the proposed ATC. The Council’s reasons for refusal and the related concerns of the Objectors are therefore sustained to the extent specified above.

Conclusions

51. The retrospective barbershop use and associated operational development has been found to be unacceptable in principle, even for a temporary three year period. The development would also fail to maintain the overall character and appearance of the proposed ATC. Whilst a number of other Objectors’ matters have not been sustained and I note the strong level of local support for the appeal development, both from patrons and an elected representative, the Council’s reasons for refusal and the related concerns of the Objectors are sustained to the extent specified and are determining. The appeal in respect of the retrospective temporary barbershop use and associated operational development must fail.

52. Whilst I am not persuaded that the appeal signage would prejudice public safety, the Council’s reasons for refusal and the related concerns of the Objectors are sustained to the extent specified and are determining. The appeal in respect of the signage must fail.
The decision in respect of the retrospective temporary change of use and accompanying operational development relates to the following drawings submitted with the application:-

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<td>Site Block Plan Layout</td>
<td>1:100</td>
<td>Oct 2017</td>
</tr>
<tr>
<td>04</td>
<td>Existing and Proposed Elevations 1</td>
<td>1:100</td>
<td>Oct 2017</td>
</tr>
<tr>
<td>05</td>
<td>Existing and Proposed Elevations 2</td>
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<td>Oct 2017</td>
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<tr>
<td>06</td>
<td>Proposed Rear Elevation toward Bingham Street from existing yard</td>
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The decision in respect of the signage relates to the following drawings submitted with the application:-

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<tr>
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<td>Existing and Proposed Elevations 1 Signage Proposal</td>
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<td>Feb 2018</td>
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<tr>
<td>03</td>
<td>Existing and Proposed Elevations 2 Signage Proposal</td>
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<td>Feb 2018</td>
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<td>04</td>
<td>Rear Elevation toward Bingham Street from existing yard: Signage Proposal</td>
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COMMISSIONER MARK WATSON
List of Appearances

Planning Authority: Mrs C Hamilton (A & ND BC)

Appellant: Mr G Hamill (Architect, GHA)
Mr S Kirk (Appellant)

List of Documents for 2018/A0044

Planning Authority: ‘A’ Statement of Case & Appendices (A & ND BC)
‘B’ Rebuttal Statement (A & ND BC)
‘E’ Post site visit comments on LDP context (A & ND BC)
– requested by Commissioner

Appellant: ‘C’ Statement of Case (GHA)
‘D’ Rebuttal Statement (GHA)
‘F’ Post site visit comments on LDP context (GHA) – requested by Commissioner

List of Documents for 2018/A0049

Planning Authority: ‘A’ Statement of Case & Appendix (A & ND BC)
‘B’ Rebuttal Statement (A & ND BC)

Appellant: ‘C’ Statement of Case (GHA)
‘D’ Rebuttal Statement (GHA)
Appeal by: Mr Aubrey Greer.
Appeal against: The refusal of outline planning permission.
Proposed Development: Dwelling.
Location: Land immediately to the south of 31 Killinakin Road, Killinchy.
Planning Authority: Ards & North Down Borough Council.
Application Reference: LA06/2017/1098/O
Procedure: Written representations with Commissioner’s site visit on 6 November 2018.
Decision by: Commissioner Mark Watson, dated 15 November 2018.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether or not the proposed development would:
   • be acceptable in principle;
   • create ribbon development; and
   • adversely impact on the rural character of part of the countryside.

3. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside and in an Area of Constraint on Mineral Developments. The appeal site also lies within the Strangford and Lecale Area of Outstanding Natural Beauty. The ADAP offers no specific policy or guidance in respect of the proposed single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of PPS21 in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.

4. The appeal site comprises the majority of a rectangular area of land, maintained in grass and situated on the north-eastern side of Killinakin Road. It lies slightly below the level of the road at the frontage and slopes gently down to the north-east. The frontage is defined by a mature hedgerow interspersed with several mature trees, whilst the north-western and south-eastern boundaries are defined by maintained hedgerows. The north-eastern boundary is undefined. No. 31, a single storey dwelling with a detached garage lies adjacent and north-west. These buildings are aligned to sit at a right angle to the roadside, with the access for that property taken
from a laneway that runs off Killinakin Road. There is an access and hardstanding track through from the rear of No. 31 into the appeal site, wherein a sheet metal-clad shed lies in the western-most, roadside corner of the site. Adjacent and east of the site lies No. 29, a single storey dwelling with two large shed buildings situated to the north-east and rear of that dwelling. No. 30, a two storey dwelling of traditional design lies to the west of No. 31 and its garage on the opposite side of Killinakin Road. The site lies in a rural area characterised by an undulating landscape.

5. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.

6. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy states that for its purposes, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage. Supplementary guidance on the assessment of proposals for infill sites is contained in the Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

7. The Appellant submitted an annotated aerial photograph that identified the frontage as comprising the buildings at No. 29, the appeal site, No. 31 and its garage. The Council considered that given their alignment to the Killinakin Road only the garage belonging to No. 29 had a frontage to the Killinakin Road, but not the host dwelling itself. The Council also accepted that the dwelling at No. 31 also had a frontage to the Killinakin Road, but that as there are only two buildings along the frontage, the appeal site did not represent a small gap within an otherwise substantial and continuously built up frontage, thus did not qualify as an exception under Policy CTY8 of PPS21.

8. Both Nos. 29 and 31 sit gable end onto the Killinakin Road. Given the relationship of No. 31 and its garage, which sit side by side in line but at a right angle to the public road, I agree that only the garage belonging to No. 31 has a frontage to the Killinakin Road. The dwelling at No. 31 has its frontage onto the laneway that comes off Killinakin Road, not the Killinakin Road itself. The dwelling at No. 29 has a frontage to the Killinakin Road. I am told that the two large shed buildings within its curtilage do not have planning permission and that despite being there for some time there are no Certificates of Lawfulness of Existing Use or Development for them. Irrespective of their use or planning status, those buildings lie to the rear of the host dwelling and given their disposition within that plot, do not form part of the line of development along the frontage on Killinakin Road. The Council stated that the metal sheet-clad shed in the western corner of the appeal site does not have
planning permission and that it is not immune from enforcement action. The Council also stated that enforcement action is being taken in respect of that shed. As that building is unauthorised and enforcement action is being taken it cannot be counted as a building along the frontage for the purposes of the policy. Therefore the appeal site lies between only two buildings that have a frontage onto Killinakin Road, rather than within a line of three or more.

9. Even if the plot size and siting of the proposed dwelling as shown in the illustrative block plan drawing, would broadly respect the existing development pattern, the appeal site cannot be considered to constitute a small gap within an otherwise substantial and continuously built up frontage. For the reasons given above the appeal development does not meet the exception under Policy CTY8 of PPS21. The Appellant’s aerial photography analysis and Design and Access Statement would not persuade me otherwise.

10. The Council considered that approval of the appeal development would result in the creation of ribbon development when read with Nos. 29 and 31 Killinakin Road. Although views are confined to relatively short distances, when travelling either direction along Killinakin Road towards the site, the appeal dwelling, even if positioned broadly in line with that shown in the illustrative block plan, would form a ribbon of development with the garage belonging to No. 29 and the dwelling at No. 31 Killinakin Road. Policy CTY8 of PPS21 and the related provisions of the SPPS are not met. The Council’s first reason for refusal is sustained.

11. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. Given my above conclusion that the appeal dwelling would create ribbon development, it would also result in a suburban style build-up and consequent detrimental change to the rural character of the area. Policy CTY14 of PPS21 and the related provisions of the SPPS are not met when read as a whole. The Council’s third reason for refusal is sustained.

12. As the appeal development does not meet Policy CTY8, it does not meet Policy CTY1 of PPS21 and the related provisions of the SPPS. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council’s second reason for refusal is sustained.

13. The Council’s objections to the appeal development are sustained and are determining. The appeal must fail.

This decision relates to the following drawings submitted with the application:

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COMMISSIONER MARK WATSON
List of Documents

Planning Authority: ‘A’ Statement of Case & Appendices (A & N D BC)
Grounds of Appeal

1. The appeal was brought on Grounds (a) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. There is a deemed planning application by virtue of Section 145(5).

Ground (a) and the Deemed Planning Application

2. The main issue in this appeal relates to the principle of development, as alleged by the enforcement notice, in the countryside.

3. The appeal site is located along a laneway off the Newtownards Road on the outskirts of Comber. The Ards and Down Area Plan 2015 is currently the extant plan for this area. The plan provides no determining policies for a modular dwelling in the countryside.

4. The Strategic Planning Policy Statement for Northern Ireland ‘Planning for Sustainable Development’ (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. In respect of the development on the appeal site the policy contained in the SPPS is
broadly consistent with the policies set out in Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21).

5. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 sets out cases where planning permission will be granted for an individual dwelling house in the countryside. Such examples include a residential caravan or mobile home in accordance with Policy CTY9. A further requirement of PPS21 is that planning permission will only be granted for a building in the countryside can be visually integrated into the surrounding landscape and is of an appropriate design.

6. Policy CTY9 states that planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. Such circumstances include (1) provision of a temporary residential accommodation pending the development of a permanent dwelling; or (2) where there are compelling and site specific reasons related to personal and domestic circumstances.

7. The appellant stated he has a current planning application LA06/2018/0775/F for the ‘erection of a replacement dwelling and temporary retention of mobile for the duration of building works’ on land at 75 Newtownards Road. The site for this replacement dwelling is also accessed by the same laneway to the appeal site. The replacement dwelling is some 878 metres apart (as the crow flies) from the appeal site. The siting of the modular dwelling has no visual linkage to the development site for the replacement dwelling.

8. At the appeal hearing the Council stated that no recommendation had been made to date on this planning application (LA06/2018/0775/F). Nonetheless, the Council did state, and provided copies of emails to confirm, that an amended P1 had been submitted removing reference to the retention of the existing mobile from the description of development. The proposal before the Council is now solely for the replacement dwelling. Whilst planning permission has not yet been granted the Council did state they could see no reason now why an approval for this proposal would not be forthcoming in the next few weeks following re-advertisement.

9. Policy CTY9 does not specifically define what is meant by ‘pending the development of a permanent dwelling’. Given the appellant’s intention to replace the dwelling and that planning permission has been applied for and is likely will be forthcoming in the next few weeks this proposal for full planning permission amounts to a development of a permanent dwelling. I consider that the appellant meets the first stated exception of Policy CTY9 relating to the provision of the temporary residential accommodation pending the development of a permanent dwelling.

