

November 27th, 2024

Notice Of Meeting

You are requested to attend the meeting to be held on **Tuesday, 3rd December 2024** at **7:00 pm** in **Hybrid - Council Chamber, Church Street, Newtownards** and via Zoom.

Agenda

Agenda

(Attached)

📎 *Agenda PC.3.12.24.pdf*

Page 1

1. **Apologies**
2. **Declarations of interest**
3. **Minutes of Planning Committee dated 5 November 2024**

(Copy attached)

📎 *PC.05.11.24 Minutes.pdf*

Not included

📎 *PC.05.11.24 Minutes PM.pdf*

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4. Planning Applications

Reports attached

4.1 LA06/2022/0827/F - Lands approximately 250m SW of 240 Scrabo Road, Newtownards

Stable building and associated hayshed/tack room and equipment store.

Report attached

📎 *Item 4.1 - Executive summary LA06-2022-0827-F.pdf*

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📎 *Item 4.1a LA06 2022 0827 F Case Officer Report.pdf*

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📎 *Item 4.1b LA06.2022.0827.F Addendum Report.pdf*

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4.2 LA06/2024/0676/F - 55 Woburn Road, Millisle

Extension to residential curtilage and erection of single storey detached ancillary residential accommodation.

Report attached

📎 *Item 4.2 - Executive summary LA06-2024-0676-F.pdf*

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4.3 LA06/2019/0308/F - Extension of existing Comber Greenway from Belfast Road, Comber to Georges Street/Upper Greenwell Street, Newtownards (BT23 5QP - BT23 7PA)

Extension of existing Comber Greenway from 20m North of 122 Belfast Rd, Comber, to existing shared path to the southwest arm of roundabout on A21 accessing Enler Village, Comber. Further proposed section of Greenway from existing agricultural access approx. 10m west of entrance gates at Ballyrickard Wastewater Treatment Works, 35m east of 145 Newtownards Rd, Comber, to the existing flood

embankment on the northwest edge of Strangford Lough, through Londonderry Park to 30m south of 14 Moyne Gardens, Newtownards. (Proposed Greenway along the A21 between Enler village roundabout and existing agricultural access approx. 10m west of entrance gates to Ballyrickard Wastewater Treatment Works, 145 Newtownards Rd, Comber, to be submitted as separate application). Works include 1x car park adjacent to 122 Belfast Rd, Comber, 3x pedestrian bridges over Enler River, a controlled crossing at Bridge Street, Comber, and upgrading of existing street lighting, fencing and associated site and access works. (Amended proposal description and amended plans)

Report attached

4.4 LA06/2023/2188/F - The Moat, Moat Street, Donaghadee

Public realm improvements

Report attached

4.5 LA06/2023/2189/LBC - The Moat, Moat Street, Donaghadee

Public realm improvements

Report attached

 *Item 4.5- Executive summary LA06-2023-2189 LBC.pdf*

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 *Item 4.5a LA06 2023 2189 LBC Case Officer Report.pdf*

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Reports for Noting

5. Update on Planning Appeals

Report attached

 *Item 5 Update on Planning Appeals.pdf*

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6. Quarter 2 - Service Unit Performance

Report attached

 *Item 6 - Q2 Service Unit Performance Update.pdf*

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7. Update on Tree Preservation Order and Works

Report attached

 *Item 7 Update on Tree Preservation Orders and Works.pdf*

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

Reports for Noting

8. Quarterly Update on Enforcement Matters

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

Report attached

 *Item 8 Quarterly Update on Enforcement Matters.pdf*

Not included

 *Item 8a Table of Planning Enforcement Proceedings.pdf*

Not included

Reports for Approval

9. Local Development Plan - Tourism

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

Report attached

 ***Item 9 - Local Development Plan - Tourism.pdf***

Not included

 ***Item 9a LDP - Tourism policy text updated revision.pdf***

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

26 November 2024

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of the Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 03 December** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

A G E N D A

- 1. Apologies
- 2. Declarations of Interest
- 3. Matters arising from minutes of Planning Committee meeting of 05 November 2024 (Copy attached)
- 4. Planning Applications (Reports attached)

4.1	LA06/2022/0827/F	Stable building and associated hayshed/tack room and equipment store. Lands approximately 250m SW of 240 Scrabo Road, Newtownards
4.2	LA06/2024/0676/F	Extension to residential curtilage and erection of single storey detached ancillary residential accommodation. 55 Woburn Road, Millisle
4.3	LA06/2019/0308/F	Extension of existing Comber Greenway from 20m North of 122 Belfast Rd, Comber, to existing shared path to the southwest arm of roundabout on A21 accessing Enler Village, Comber. Further proposed section of Greenway from existing agricultural access approx. 10m west of entrance gates at Ballyrickard Wastewater Treatment Works, 35m east of 145 Newtownards Rd, Comber, to the existing flood

		<p>embankment on the northwest edge of Strangford Lough, through Londonderry Park to 30m south of 14 Moyne Gardens, Newtownards. (Proposed Greenway along the A21 between Enler village roundabout and existing agricultural access approx. 10m west of entrance gates to Ballyrickard Wastewater Treatment Works, 145 Newtownards Rd, Comber, to be submitted as separate application). Works include 1x car park adjacent to 122 Belfast Rd, Comber, 3x pedestrian bridges over Enler River, a controlled crossing at Bridge Street, Comber, and upgrading of existing street lighting, fencing and associated site and access works. (Amended proposal description and amended plans)</p> <p>Extension of existing Comber Greenway from Belfast Road, Comber to Georges Street/Upper Greenwell Street, Newtownards (BT23 5QP - BT23 7PA)</p>
4.4	LA06/2023/2188/F	<p>Public realm improvements</p> <p>The Moat, Moat Street, Donaghadee</p>
4.5	LA06/2023/2189/LBC	<p>Public realm improvements</p> <p>The Moat, Moat Street, Donaghadee</p>