10. Notwithstanding the necessity to meet only one of the exceptional circumstances of Policy CTY9, the appellant also presented personal and domestic circumstances relating to his need to live close to the farm business. Policy CTY6 of PPS21 also makes provision for a dwelling in the countryside on the basis of personal or domestic circumstances. The policy states a dwelling in the countryside will be permitted for the long term needs of the applicant, where there are compelling, and site specific reasons related to the applicant’s personal or
domestic circumstances. For completeness I shall considered the appellant’s presented personal circumstances.

11. On the appeal site is a modular dwelling and associated hard standing and access. The modular dwelling is occupied by the appellant and his wife. They have lived here, over some 3 years, since 2015. The appellant stated the modular dwelling has always been envisaged to be temporary in nature. The appellant explained whilst having studied Engineering and Management at University, he returned to work full time on the family farm at Newtownards Road. The family farm is some 160 acres/65 hectares and has been in the ownership of the family for generations. It has always been the appellant’s intention to reside in close proximity to the farm to be close to his family and his work.

12. I was told the nature of the farm was intensive vegetable growing namely parsnips. Such intensive farming requires workers to be up from 6 am working until 10 pm. On market days this can require workers to be up at 3 am. All of this is to ensure fresh produce is ready for the wholesaler. On this basis the appellant stated the nature of the farm activity requires for him to be within close proximity to the farm holding. The appellant’s family farm business is located on the edge of the settlement of Comber. To my mind living in Comber would also provide convenience and is in close proximity to the farm land. No persuasive evidence was provided by the appellant stating why this option was not possible.

13. The appellant stated the appeal site was a natural choice for the temporary accommodation as it does not involve the use of valuable workable farmland. I was also told that the modular dwelling was located on the appeal site because it was a damp swampy area that has been filled over the years. Accordingly it was the appellant’s view that the siting of the modular dwelling on this part of the farm was logical temporary solution.

14. The appellant also stated to relocate the modular dwelling to be located close to the replacement dwelling or the family farm would be expensive, give rise to stress and anxiety and would not be sustainable as he would not be sure if the modular building would stand up to being physically relocated again. Furthermore the appellant considered to relocate the modular dwelling would further add to its depreciation.

15. Having considered the appellant’s personal and domestic circumstances whilst I note that such concerns may seem logical, they do not amount to determining personal and domestic circumstances which justify need for the siting of the modular dwelling on the appeal site. Accordingly I have not been satisfied that there are compelling and site specific reasons relating in the personal or domestic circumstances that justify the approval of this temporary mobile home at this location in the countryside. The development is not consistent with the second exception of CTY9 or the provisions of Policy CTY6 of PPS21.

16. As noted above the development of the modular home does meet one of the exceptions of Policy CTY9. Nonetheless the policy also requires that a siting of a residential mobile home be subject to the same planning and environmental considerations as a permanent dwelling. The development on the site is not integrated within an existing building group, and whilst the mature hedging around the site assist the buildings ability to integrate on the landscape the modular
building is still visible when travelling along the laneway. The lane way provides access to around nine properties. The lane way is therefore an area where public views are possible. The modular dwelling is not integrated within an existing group and screened from public view. It can be seen, albeit for a short distance, when travelling along the lane way.

17. Furthermore the justification as presented by the appellant relating to the location of this modular dwelling relates to the appellant’s wish live on the family farm. The policy goes further to state that mobile homes on farms will be required to visually link or sited to cluster with an established farm group of buildings. The main farm dwelling relating to the appellant’s family farm is at 71 Newtownards Road, which is some 258 metres from the appeal site. The appellant stated that it was not possible to site the modular dwelling beside the main farm buildings given there is already a workers caravan in the yard which is used for season workers. The appellant also pointed out farm buildings relating to the farm to the rear of 67 Newtownards Road which are located some 180 metres west and on the opposite side of the laneway from the appeal site. The modular dwelling on the appeal site is not visually linked or sited to cluster with these buildings or the main farm buildings at 71 Newtownards Road.

18. The appellant’s reasoning appears to relate more to the availability of the appeal site and appellant’s desire not be living close to main farm buildings. I do not consider that such circumstances override the requirement of the modular home to be integrated within an existing building group and screen from public view or visually linked or sited to cluster with an established group of buildings on a farm. Accordingly I find the failure of the development to meet this element of the Policy CTY9 to be determining and the Council’s first reason for refusal is sustained in this regard.

19. The building is sited on flat ground and back from the laneway. The existing hedgerow along the laneway, and to the east boundary of the site comprise are established with mature vegetation. Whilst the surrounding vegetation assists the integration of the modular building it does not screen it from the public views along the lane way. The Council stated their key concern in respect of Policy CTY13 was the design of the modular building. The modular building is small scale and appears as a temporary mobile home with a bay window and other windows of different scale and proportion. It is finished stippled render and a shallow pitched roof and is placed on a concrete base with small steps leading up to the front door. The design of the modular dwelling is typical of that of a temporary mobile home. I accept that its permanent retention would not be in keeping with the form and design of the permanent dwellings in the area and this would cause some harm to the amenity of the area. However, given the proposal is a temporary building and is typical of the design of most mobile homes I do not find the design of the building because of its temporary nature to cause unacceptable harm to this area of countryside. Accordingly the Council’s second reason for refusal relating to the design and appearance of the modular dwelling is not sustained.

20. As the appeal development fails to meet the requirement of Policy CTY9 and Policy CTY6 the retention of the development does not constitute an acceptable form of development in accordance with Policy CTY1. The loss of other good quality farm land on the farm to accommodate a temporary building is not of itself a overriding reason to permit the development on the site, Furthermore I do not
find that the other personal and domestic circumstance presented by the appellant provide an overriding reasons why the development is essential on the appeal site. The appeal proposal fails to meet the requirements of Policy CTY1 and the strategic policies outlined in the SPPS. Accordingly planning permission is refused and the appeal on ground (a) fails.

Ground (g) the period for compliance fall short of what should reasonably be allowed.

21. The notice requires the modular dwelling including concrete base and foundations, associated hard standing and access laneway to be removed within 180 days. The appellant indicated it was his intention to commence works as soon as possible on his permanent dwelling.

22. At the hearing the Council conceded to extend the time period for compliance on the notice to 1 year. I consider this to be reasonable timescale for the appellant to move forward with the development of his dwelling and if necessary relocate the modular dwelling to be adjacent to this property. I do not consider the matters relating to the cost and hassle of relocating the temporary building to outweigh the policy concerns outlined above or justify a further timescale for the unauthorised development to be located on the site. Accordingly, the period for compliance is varied to 1 year from the date of this decision. The appeal on ground (g) succeeds to that extent.

Decision

The decision is as follows:-
- The appeal on Ground (a) fails.
- The period for compliance is varied to 1 year from the date of this decision and the appeal on Ground (g) succeeds to that extent.
- The notice as so varied is upheld.

COMMISSIONER ROSEMARY DALY
List of Appearances

Planning Authority: - Wendy Murray, Ards and North Down Borough Council
                   Chris Blair, Ards and North Down Borough Council

Appellant: - Mr Hamilton, Appellant
            Mr G Thompson, Agent

List of Documents

Planning Authority: - "A" Statement of Case and Appendices Ards and North Down Borough Council
                   PAC1 – Emails relating to Replacement Dwelling
                   LA06/2018/0775/F

Appellants: - "B" Statement of Case and Appendices GT Design
Appeal Reference: 2018/A0105
Appeal by: Antrim Construction Company Ltd
Appeal against: The refusal of consent to display
Proposed Development: Freestanding poster panel display
Location: Adjacent to gable of 136 High Street, Holywood, BT18 9HW
Planning Authority: Ards and North Down Borough Council
Application Reference: LA06/2018/0107/A
Procedure: Written representations and accompanied site visit on 8 January 2019

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impacts of the proposed poster panel on the amenity of the area, the setting of listed buildings and the proposed Holywood South Area of Townscape Character (ATC).

3. Relevant regional policy is set out in Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17). Policy AD 1 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. In relation to advertisements, the term amenity is usually understood to mean its effect upon the immediate neighbourhood where it is displayed or its impact over long distance views. Annex A of PPS 17 sets out supporting guidance for various categories of signage, including free standing displays. Planning Policy Statement 6: Planning Archaeology and the Built Heritage (PPS 6) and its Addendum, which is entitled Areas of Townscape Character are also pertinent.

4. Paragraph 4.5 of PPS 17 states that a well designed and sensitively sited advertisement can contribute positively to the visual qualities of an area but all too often advertisements are placed in a location as an afterthought. It goes on to state that a good neighbourhood or sensitive location can be easily spoiled by poorly designed advertising which appears over dominant, unduly prominent or simply out of place. Poster panel displays rely on size and siting for their impact; consequently they have the potential to be over dominant and obtrusive in the street scene. There is therefore a need to ensure that such displays respect the scale of their surroundings and equally there is a need to prevent clutter.
5. Located within Holywood town centre, the appeal site comprises a narrow linear strip of land located at a 90 degree angle to High Street. The poster panel would stand immediately adjacent to No.136; a flat roof two-storey 5m high commercial building. The gable wall of the building measures 8m wide by 5m high. The proposed free standing poster panel measures 6.5m wide by 3.5m high. Attached to steel posts painted black, the base would stand 1.5m above ground level while the top would be 4.9m above ground level.

6. Travelling south west along High Street views of the panel, which is orientated to the north east, would be available over a distance of approximately 100m. I have not been persuaded that it would read with the approved poster panel displays at Nos.114 and 124, which are orientated in the opposite direction; therefore the issue of clutter is not a determining factor.

7. This type of poster panel is commonly used to screen derelict and untidy land. Notwithstanding that No.136 is a modern building of little architectural merit, it does not detract from the character of the surrounding area and there is no need for it to be screened.

8. The proposed panel would cover the entire width of the gable, with the exception of 0.75m to either side. It would stop just below the roofline but would cover the wooden barge board. It would overwhelm the immediately adjacent building, given its size and scale. The two and three storey buildings in the foreground, two of which are setback some distance from the footpath with carparking in front, the two storey building at No.138 and the three storey gable of the listed terrace beyond would not moderate the failure of the poster panel to respect the scale of the immediately adjacent buildings. Consequently, it would be dominant and look out of place. It would have an unacceptable detrimental impact on the visual amenity of the area, which notwithstanding its mix of development and commercial nature, is sensitive given the listed buildings to the northeast, the listed terrace (Nos.140-150) and St Helen’s (No.155). The appeal site is located immediately opposite the latter and the unacceptable poster panel would be viewed in close juxtaposition with it, albeit over a short distance.

9. The appeal proposal must be assessed on its own merits in its site specific circumstances. I have not been persuaded that it is directly comparable with the approved poster panel displays at Nos.114 and 124, given the scale of those buildings, which are 2.5 – 3 storeys high with pitched rooflines. As such, those approvals do not set a precedent for approving the appeal proposal, which is contrary to policy. Accordingly to the extent that the panel would be dominant and have an unacceptable negative impact on the amenity of the area, the Council has sustained its first and second reasons for refusal based upon Policy BH 11 of PPS 6 and Policy AD 1 of PPS 17 respectively.

10. Regulation 3(1) of the Planning (Control of Advertisements) Regulations (NI) 2015 requires Councils to take into account the provisions of the local development plan, so far as they are material and any other relevant factors. The adoption of the Belfast Metropolitan Plan 2015 (BMAP) was declared unlawful by the Court in May 2017. Consequently, the North Down and Ards Area Plan 1984-1995 operates as the LDP; there are no policies in the plan relevant to the appeal proposal. The draft Belfast Metropolitan Area Plan (dBMAP), which proposes to
designate the Holywood South ATC, is a material consideration. No objections were received seeking to reduce the extent of the proposed ATC within which the appeal site lies and the parties do not dispute that the proposed designation is a relevant material consideration. Notwithstanding that the specific characteristics of the ATC have yet to be defined, the impact of the panel on its appearance can be objectively assessed. I have already concluded above that the panel would not lead to clutter. However, given its unacceptable scale and size, its impact on the appearance of the proposed ATC would be adverse. To the extent that the panel would fail to maintain the appearance of the proposed ATC as a whole, the Council has sustained its third reason for refusal.

Drawings

This decision is based on the following drawings:-

- A&ND Drwg No.01: Location Plan (Scale 1:1250)
- A&ND Drwg No.03: Elevations and Site Layout (Scale 1:100 and 1:200)

COMMISSIONER D MCSHANE
**List of Appearances**

**Planning Authority:**
- Ms E Farnan (Ards & North Down BC)
- Ms C Rodgers (Ards & North Down BC)
- Ms J Stokes (Historic Environment Division DfC)
- Ms N Golden (Historic Environment Division DfC)

**Appellant:**
- Mr C McAuley (CMP)
- Mr P McMullan (Antrim Construction Company Ltd)

**List of Documents**

**Planning Authority:**
- “LPA 1” Statement of Case and Appendices
- “LPA 2” Rebuttal Statement

**Appellant:**
- “AP 1” Statement of Case and Appendices
- “AP 2” Rebuttal Statement
This Planning Budgetary Control Report covers the 9-month period 1 April to 31 December 2018 and is set out on page 2. The net cost of the service is showing an under spend of £54,959 (7.0%).

**Explanation of Variance**

A Budgetary Control Report by Income and Expenditure for Planning is, also, shown on page 2 which analyses the overall favourable variance (£54,959) by expenditure (£75,924 favourable) and income (£20,965 adverse).

**Planning**

**Expenditure - £75.9k (4.9%) better than budget to date.** This favourable variance is mainly made up of the following: -

a. Payroll £95.6k favourable due to vacancies. Full complement of the Administration team will be in place from 1 February 2019. One vacant HPTO post has recently been filled but another HPTO vacancy is still to be filled following an unsuccessful recruitment exercise. There has been a
knock-on effect regarding staffing due to backfilling required for maternity cover, and resignations.

b. Legal costs are £48.2k over budget to date. This has been as result of ongoing complex enforcement cases which have required specialist legal advice, including counsel representation at appeal hearings and court.

c. There are underspends to date on other expenditure lines such as tree services (£4.1k - which expected to be spent by end of financial year) mileage (£7.3k) and consultancy (£3.4k).

**Income - £21.0k (2.7%) worse than budget to date.** Planning application income is £21.0k lower than budget for the year to date.

<table>
<thead>
<tr>
<th>Note</th>
<th>Year to Date Actual £</th>
<th>Year to Date Budget £</th>
<th>Variance £</th>
<th>Annual Budget £</th>
<th>Variance %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>330 Planning</td>
<td>728,041</td>
<td>783,000</td>
<td>(54,959)</td>
<td>1,065,900</td>
<td>7.0</td>
</tr>
<tr>
<td>Totals</td>
<td>728,041</td>
<td>783,000</td>
<td>(54,959)</td>
<td>1,065,900</td>
<td>7.0</td>
</tr>
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</table>

**BUDGETARY CONTROL REPORT**
By Directorate and Service
Period 9 - December 2018

<table>
<thead>
<tr>
<th>Note</th>
<th>Actual £</th>
<th>Expenditure Budget £</th>
<th>Variance £</th>
<th>Income Budget £</th>
<th>Variance £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>330 Planning</td>
<td>1,475,976</td>
<td>1,551,900</td>
<td>(75,924)</td>
<td>747,935</td>
<td>20,965</td>
</tr>
<tr>
<td>Totals</td>
<td>1,475,976</td>
<td>1,551,900</td>
<td>(75,924)</td>
<td>747,935</td>
<td>20,965</td>
</tr>
</tbody>
</table>

**RECOMMENDATION**

It is recommended that the Committee notes this report.
Ards and North Down Borough Council

<table>
<thead>
<tr>
<th>Report Classification</th>
<th>Unclassified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council/Committee</td>
<td>Planning Committee</td>
</tr>
<tr>
<td>Date of Meeting</td>
<td>05 February 2019</td>
</tr>
<tr>
<td>Responsible Director</td>
<td>Director of Regeneration, Development and Planning</td>
</tr>
<tr>
<td>Responsible Head of Service</td>
<td>Head of Planning</td>
</tr>
<tr>
<td>Date of Report</td>
<td>18 January 2019</td>
</tr>
<tr>
<td>File Reference</td>
<td></td>
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<tr>
<td>Legislation</td>
<td></td>
</tr>
<tr>
<td>Section 75 Compliant</td>
<td>Yes ☒ No ☐ Not Applicable ☒</td>
</tr>
<tr>
<td>Subject</td>
<td>Report on Planning Statistics Quarter 2 of 2018/2019</td>
</tr>
<tr>
<td>Attachments</td>
<td>Item 7a - press release Item 7b - bulletin</td>
</tr>
</tbody>
</table>

Background

1. The DFI Northern Ireland Planning Statistics covering the second quarter of 2018/19 were published on 20 December 2018.

2. This publication presents a summary of Northern Ireland planning volumes and processing performances at District Council level on a quarterly basis.

3. The bulletin attached provides an overall view of planning activity across NI. It provides summary statistical information on council progress across the 3 statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. It also provides information relating to Departmental performance against quantitative DFI Corporate Business Plan targets.

4. The number of applications received and decided refers only to planning applications for which a fee is usually attracted.
5. The Service Unit undertakes a considerable amount of other work for which no fee is attracted. These works comprises Certificates of Lawfulness of Existing or Proposed Use, Tree Preservation Orders/Consents, Discharge of Conditions, Non-Material Changes, and Pre-Application Discussions.

6. Discharge of Conditions and applications for Non-Material Changes can be time dependent and have to be managed accordingly where possible alongside the planning application work which does attract fees.

7. The tables within this report give a breakdown of the number of planning applications submitted and decided, other activity and enforcement cases.

**Legacy Applications**

8. Having transferred from DOE with 577 live planning applications, the remaining legacy applications total 9 at end of Quarter 2 of 2018/2019, with continuing work to bring these applications to withdrawal or determination as soon as possible. The actual number remaining in the system is currently 4.

**Planning Applications 1 July 2018 – 30 September 2018**

9. Details of planning applications received and decided, are provided below. The applications received represented a fee income of c£220,345.

<table>
<thead>
<tr>
<th>Applications Received</th>
<th>Applications Decided</th>
<th>Statutory Performance Indicator (average no. of weeks)</th>
<th>Processing time (average no. of weeks)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td>2</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td>Local</td>
<td>244</td>
<td>245</td>
<td>15</td>
</tr>
</tbody>
</table>

10. During Quarter 2 of 2018/2019 two major applications were decided. These were for housing proposals in the Borough. One of the applications included a 2015 reserved matters proposal for 353 dwellings for the Beverley housing zoning in Newtownards and a 2016 reserved matters application for 390 dwellings for a housing zoning in Donaghadee. The two major applications totalling 743 dwellings involved extensive and detailed negotiation to ensure a high quality of development was achieved that satisfied the requirements of consultees and addressed objectors’ concerns.

11. Categories of applications received over the second quarter are detailed below.

<table>
<thead>
<tr>
<th>Category</th>
<th>Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural</td>
<td>3</td>
</tr>
<tr>
<td>Commercial</td>
<td>7</td>
</tr>
<tr>
<td>Government &amp; Civic</td>
<td>16</td>
</tr>
<tr>
<td>Industrial</td>
<td>0</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>11</td>
</tr>
<tr>
<td>Residential</td>
<td>152</td>
</tr>
</tbody>
</table>
Additional activity

12. Other activity outside of planning application processing was undertaken as follows, with explanation of each activity provided thereafter:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Received</th>
<th>Decided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge of conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of Lawfulness (proposed and existing)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree Preservation Orders/Consents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Material Changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre Application Discussions</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72</strong></td>
<td><strong>27</strong></td>
</tr>
</tbody>
</table>

13. **Discharge of conditions** - It will be necessary to seek to discharge a condition where planning approval has been granted and a condition has been attached to the decision which requires the further consent, agreement or approval of the Council. This often requires further consultation with statutory bodies.

14. **Certificates of Lawfulness** – Certificates of Lawful Use or Development (CLUDs), either proposed or existing, have not been included in the Official Statistics bulletin since 2012/13. These are not actually applications for planning permission. The Council will issue a CLUD if it is satisfied that a particular development is lawful within the provisions of planning legislation. Examples include proposed extensions, which fall within the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 for permitted development and do not require planning permission, or uses that have become lawful due to the length of time they have been in existence.

15. **Tree Preservation Orders** - If your land is subject of a TPO, you must seek permission from the Council for any works to protected trees.

16. **Non-Material Changes** - Following the grant of planning permission amendments are often required to address unexpected changes in circumstances or site conditions. An application for a non-material change removes the need for an entirely new planning application to be submitted where only a very small change is sought. Such an application, if approved, would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It would not form a new
planning permission and the existing permission will continue to exist and should be read in conjunction with the non-material change decision letter.

17. **Pre Application Discussions** - By facilitating effective and meaningful pre-application discussions the Council can ensure that opportunities to work collaboratively with applicants and to improve the quality of developments are maximised. PADs normally involve formal meetings with Planning and a range of statutory consultees exchanging information or discussing plans during the critical period when proposals are being developed.

**Enforcement cases 1 April 2018 – 30 June 2018**

18. Ards and North Down had the third highest number of enforcement cases opened across the 11 councils.

<table>
<thead>
<tr>
<th>New cases opened</th>
<th>Cases closed</th>
<th>Cases Concluded</th>
<th>Statutory Performance Indicator</th>
<th>Processing time (average no. of weeks)</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>91</td>
<td>77</td>
<td>70% concluded within 39 weeks</td>
<td>75.3%</td>
</tr>
</tbody>
</table>

*An enforcement case is concluded when one of the following occurs: a notice is issued; legal proceedings commence; a planning application is received; or the case is closed.

19. **Enforcement cases opened, closed, concluded and 70% conclusion times**

<table>
<thead>
<tr>
<th>Of total cases closed</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remedied/resolved</td>
<td>22</td>
</tr>
<tr>
<td>Planning permission granted</td>
<td>15</td>
</tr>
<tr>
<td>Not expedient</td>
<td>15</td>
</tr>
<tr>
<td>No breach</td>
<td>32</td>
</tr>
<tr>
<td>Immune</td>
<td>7</td>
</tr>
<tr>
<td>Appeal allowed/Enforcement Notice Quashed</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>91</strong></td>
</tr>
</tbody>
</table>

**Householder Team – internal target**

20. An internal Performance Improvement Indicator was introduced to measure processing times against a target of 8 weeks (85%). In the second quarter of 2018/2019 some 76 decisions were issued, of which 29 were within the 8 week target. Whilst not meeting the internal improvement target, it should be noted that 62 of the decisions were issued in under the 15 week statutory target (82%).

21. Data for Qtr 3 of 2018/2019 in respect of Householder decisions is more positive, with 34 decisions issued of which 26 were within 8 weeks and all 34 were issued
within 10 weeks. It is expected that the recent change to the Protocol which negates the need for specific householder decisions to go through the weekly delegated list will further improve statistics.

22. As yet unvalidated data for Qtr 3 in respect of local application decisions issued is encouraging, indicating that 289 decisions issued with an average processing time of 15.3 weeks, just outside the 15-week target.


RECOMMENDATION

It is recommended that members note the content of this report.
PUBLICATION OF NORTHERN IRELAND PLANNING STATISTICS:
SECOND QUARTER 2018/19 STATISTICAL BULLETIN

20 December 2018

Provisional planning statistics for the second quarter of 2018/19 are now available. These data provide an overall view of planning activity. Alongside this there is a summary of council performance across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

The publication is available on the Department for Infrastructure website at:
https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics

KEY POINTS

The key points from the Northern Ireland Planning Statistics Second Quarter 2018/19 Statistical Bulletin are:

- There were 2,949 planning applications received during July to September 2018 (Q2), down by 9% on the previous quarter and over 8% on the same period a year earlier. This comprised 2,919 local and 30 major applications.

- During the second quarter of 2018/19, 3,071 planning applications were decided, an increase of 2% over the quarter but a decrease of over 1% when compared with the same period a year earlier.
• The average processing time for major applications during the first six months of 2018/19 was 58 weeks across all councils; down slightly from the 59 weeks reported for the same period last year. Average processing times for major planning applications are almost double the statutory processing time target of 30 weeks.

• The number of local planning applications received during Q2 2018/19 was 2,919, down by 9% on the previous quarter and over 8% on the same period last year. Across councils, Belfast City (390), Newry, Mourne and Down (336), and Armagh City, Banbridge and Craigavon (325) received the highest number of local planning applications during Q2 2018/19.

• In the first six months of 2018/19 it took councils, on average, 15 weeks to process local applications to decision or withdrawal; the same as the figure reported for the equivalent period last year. Five of the 11 councils were within the 15 week target during the first six months of 2018/19. The shortest average processing time for local applications was just over 7 weeks in Mid and East Antrim, whilst the longest was just over 23 weeks in Causeway Coast and Glens.

• The number of enforcement cases opened during the second quarter of 2018/19 was 999; an increase of more than 6% over the quarter and nearly 17% when compared with the same period a year earlier. Across the councils, Belfast City (170) and Antrim and Newtownabbey (119) opened the largest number of cases in Q2.

• In the first six months of 2018/19 over four-fifths (81%) of enforcement cases were concluded within 39 weeks. This is 11 percentage points above the statutory target and is 6 percentage points higher than the same period last year. At the mid-year point of 2018/19, eight of the 11 councils are on track to meet the target, with highs of 92% concluded within 39 weeks in Antrim and Newtownabbey, followed by 88% in Mid and East Antrim, and 86% in Lisburn and Castlereagh. Across all councils, the proportion of enforcement cases concluded ranged from a high of 92% to a low of 55%.

• The approval rate for all planning applications for the second quarter of 2018/19 was 94%, similar to the rate for the previous quarter and up slightly for the same quarter a year earlier. Second quarter approval rates varied across councils from 85% to 99%.

• There were 23 renewable energy applications received in Q2 2018/19, 16 more than the same period last year. During Q2 2018/19, 18 renewable applications were decided and 3 withdrawn. The average processing time for these applications was just over 32 weeks in Q2; down from almost 88 weeks in the same quarter last year.
NOTES TO EDITORS


1. This is the latest in a regular series of statistical bulletins related to Development Management (Planning) functions. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management and provides that, from 1 April 2015, councils now largely have responsibility for this planning function. This statistical bulletin reports on activity and performance for second quarter of 2018/19 (1st July 2018 – 30th September 2018). Year-to-date processing performance for the full six month period (1st April 2018 – 30th September 2018) is also provided.

2. A new classification hierarchy for planning applications came into effect on 1st April 2014 in advance of the transfer of planning functions to local government from 1st April 2015. The development categories are – major and local development applications, processed by councils, and regionally significant development applications processed within the Department. Note that the ‘major development’ category is based on a completely different definition to the previous ‘major’ category so figures relating to this category should not be compared with those from earlier bulletins (i.e. pre-2014/15).

3. There are three legislative performance targets covered in the report related to the processing of local development decisions within an average of 15 weeks; major development decisions within an average of 30 weeks; and processing 70% of enforcement cases to target conclusion within 39 weeks.

4. The final records of all applications from 1st April 2018 – 30th September 2018 were transferred in November 2018 from a live database and inspected for consistency in coding before figures were prepared for publication. These figures are regarded as ‘provisional’ and will be subject to further scheduled revisions as further updates are made to records in the live database environment. Finalised annual figures for 2018/19 will be released at the end of June 2019.

Quarterly data are provided in more detailed accompanying Excel tables together with comparable data from the previous financial year, where possible.

Official Statistics

This is an Official Statistics publication and therefore follows the Code of Practice for Official Statistics. You can find further information about the Code of Practice at: http://www.statisticsauthority.gov.uk/assessment/code-of-practice/index.html

Further Information

For further information please contact:

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(Text relay prefix 18001)
E-mail: ASRB@nisra.gov.uk
Website: https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics
NORTHERN IRELAND PLANNING STATISTICS
SECOND QUARTER 2018/19 STATISTICAL BULLETIN
(July – September 2018: Provisional figures)

Theme: People and Places
Coverage: Northern Ireland
Frequency: Quarterly

An Official Statistics Publication
Date of Publication: 20th December 2018

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- Overall NI Planning Activity 7
- Department Activity 10
- Major Development 11
- Local Development 13
- Development Type 15
- Compliance & Enforcement 18
- Renewable Energy 20
- User Guidance 22

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Any enquiries regarding this document should be sent to us at ASRB@nisra.gov.uk.
Northern Ireland Planning Statistics
Q2 2018/19

Overall planning applications

Applications received/decided/approved

<table>
<thead>
<tr>
<th></th>
<th>Q2 2017/18</th>
<th>Q2 2018/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received</td>
<td>3,222</td>
<td>2,949</td>
</tr>
<tr>
<td>Decided</td>
<td>3,112</td>
<td>3,071</td>
</tr>
<tr>
<td>Approved</td>
<td>2,916</td>
<td>2,888</td>
</tr>
</tbody>
</table>

Comparing Q2 2018/19 with Q2 2017/18:
- Decrease in the number of applications received: 8%
- Decrease in both the number of applications decided and approved: 1%

3 largest development types
- Residential (61%)
- Govt & Civic (7%)
- Other* (16%)

*Other includes work to facilitate disabled persons, signs/advertisements and listed buildings

Local planning applications

Q2 2017/18: 3,186
Q2 2018/19: 2,919

99% of all received applications were local planning applications in Q2 2018/19

Planning statutory targets (Apr-Sep)

Major & local average processing times (weeks)

- Major
  - Apr-Sep 2017/18: 59
  - Apr-Sep 2018/19: 58
  - Major target: 30 weeks

- Local
  - Apr-Sep 2017/18: 15
  - Apr-Sep 2018/19: 15
  - Local target: 15 weeks

% of enforcement cases concluded within 39 weeks (target: 70%)

- Apr-Sep 2017/18: 75%
- Apr-Sep 2018/19: 81%

For further information please contact ASRB@nisra.gov.uk or view the full report at: https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics
Key Points

- There were 2,949 planning applications received in Northern Ireland (NI) during July to September 2018 (Q2), down by 9% on the previous quarter and over 8% on the same period a year earlier. This comprised 2,919 local and 30 major applications.

- During the second quarter of 2018/19, 3,071 planning applications were decided, an increase of 2% over the quarter but a decrease of over 1% when compared with the same period a year earlier.

- The average processing time for major applications during the first six months of 2018/19 was 58 weeks across all councils; down slightly from the 59 weeks reported for the same period last year. Average processing times for major planning applications are almost double the statutory processing time target of 30 weeks.

- The number of local planning applications received in NI during Q2 2018/19 was 2,919, down by 9% on the previous quarter and over 8% on the same period last year. Across councils, Belfast City (390), Newry, Mourne and Down (336), and Armagh City, Banbridge and Craigavon (325) received the highest number of local planning applications during Q2 2018/19.

- In the first six months of 2018/19 it took councils, on average, 15 weeks to process local applications to decision or withdrawal; the same as the figure reported for the equivalent period last year. Five of the 11 councils were within the 15 week target during the first six months of 2018/19. The shortest average processing time for local applications was just over 7 weeks in Mid and East Antrim, whilst the longest was just over 23 weeks in Causeway Coast and Glens.

- The number of enforcement cases opened in NI during the second quarter of 2018/19 was 999; an increase of more than 6% over the quarter and nearly 17% when compared with the same period a year earlier. Across the councils, Belfast City (170) and Antrim and Newtownabbey (119) opened the largest number of cases in Q2.

- In the first six months of 2018/19 over four-fifths (81%) of enforcement cases in NI were concluded within 39 weeks. This is 11 percentage points above the statutory target and is 6 percentage points higher than the same period last year. At the mid-year point of 2018/19, eight of the 11 councils are on track to meet the target, with highs of 92% concluded within 39 weeks in Antrim and Newtownabbey, followed by 88% in Mid and East Antrim, and 86% in Lisburn and Castlereagh. Across all councils, the proportion of enforcement cases concluded ranged from a high of 92% to a low of 55%.

- The NI approval rate for all planning applications for the second quarter of 2018/19 was 94%, similar to the rate for the previous quarter and up slightly for the same quarter a year earlier. Second quarter approval rates varied across councils from 85% to 99%.

- There were 23 renewable energy applications received in Q2 2018/19, 16 more than the same period last year. During Q2 2018/19, 18 renewable applications were decided and 3 withdrawn. The average processing time for these applications was just over 32 weeks in Q2; down from almost 88 weeks in the same quarter last year.
Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for the new district councils, and the Department for Infrastructure, during the second quarter of 2018/19. Note that from the 8th May 2016, Ministerial responsibility for planning transferred from the former Department of Environment to the Department for Infrastructure (the ‘Department’) following departmental reorganisation.

Whilst the bulletin and accompanying tables report data for the second quarter of 2018/19, the detailed tables also include comparable data from previous years. Commentary will be mainly focussed on changes over the year and changes over the last quarter. Please note that these quarterly figures for 2018/19 are provisional and will be subject to scheduled revisions ahead of finalised annual figures being published in June 2019.

Background

The Planning Act (Northern Ireland) 2011 (the ‘2011 Act’) sets out the legislative framework for development management in NI and provides that, from 1 April 2015, councils now largely have responsibility for this planning function. Planning applications for development categorised as being either major development or local development are determined by the councils. Responsibility for planning applications for regionally significant development rests with the Department. In addition, the Department retains responsibility for legacy ‘Article 31’ applications (i.e. Article 31 of the Planning (Northern Ireland) Order 1991).

Furthermore, the Department has the power to ‘call in’ both major and local development applications from councils, where it so directs, and determine them (see ‘User Guidance’ for a fuller description of the different planning application types). Responsibility for planning legislation, and for formulating and co-ordinating policy for securing the orderly and consistent development of land, remains with the Department. Consequently, the responsibility for development management is shared between the 11 councils and the Department.

The Department will continue to have responsibility for the provision and publication of Official Statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the NI headline results split by district council (and the Department where relevant). These data will also provide councils with information on their performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Note that whilst pre-transfer activity volumes can be mapped historically to the new organisational areas from which the demands arise, it would not be valid to do the same with performance data as the newly established district councils did not exist, nor do they neatly overlap with the old area planning office jurisdictions.

The first year of data under the new organisational areas was 2015/16. Therefore 2015/16 is regarded as the base year for reporting of performance-related data at council level with comparative trend data building from that point onwards. Whilst historic comparisons of performance at NI level can still be made, it is important to be aware that there have been a number of significant recent changes to the Planning system which will have had an impact. Where relevant these have been highlighted throughout the report.

Statistics included in this report

This bulletin provides an overall view of planning activity across NI. It provides summary statistical information on council progress across the 3 statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. It
also provides information relating to Departmental performance against quantitative Corporate Business Plan targets.

All of the information underlying the charts and graphs featured in this bulletin are included in accompanying Excel tables (see Appendix 1 for additional ‘Definitions’ used in these tables). This summary bulletin provides an overview and high level commentary with more details and further analyses available in the Excel tables. Where relevant, some of the more detailed findings may be referred to in the commentary.

Revisions and changes since Quarter 1 2015/16

(i) Major versus local classification - following the publication of the first quarter provisional bulletin in November 2015, a number of planning application classification issues were identified which required further investigation. This led to a number of revisions to the first quarter 2015/16 provisional figures which are reflected in later quarterly bulletins. The validation exercise additionally highlighted some inconsistencies in major and local development classification between the 2015/16 and 2014/15 when the new classification hierarchy was first administratively implemented. It was decided, therefore, that 2015/16, when the classification hierarchy was given full legal effect, would be the base year for future comparisons of major and local development activity. As such, back-comparisons at council level for these application types are not possible.

(ii) ‘Discharge of conditions’ - whilst forming part of a council’s workload, these are not planning applications per se and hence should be excluded from the assessment of target processing performance. This led to some further revisions from the previously released first quarter 2015/16 results. However, whilst there were some small changes to activity volumes, their exclusion did not materially affect average processing times across the vast majority of councils. See ‘User Guidance’ for further detail on excluded planning activity. Table 9.1, in the accompanying bulletin tables, provides volumes and processing times for all such ‘non-application’ workload.

(iii) Legacy versus new council activity – in order to provide additional context around council performance, two additional analyses have been included in the companion tables. Table 8.1 shows the volume of legacy work which each council inherited on 1st April 2015 and to what extent it has since been reducing, while Table 8.2 splits out processing performance for major and local development into legacy versus new council applications. These tables will be retained until the legacy applications become a negligible part of overall council workload.

Future Releases

The next quarterly release is due in March 2019. This will contain planning data up to 31st December 2018 (i.e. for Q3 2018/19).

The next annual report covering 2018/19 is planned for release in late June 2019. Development of a planning monitoring framework is ongoing and progress on that framework will be published in September 2019.

See Gov.UK Release Calendar for release dates of future publications.
1. Overall NI Planning Activity

Applications Received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in the period July to September 2018 (Q2), was 2,949, a decrease of 9.2% on the previous quarter (3,247) and by 8.5% on the same period a year earlier (3,222).

The number of planning applications received had generally been on the decline from its peak in 2004/05 until 2013/14, when it reached its lowest level of the series. The series shows that the number of applications received has been fairly stable for the last six years with relatively small changes quarter on quarter; although the change in Q2 2018/19 was the largest quarter-on-quarter change since Q2 2016/17.

Of the 2,949 applications received in Q2, three quarters were for full planning permission (75.1%), up from 72.6% at the same point last year.

In Q2, Belfast City council received the most (396) planning applications, followed by Newry, Mourne and Down (337) and Armagh City, Banbridge and Craigavon (326); between them accounting for over one third (35.9%) of all applications received across NI. Belfast City and Newry, Mourne and Down also received the most applications during the same period last year. The councils receiving the lowest number of applications were Antrim and Newtownabbey (160), Mid and East Antrim (193) and Derry City and Strabane (203); the same councils listed in Q2 2017/18.

In Q2, eight of the 11 councils recorded a decrease compared with the same period last year, with the greatest decreases in percentage terms occurring in Mid Ulster (-25.5%), Belfast City (-20.0%) and Newry, Mourne and Down (-18.4%). Three councils reported increases over the year: Armagh City, Banbridge and Craigavon (12.8%); Fermanagh and Omagh (9.5%); and Ards and North Down (6.5%).

Refer to Tables 1.1, 1.2
Applications Decided

The number of planning decisions issued during July to September 2018 was 3,071 representing an increase of 2.1% over the quarter (3,007), but a decrease of 1.3% when compared with the same period a year earlier (3,112). Over three quarters of planning decisions in Q2 (75.3%) were for full planning permission.

In the first quarter of 2015/16, immediately following the transition of planning authority out to councils, the level of decisions issued dropped sharply. However, they quickly recovered in subsequent quarters. The second quarter of 2018/19 is the first since Q2 2016/17 where the number of decisions exceeded the number of applications received (Fig 1.1).

In Q2 2018/19, 151 applications were withdrawn, representing a decrease of 16.6% over the quarter (181) and a 3.2% decrease from the same period the previous year (156). Applications can be withdrawn at any stage prior to a decision being made.

Applications Decided by Council

The volume of planning decisions issued across councils during Q2 varied. Belfast City issued the highest number of decisions (517) followed by Mid Ulster (353) and Armagh City, Banbridge and Craigavon (316). Derry City and Strabane (184) and Lisburn and Castlereagh (187) issued the least.

Although the volume of planning decisions issued across Northern Ireland decreased over the year, seven of the 11 councils reported an increase over the same period. The greatest increases in percentage terms occurred in Antrim and Newtownabbey (18.1%), Belfast City (17.0%), and Causeway, Coast and Glens (16.4%). Four councils reported decreases over the year, with the largest occurring in Newry, Mourne and Down (-32.0%), Lisburn and Castlereagh (-30.5%), and Derry City and Strabane (-18.6%).

Six of the eleven councils issued more decisions than they received during Q2 2018/19. The greatest difference in percentage terms occurred in Antrim and Newtownabbey, where 34.4% more decisions were issued compared with applications received, followed by Belfast City (30.6%). Refer to Tables 1.1, 1.2.

approval rates

The overall Northern Ireland approval rate for all planning applications for Q2 2018/19 was 94.0%, which was similar to the rate for the previous quarter (94.1%) and a small increase from the same quarter a year earlier (93.7%).
Fig 1.4 Approval rates by council, Q2 2018/19

Planning approval rates varied across councils during Q2 2018/19 from highs of 98.9% in Derry City and Strabane and 98.0% in Mid Ulster to lows of 85.4% in Newry, Mourne and Down and 91.7% in Belfast City.

Eight of the eleven councils reported an increased approval rate over the year with the most notable occurring in Belfast City (up 3.2 percentage points to 91.7%). Three councils reported a decreased approval rate when compared with the same quarter a year earlier. The largest of these was in Newry, Mourne and Down (down by 4.7 percentage points to 85.4%) and Causeway Coast and Glens (down by 4.4 percentage points to 92.4%). Refer to Table 1.2

Live applications

At the end of September 2018, there were 6,465 live applications in the planning system across NI, a decrease of 1.3% over the previous twelve months from 6,552 at the end of September 2017. Nearly one fifth of all live applications in the planning system at the end of September 2018 was over one year old (1,186: 18.3%); an increase of 1.4 percentage points from the proportion reported for the end of September 2017 (1,110: 16.9%). Refer to Table 1.3

Fig 1.5 Live applications by council at end of Sep 2018

The proportion of live applications over one year old at the end of September 2018 varies across councils, as shown in Figure 1.5. Fermanagh and Omagh had the lowest proportion of cases over one year old (5.0%), followed by Antrim and Newtownabbey (5.5%) and Mid and East Antrim (6.7%). Newry, Mourne and Down had the largest proportion of applications in the system for over a year (26.1%) followed by Ards and North Down (22.5%) and Mid Ulster (21.5%).

Compared with the same period last year, five of the eleven councils have reduced the proportion of live cases in the system for over a year, with the greatest change occurring in Belfast City (-5.0 percentage points). The proportion of applications over a year increased in six councils, with the greatest of these increases in Causeway Coast and Glens (7.4 percentage points). Refer to Table 1.4.
2. Departmental Activity

At the end of September 2018, there were 8 ongoing regionally significant development (RSD) applications, 13 called-in; 9 retained applications and 9 other applications. Two-thirds of these applications (26 of 39) were in the system over a year.

Fig 2.1 Live Departmental applications by development type at end Sep 18

RSD applications are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan.

During Q2 2018/19, the Department received 2 new applications.

Refer to Tables 2.1, 2.2.

It is a target for the Department to contribute to sustainable economic growth by processing 50% of Regionally Significant Planning Applications to a Ministerial Recommendation within 30 weeks, subject to pre-application discussions having taken place and meeting the requirements of relevant Environmental Legislation.

At 30 September 2018, of the 8 RSD applications currently live in the planning system, four were not subject to Pre-Application Discussions and therefore fell outside the remit of the target. Of the remaining four applications, one had a recommendation during Q4 2017/18 to go to public inquiry where the target was met. The target dates for the other three applications were missed. These are all ongoing applications and will continue to be assessed in future reports up until the point of decision or withdrawal, alongside any new applications which may come into scope.

There were no applications decided or withdrawn during Q2 2018/19.

1 ‘Other’ applications include Conservation Area Consents, Variation of Conditions and Reserved Matters.
3. Major Development Planning Applications

Major Developments have important economic, social and environmental implications. The majority of major applications are multiple housing, commercial and government and civic types of development. The number of major planning applications received in NI during Q2 2018/19 was 30.

Q2 2015/16 had the lowest number of major applications received across the whole series but this can be attributed to the new community consultation requirement. From Q2 2015/16, the number of major applications received steadily increased quarter on quarter with Q3 2016/17 reporting 45 across Northern Ireland, the highest number since Q1 2015/16. The number of major applications received each quarter over the last two years suggests a levelling out, although this number has decreased over consecutive quarters since Q4 2017/18.

Of the 30 major applications received in Q2, Belfast City (6), Causeway Coast and Glens (5) and Mid Ulster (4) received the most.

Over the quarter, 34 major planning applications were decided and 4 withdrawn. Although this is an increase from 30 decisions and 3 withdrawals in Q1 2018/19, it represents the second lowest number of decisions issued quarterly for major applications since the transfer of planning powers.

At council level, Antrim and Newtownabbey (6), Causeway Coast and Glens and Lisburn and Castlereagh (both 5) issued the most decisions on major applications.

Refer to Tables 3.1, 3.2

Since Q2 2015/16, the number of planning decisions issued for major applications has generally exceeded the numbers being received. The exceptions are the last two quarters immediately preceding Q2 2018/19, where the numbers received were higher than the numbers decided, and Q2 2017/18, where the total received and decided were equal.

From 1st July 2015, pre-application community consultation became a pre-requisite to a major application. All major applications now go through a minimum 12 week consultation process before being accepted. The impact of this requirement should be borne in mind when considering the longer term trend in major applications received.

It is a statutory target for each council that their major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.
Figure 3.2 provides year-to-date processing times for major applications. During this period (April to September 2018), the **average processing time** to bring **major** applications to a decision or withdrawal was **58.0 weeks** across all councils, a small decrease (0.7 weeks) from the 58.7 weeks reported for the same period last year. This is almost double the statutory processing time target of 30 weeks.

**Refer to Table 3.2**

A further breakdown of these figures by legacy cases and council received cases is provided in Table 8.2.

Across Northern Ireland in Q2 2018/19, 97.1% of major planning applications decided upon were approved. Ten councils issued decisions on major applications during the second quarter of the year, and for nine of these all major applications decided upon were approved.

**Fig 3.2 Major processing times by council, Apr-Sep 2017 & 2018**

Whilst Fig 3.2 has been provided for completeness, across councils an insufficient number of major applications have been processed during the first half of both the current and previous year to allow any meaningful assessment of individual council performance. Comparison against the target and across councils will become more robust as we get further into the financial year with more applications being processed. With that in mind, it is still worth noting that during the first six months of the year, four of the councils are processing major applications within the 30 week target time.
4. Local Development Planning Applications

Local Development planning applications are mostly residential and minor commercial applications received and determined by a council. The number of local planning applications received in NI during Q2 2018/19 was 2,919, down 9.1% on the previous quarter (3,210) and 8.4% compared with the number received in the same quarter last year (3,186).

Across councils, Belfast City (390), Newry, Mourne and Down (336), and Armagh City, Banbridge and Craigavon (325) received the highest number of local planning applications during Q2. Belfast City and Newry, Mourne and Down also received the most applications during the same period last year.

For eight of the eleven councils, the number of local applications received in Q2 2018/19 was lower than the same period a year earlier, with the greatest decreases in percentage terms occurring in Mid Ulster (-25.8%), Belfast City (-20.6%) and Newry, Mourne and Down (-18.0%). Three councils reported increases over the year: Armagh City, Banbridge and Craigavon (13.6%); Fermanagh and Omagh (9.6%); and Ards and North Down (6.6%).

The number of local applications decided in Q2 2018/19 was 3,037, a decrease of 1.3% over the year (3,076) but up by 2.0% when compared with the previous quarter (from 2,977).

In the first quarter of 2015/16, immediately following the transition of planning functions to councils, the number of decisions reached on local planning applications was considerably lower than the number of applications received. Moving through 2015/16, the number of applications decided each quarter increased considerably, narrowing the gap significantly between the numbers received and the numbers decided.

In Q4 2015/16, the number of applications decided exceeded the number received for the first time in the series and this continued during the first part of 2016/17. From the end of 2016/17 until Q1 2018/19, the numbers of local applications received was higher than the number decided; the opposite was true for Q2 2018/19 (Fig 4.1).

During Q2 2018/19, Belfast City (513), Mid Ulster (350) and Armagh, Banbridge and Craigavon (312) issued the most local decisions across councils.

Although the volume of local planning decisions issued across Northern Ireland decreased over the year, seven of the 11 councils reported an increase over the same period. The greatest increases, in percentage terms, occurred in Belfast City (17.7%), Antrim and Newtownabbey (15.5%) and Causeway Coast and Glens (15.3%). Four councils reported decreases over the year, with the largest occurring in Newry, Mourne and...
Down (-31.6%), Lisburn and Castlereagh (-31.3%), and Derry City and Strabane (-17.9%).

Over the quarter, there were 147 local applications withdrawn across NI, this ranged from 29 applications withdrawn in Belfast City to 5 in Mid and East Antrim.

Refer to Tables 4.1, 4.2.

It is a statutory target for each council that their local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

During April to September 2018 (the year-to-date), the average processing time to bring local applications to decision or withdrawal was 15.0 weeks across all councils; the same as the figure reported for the equivalent period last year.

The shortest average processing time for local applications during the first six months of 2018 was 7.2 weeks in Mid and East Antrim (based on 466 local applications decided and 10 withdrawn), whilst the longest was 23.2 weeks in Causeway Coast and Glens (based on 577 local applications decided and 39 withdrawn). Five of the 11 councils, namely Mid and East Antrim (7.2), Fermanagh and Omagh (12.1), Antrim and Newtownabbey (13.0), Derry City and Strabane (13.8) and Belfast City (15.0) were within the 15 week target at the end of September 2018.

Average processing times in five of the 11 councils increased during April to September 2018 when compared with the same period a year earlier. This was most notable in both Causeway Coast and Glens, and Mid Ulster; where average processing times for local applications increased by 3.8 weeks over the year.

Over the same period, the greatest reductions in local processing times were achieved in Lisburn and Castlereagh, where average processing times were improved by 5.2 weeks (from 21.8 weeks to 16.6 weeks), and Derry City and Strabane, where average processing times decreased from 17.8 to 13.8 weeks (4.0 weeks).

Refer to Table 4.2

![Fig 4.2 Local processing times by council, Apr-Sep 2017 & 2018](image)

A further breakdown of these figures by legacy cases (those applications received prior to transition of planning powers) and council received cases is provided in Table 8.2.

Across Northern Ireland, 94.0% of local planning applications decided upon were approved in Q2 2018/19, a small increase on the rate for the same period last year (93.7%).
5. Development Type

Generally the majority of planning applications received are for residential development. During Q2 2018/19, residential applications made up 60.6% of all Northern Ireland planning applications received, an increase of 2.4pp from the same period last year (58.2%). Fig. 5.1 illustrates the profile of development across councils and at the regional level.

During Q2 2018/19, residential was the most common application type in all councils. Belfast City received the lowest proportion of residential applications (41.7%).

During the same period, Belfast City (32.1%) received a much higher proportion of applications in the ‘Other’ category. See Appendix 1 – ‘Definitions’ for a description of the types of applications included in these categories.

Refer to Tables 5.1, 5.2.

Residential applications

The overall number of residential planning applications received for Northern Ireland in Q2 2018/19 was 1,787, a decrease of 8.6% on the previous quarter (1,955) and by 4.7% on the same period a year earlier (1,875).

Refer to Table 5.3
The **Northern Ireland approval rate** for **residential** planning applications in Q2 2018/19 was **94.6%**, similar to the previous quarter (94.5%) and up by nearly one percentage point from the same period a year earlier (93.7%).

Approval rates for residential planning applications varied across councils in Q2, from 100.0% in Derry City and Strabane to 83.6% in Newry, Mourne and Down (Fig 5.3).

**Fig 5.3 Residential approval rates by council Apr-Jun 2018**

In Q2 2018/19, eight councils reported increased approval rates for residential planning over the year, with the most notable increases in Antrim and Newtownabbey (up from 89.0% to 95.2%), Mid and East Antrim (up from 91.3% to 96.6%), and Belfast City (up from 90.0% to 95.2%). Approval rates declined in three of the eleven councils over the year, with Causeway Coast and Glens decreasing by 6.2pp (from 97.1% to 91.0%) and Newry, Mourne and Down decreasing by 5.7pp (from 89.3% to 83.6%).

During Q2, there were 77 residential applications withdrawn, a decrease of 26.0% from Q1 (104), but an increase of 6.9% from the same period a year earlier (72).

**Refer to Table 5.4.**

**Residential applications – Urban, Rural and Open Countryside**

In urban areas (*settlements greater than 5,000 population*), the number of residential applications received in Q2 (620) decreased by 10.1% from the previous quarter (690), but increased by 2.6% compared with the same period a year earlier (604).

In rural areas, within settlements of less than 5,000 population, there was also a decrease over the quarter (from 254 in Q1 to 230 in Q2; a decrease of 9.4%). Over the year, the number of residential applications received for these areas increased by 10.0% (from 209 to 230).

In the open countryside, the level of residential applications in Q2 (937) decreased over the quarter (from 1,011; 7.3%) and the year (from 1,062; 11.8%).

**Residential applications – Urban and Rural**

Fig 5.4 shows a breakdown of the type of residential applications received. Urban is based on areas with settlements greater than 5,000 population while rural is a combination of settlements below 5,000 population and open countryside.
New single dwellings in rural areas (473) and alterations/extensions in urban areas (414) continue to dominate, together making almost half (49.6%) of all residential applications received during Q2 2018/19.

Despite being the most common application type, the number of residential applications received for new single dwellings in rural areas decreased over the year, from 543 in Q2 2017/18 to 473 in Q2 2018/19 (-12.9%). This decrease has driven the overall decrease recorded in the number of residential applications received across NI over the year (-4.7%).

The number decisions on residential applications made in Q2 2018/19 (1,848) was similar to the previous quarter (1,868) and year (1,852). In terms of the categories presented in Fig 5.5, increases over the year in some categories were offset by decreases in others. For example, there were increases in the number of decisions for domestic alterations and extensions in both urban (from 458 to 497; 8.5%) and rural (356 to 380; 6.7%) areas. Decreases were evident for new single dwellings in rural areas (from 481 to 455; -5.4%) and housing developments in urban (from 106 to 94; -11.3%) and rural (from 95 to 71; -25.3%) areas.

Refer to Table 5.5.
6. Compliance and Enforcement Activity

The number of enforcement cases opened in Northern Ireland during Q2 of 2018/19 was 999, an increase of 16.6% compared with the same period a year earlier and 6.2% over the last quarter.

Across the councils, Belfast City (170), Antrim and Newtownabbey (119), and Ards and North Down (116) opened the largest number of cases in Q2, whilst Derry City and Strabane (37), Mid Ulster (41) and Mid and East Antrim (67) opened the least.

The number of enforcement cases closed during Q2 2018/19 was 745, a decrease of 11.3% compared with the same period a year earlier and 6.8% over the last quarter.

Belfast City (143), Antrim and Newtownabbey (120), and Ards and North Down (91) closed the highest number of cases in the second quarter of 2018/19, whilst Newry, Mourne and Down (13), Derry and Strabane (27) and Mid Ulster (37) closed the least.

The most common reasons for enforcement cases closing in Q2 2018/19, were that the cases had been remedied or resolved (31.1%) or that no breach had actually occurred (28.9%). Together these accounted for exactly three-fifths (447) of the 745 enforcement cases closed in Q2 2018/19.

Refer to Tables 6.1, 6.2.

It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

For the year-to-date (April to September 2018), over four-fifths (81.3%) of enforcement cases were concluded within 39 weeks. This is 11.3 percentage points above the statutory target, and is 6.1pp higher than the same period last year.

At the end of September 2018, eight of the 11 councils were on track to meet the target. Antrim and Newtownabbey (92.0%), Mid and East Antrim (87.5%), and Lisburn and Castlereagh (85.8%) had the highest proportion of enforcement cases concluded within 39 weeks. Derry City and Strabane (55.4%), Newry, Mourne and Down (60.7%), and Mid Ulster (69.0%) are currently below the target level. Compared with the same period last year, the proportion of cases concluded within 39 weeks decreased considerably in both Derry City and Strabane (-13.3pp) and Mid Ulster (-17.0pp), but increased in Newry, Mourne and Down (8.5pp).

Refer to Table 6.2
Fig. 6.2 Percentage of cases concluded within 39 weeks by council, Apr-Sep 2017 and Apr-Sep 2018

During Q2 2018/19, there were 16 prosecutions initiated, a decrease from 22 in the previous quarter, and a small increase from the same period the previous year (14).

Between July and September 2018, four of the 11 councils initiated prosecutions, with Mid Ulster (7), Causeway Coast and Glens, and Fermanagh and Omagh (both 4) initiating the most.

There were six convictions during the same period; two in Belfast City and one each in Fermanagh and Omagh, Lisburn and Castlereagh, Mid Ulster, and Newry, Mourne and Down.

Refer to Table 6.3.

The number of live enforcement cases at the end of September 2018 was 3,768, an increase of 7.3% from the end of June 2018 (3,513) and 7.4% from the same point last year (3,507).

The number of cases over two years old stood at 1,021, accounting for over a quarter (27.1%) of all live cases. Although this was down from 28.0% the previous quarter, it represented the second highest proportion of any quarter since the transfer of planning powers.

Refer to Table 6.4.

Across the councils, Newry, Mourne and Down had the largest number of live cases at the end of September 2018 (1,073), with almost two-fifths of these (39.6%) in the system for over 2 years; the second highest proportion, after Derry and Strabane (40.6%), across all councils.

Antrim and Newtownabbey had the smallest number of cases (161), with 8.7% of these in the system for over 2 years; only Mid and East Antrim (8.2%) had a lower proportion.

The number of live enforcement cases increased over the year in six of the 11 councils, with the greatest percentage increases in Mid and East Antrim (40.8% - up by 53 enforcements), Newry Mourne and Down (32.5% - up by 263 enforcements), and Fermanagh and Omagh (16.2% - up by 37 enforcements). Causeway Coast and Glens reported the most notable reduction during the year, reducing the number of live enforcement cases by 18.5% (down 69 enforcements).

Refer to Table 6.5.
7. Renewable Energy (RE) Activity

The overall number of renewable energy applications received in Q2 2018/19 was 23, an increase of 16 from the same period last year (7). The number of applications received during July to September peaked in 2011/12 with 204 applications. It is likely that the high levels at this time were driven by the NI Executive’s targets for electricity consumption from renewable sources, with a target of 20% to be achieved by 2015, and 40% by 2020. This continuing sharp decline in recent years (an 88.7% decrease from Q2 peak of 204 to 23 applications in Q2 2018/19) may be partly due to a reduction in government funding available, as well as a lack of capacity on the power grid to allow for new connections.

Fig 7.1 Renewable Energy applications, quarterly from Apr 2008 – Sep 2018

The number of applications decided between July and September 2018 was 18, an increase from 10 during the same period in the previous year, but down by 90.0% when compared with the series second quarter peak of 180 applications decided in Q2 of 2012/13. During the second quarter of 2018/19, the average processing time for these applications was 32.4 weeks across NI, 55.3 weeks shorter than the equivalent quarter last year (87.7 weeks).

Applications for single wind turbines continue to be the most common for renewable energy applications. In the second quarter of 2018/19, 15 of the 23 renewable applications received were for wind turbines (65.2%).

Refer to Tables 7.1, 7.2

Fig 7.2 RE applications received by authority, Q2 2017/18 & Q2 2018/19

Figure 7.2 shows the distribution of renewable energy applications across councils, with Causeway Coast and Glens (7), Fermanagh and Omagh (5) and Mid and East Antrim (4) receiving the most applications in Q2 2018/19.

Of the 18 decisions issued in the second quarter of 2018/19, over half (10 out of 18) were for single wind turbines.
Fermanagh and Omagh, and Mid and East Antrim both issued four renewable energy decisions during Q2 2018/19; the most across all councils (Fig 7.3).

Three renewable energy applications were withdrawn during Q2 2018/19; half of the number withdrawn during the same period last year (6). These withdrawn applications were recorded in Derry City and Strabane (2) and Causeway Coast and Glens (1).

At the end of September 2018, there were 101 live renewable energy applications. Of these, 45.5% were in the planning system for over a year; a decrease of 7.0 percentage points from the previous quarter (52.5%) and 25.6 percentage points from the end of September 2017 (71.2%). The majority (54.5%) of the live applications at the end of September 2018 were for single wind turbines.

The overall NI approval rate for renewable energy in Q2 2018/19 was 83.3%. This figure is down 10 percentage points from Q1 (93.3%), but up 13.3 percentage points from the same point a year earlier (70.0%)

Refer to Tables 7.3, 7.4

Interactive maps have been developed for renewable energy planning applications by the Northern Ireland Neighbourhood Information Sharing (NINIS) team. These maps are held on the [NINIS website] and direct links can be found below:

- Single Wind Turbines
- Wind Farms
- Solar Farms
**User Guidance**

**Notes on Data Source and Quality**

The records of all planning applications from 1st April 2018 to 30th September 2018 were transferred in October 2018 from a live database. This included all live planning applications in the Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB) which involved quality checks and inspection of coding of classifications in the Planning Portal. Local councils were provided with their own headline planning statistics before the release of this publication as part of the quality assurance process. On completion of ASRB and council validation, a final extract was taken at the end of November 2018. Quarterly data for 2018/19 are regarded as provisional and will retain this status until the annual report for 2018/19 is published in June 2019.

Users should be aware that quite a number of structural changes have been made to the Planning Portal and associated processes, in order to comply with new planning legislation and it will inevitably take time for these to become properly embedded.

**Regionally Significant / Major / Local Development Applications after 1st April 2014**

Note that a new classification hierarchy of development for planning application came into effect on 1st April 2014, on an administrative basis, with the introduction of the following new categories – regionally significant, major and local development. The hierarchy was subsequently placed on a statutory basis in line with the transfer of planning functions to the new district councils on 1st April 2015. It should be noted that there are some differences between the initial administrative hierarchy classifications in place from 1st April 2014 and the final classifications set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 (S.R.2015 No.71).

*Regionally significant developments (RSD)* are similar to former Article 31 applications in that they will be determined by the Department. These developments have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan. Applications for these development proposals will be submitted to and determined by the Department. However, the thresholds for RSD may mean that applications which may have previously been dealt with by the Department will now be classified as major development and thus determined by the relevant council. Like major applications, RSD proposals will be subject to pre-application consultation with the community.

*Major developments* have important economic, social and environmental implications for a council area. The majority of applications for major developments will be dealt with by councils under the new planning system and will be subject to pre-application consultation with the community.

*Local developments* will comprise of all other developments (other than permitted development) that do not fall within the classes described for major or for regionally significant developments. They comprise of the vast majority of residential and minor commercial applications to be received and determined by a council.
Departmental activity

*Retained Section 26 (former Article 31) applications* are Major applications being processed by the Department as Article 31 (under the Planning (NI) Order 1991) and, where a decision had not issued before 1 April 2015, which will now be determined under Section 26 of the Planning Act (NI) 2011.

*Retained Section 29 (former non Article 31) applications* are those being dealt with by the Department’s Strategic Planning Division which were close to determination at 1 April 2015 and which were retained for determination as if the Department had called them in under Section 29 of the Planning Act (NI) 2015.

*Called-in applications* are those initially made to councils where the Minister/Department directs that these should fall to the Department for determination.

It should be noted that in Section 2 of this report, processing times for ‘Called-In’ applications are calculated from the date the application was called in by the Department. This method is only used in Section 2 of the report in order to show Departmental processing performance. All other processing times reported in the publication are based on the date the application is made valid.

Appeals

All applicants of a planning application have the right to appeal a decision or the conditions attached to a decision. The statistics reflected in this publication only reflect the original decision and not any subsequent decision on appeal.

Enforcement Activity

Compliance and enforcement are important functions of the planning system. The summary data presented in this report and accompanying Excel tables covers enforcement cases opened, enforcement cases closed, court action taken and the live caseload as at the end of the quarter. Cases may be closed for a variety of reasons:

- case has been remedied or resolved (the breach may have been removed or amended accordingly);
- planning permission has been granted (so no breach has occurred);
- it would not be expedient to take further action;
- no breach has actually occurred; the breach may be immune from enforcement action (it may be outside the time limit in which to initiate action);
- Or an application has been allowed on appeal or indeed the notice has been quashed.

The time taken to conclude an enforcement case is calculated from the date the complaint is received to the earliest date of the following:

- a notice is issued;
- legal proceedings commence;
- a planning application is received;
- the case is closed.

Please note that the number of cases closed is not a sub-set of the number of cases concluded in that period - cases that are concluded in any given period may not be closed until subsequent periods, and cases that are closed in any given period may have been concluded in previous quarters.

The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.
**Processing Times**

The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The average processing time is the median. The median is determined by sorting data from its lowest to highest values and then taking the data point in the middle of the sequence. The median is used because some planning applications can take several years to reach a decision. As a consequence, these extreme cases (outliers) inflate the mean and the result is that the mean may not be considered as ‘typical’. Therefore the median may be taken to better represent the ‘average’ or ‘typical’ processing time.

**Geographical Classification**

The method of classifying the urban and rural marker has been updated to reflect the latest NISRA guidance using the 2015 Settlement limits: https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/settlement15-guidance.pdf.

This method is preferred to the previous method as it more accurately considers which of the eight settlement bands fall into mainly urban or rural areas. The limitation of the previous method was that all settlement bands were classified as urban. Under the new method it is recognised that smaller settlements are more rural than urban in character and should be distinguished as such. Presently the mid-point of the application polygon is used to assign urban and rural bandings.

From Q2 2016/17, an additional split has been provided reporting separately rural settlements with populations of less than 5,000 people. In addition to that ‘housing developments’ and ‘other’ residential applications have been included within the urban and rural breakdowns.

If users want to compare this information with information published before 2015/16 the ‘housing developments’ and ‘other’ residential applications should be excluded first; the next step to obtain a comparative figure would be to add ‘Urban settlements’ (>=5,000 people) and ‘Rural settlements’ (<5,000 people) together.

From 2015/16 the Urban/Rural data reported in this bulletin is based on the recommended NISRA definition. To obtain rural figures in line with the NISRA definition users should add ‘Rural Settlements’ and ‘Country-side’ together.

The method of classifying the Parliamentary Constituencies is based on the x and y co-ordinates as recorded on the planning application in conjunction with Westminster Parliamentary Constituency boundaries (2008).

**Note on Exclusions:**

Certificates of Lawful Use or Development (CLUDs)

Certificates of Lawful Use or Development (CLUDs), either proposed or existing, have not been included in the Official Statistics bulletin since 2012/13. These are not actually applications for planning permission. A council will issue a CLUD if it is satisfied that a particular development is lawful within the provisions of planning legislation. Examples include proposed extensions, which fall within the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 for permitted development and do not require planning permission, or uses that have become lawful due to the length of time they have been in existence.

Tree Preservation Orders (TPOs)

While applications for planning permission and other consents were included in the operational statistics produced prior to transfer, Tree
Preservation Orders (TPOs) were excluded. In the interests of consistency TPOs will also be excluded from the new operational statistics.

Non Material Changes (NMCs)

Applications for a Non Material Change (NMCs) to an existing planning permission are provided for under the 2011 Act, but they are not planning applications. There is no requirement to advertise or consult on NMCs.

Pre-Application Discussions (PADs)

Pre-Application Discussions (PADs) are not provided for in planning legislation and councils may adopt different approaches in relation to these, as may the Department.

Proposal of Application Notices (PANs)

Proposal of Application Notices (PANs) are provided for under Section 27 of the 2011 Act, but they are not planning applications. They are essentially advance notices of major/RSD planning applications and detail how a developer proposes to engage with the community. A major/RSD development planning application cannot be submitted without a PAN having been issued, community consultation undertaken and a report prepared and submitted with the application by a developer.

Discharge of Conditions (DCs)

It will be necessary to seek to discharge a condition where planning approval has been granted and a condition has been attached to the decision which requires the further consent, agreement or approval of the council (or the Department).

Further Information

Information and statistics for the other devolved administrations and Republic of Ireland can be found at the following links.

England:
https://www.gov.uk/government/collections/planning-applications-statistics

Scotland:
http://www.gov.scot/Topics/Statistics/Browse/Planning

Wales:

Republic of Ireland:

Building Control (LPS Starts and completions):

Housing bulletin DSD:
https://www.communities-ni.gov.uk/topics/housing-statistics
Appendix 1 – Definitions

The Statistical Categories referred to in Section 5 and Excel Table 5.1 are defined below.

Agricultural

These include agricultural buildings or structures for the storage of slurry and/or manure, agricultural glasshouses, stables and livery yards and infilling of land for agricultural purposes.

Commercial

These include food supermarkets and superstores, non food retailing, major retail developments exceeding 1000 sq m, alterations, extensions and improvements to buildings used for retailing, retail warehouses, clubs, post offices, factory outlets, petrol stations, offices, purpose built office developments, restaurants, car parking, and motor vehicle display, hire, repair or sale.

Government and Civic

These include police stations, coastguard stations, civic amenity sites, recycling centres, schools and colleges, hospitals, clinics, other medical establishments including surgeries and dental practices, ‘Hard infrastructure’ facilities such as roads, water mains, water treatment works, trunk sewers, waste water treatment works and natural gas pipelines. This also includes recreational facilities, including indoor and outdoor sports facilities, and swimming pools and renewable energy applications, including wind turbines, wind farms, solar panels, biomass burners, hydroelectric schemes etc. Note that this category also includes non public sector applications related to the above topics.

Industrial and Manufacturing

These include factories, warehousing, light and general industrial floor space, quarries, sand and gravel extraction and fuel depots.

Mixed Development

These include applications for mixed development incorporating a number of development types such as residential, retailing, offices, community and leisure.

Residential

These include housing developments (incorporating a mixture of house types and apartments), purpose built apartment developments, sheltered housing schemes, single dwellings including dwellings on farms, holiday chalets, caravans and mobile homes, alteration, extension or improvement of existing dwellings, residential homes or nursing homes, hotels or motels.

Change of Use

These include applications for a change in the use of land or buildings including changes to residential, retailing, offices, community or leisure uses.

Other types of application

All other types of applications not mentioned above are put into the ‘Other’ category but mainly comprise ‘Works to Facilitate Persons Who Are Disabled’, ‘Advertisements’, and ‘Listed Buildings’.
The application types referred to in Excel Table 5.6 are defined below.

Outline permission

An application for outline planning permission can be used to ascertain whether a proposed development is acceptable in principle. This usually means that detailed drawings are not needed. However, the council or, as the case may be, the Department, may, in certain circumstances, require the submission of additional information or insist that an application for full planning permission be submitted.

Full permission

An application for full planning permission requires the submission of all details of the proposal. This type of application would be appropriate, for example, if the erection of new buildings is proposed and / or if a change of use of land or buildings is proposed.

Approval of Reserved Matters

If outline planning permission is granted, then a subsequent application and approval relating to the siting, design, external appearance, means of access and landscaping details, known as ‘reserved matters’, will be required before building work can commence. The reserved matters application must be consistent with the outline planning permission and take into account any conditions that have been attached to it. If the development proposal changes, then it may be necessary to submit a new planning application.

Consent to Display an Advertisement

Advertisement consent is normally required to display an advertisement, particularly large signs and illuminated adverts.

Listed Building Consent

Works that would affect the character of a listed building need listed building consent. This includes work to the internal or external fabric of the building or any demolition. It should be noted that the requirement for Listed Building Consent is in addition to any requirement for planning permission for works to a listed building.

Conservation Area Consent

Works that would entail the full or partial demolition of a non-listed building in a conservation area need conservation area consent. It should be noted that the requirement for Conservation Area Consent may be in addition to any requirement for planning permission.

Hazardous Substances Consent

The Planning (Hazardous Substances) (No2) Regulations (Northern Ireland) 2015 are concerned with the storage and use of hazardous substances which could, in quantities at or above specified limits, present a risk. Hazardous Substances Consent ensures that hazardous substances can be kept or used in significant amounts only after the council or, as the case may be, the Department has had the opportunity to assess the degree of risk arising to persons in the surrounding area and to the environment.

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