Reports for Noting

5. Update on Planning Appeals (report attached)
6. Q2 Service Unit Performance Update (report to attached)
7. Update on Tree Preservation Order and Works (report attached)

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

Reports for Noting

8. Quarterly Update on Enforcement Matters (report attached)

Reports for Approval

9. Local Development Plan – Tourism (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum
Alderman Graham	Alderman McDowell
Councillor Harbinson	Alderman McIlveen (Chair)
Councillor Hennessy	Councillor McKee

Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Councillor McBurney	Alderman Smith
Councillor McClean	Councillor Wray (Vice Chair)

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 5th November 2024 at 7.00 pm.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
McDowell
Smith

Councillors:	Cathcart	Morgan
	Harbinson	McCollum
	Kendall (Zoom)	McClean
	Kerr	Smart
	McKee (Zoom)	Wray (Vice Chair)

Officers: Interim Director of Prosperity (A McCullough), Acting Head of Planning (G Kerr), Principal Planner (C Blair), Senior Planner (A Todd) and Democratic Services Officer (S McCrea)

1. APOLOGIES

Apologies for inability to attend were received from Councillors Hennessy and McBurney.

2. DECLARATIONS OF INTEREST

No declarations of interest were made, but Members were reminded that they could declare at any time throughout the meeting.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 01 OCTOBER 2024

PREVIOUSLY CIRCULATED: - Copy of the above minutes.

Alderman McIlveen reminded Members to note that a Special Planning Committee born from matters discussed at the October Committee regarding the Local Development Plan was due to take place later this month.

NOTED.

4. PLANNING APPLICATIONS

4.1 LA06/2023/1895/F - 5G TELECOMS INSTALLATION: 15M HIGH STREET POLE TELECOMS MAST AND CABINETS WITH ANCILLARY WORKS

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Bangor East & Donaghadee

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

Proposal: 5G telecoms installation: 15m high street pole telecoms mast and cabinets with ancillary works

Site Location: Approx. 14m north of 122 and opposite 121-123 Ballycrochan Road, Bangor

Recommendation: Approval

The Head of Planning reminded Members that Item 4.1 had been deferred from the Planning Committee meeting of 6 August 2024 following a proposal by Cllr McLaren and seconded by Cllr Kendall. The reasons provided for deferring the application were to request the applicant to appear at a future Planning Committee meeting for questioning, seek further advice from Environmental Health Department; and to further examine Planning Appeals Commission (PAC) decisions for similar applications.

As a full presentation had been provided when the application was first presented in August, the Head of Planning provided a summary of images from the site location, general area and a drawing of the elevation of the proposal.

The objector had spoken against the proposal at the August Committee meeting, making reference to his property at 122 Ballycrochan Road having planning permission for an extension. This was a material consideration in the assessment originally presented to Members, but since then, the foundations and floor of the front extension had been constructed. This recent approval was considered in full within the initial case officer report and as such had not been revisited in the Addendum.

Planning officials had, several times since August, requested that the applicant appear at a meeting in order to clarify any queries Members had. There was no response from the applicant and the agent acting on their behalf stated that as they had received no instructions from their client, they would not be making themselves available for questioning.

Unfortunately, despite extensive requests to the applicant from the Planning Department there had been no response, meaning there was no one present to answer Members' queries with regard to the proposed siting, engineering queries, the number of masts required in the upgrade works and the area which the mast covers.

The Environmental Health Department was made aware of the deferral of the application and Members' concerns with the potential health issues associated with 5G technology.

As had been clarified in the Addendum Report, the Environmental Health Department utilised the policy and guidance adopted by the UK Government in regard to public health in respect of such proposals. The Environmental Health Department advised that such policy was continually reviewed by Public Health England with the last review undertaken in 2020, which took account of 5G Masts operating at higher frequencies, and as a result endorsed the international guidelines for limiting exposure to radio waves, published by the International Commission for Non-Ionising Radiation Protection (ICNIRP). This was in line with current planning policy, which required a planning application to be accompanied by a declaration that required any operational equipment to be compliant with these international guidelines. Therefore, the Environmental Health Department had no other comment to make if this was present, which it was in the application.

This position was also confirmed by the Planning Appeals Commission as had been set out in the Addendum Report and Slide 03. None of the recent appeals had been decided with a refusal reason relating to public health concerns. In an example set out in the slide presentation, the PAC decision under 2018/A0200 was clear on the position in regard to matters of public health. It stated:

"The appellant has provided a declaration of conformity with the ICNIRP guidelines, which takes into account the cumulative effect of the proposal and all radio base stations present at, or near, the proposed location. The concerns expressed by the objectors do not justify setting aside standards accepted by government, and I am not persuaded that there are justifiable health and safety reasons for rejecting the proposal."

These recent PAC decisions were however decided upon the potential visual impact of a mast on a locality. As was set out in detail in the initial case officer's report, the applicant had carried out a sequential test to consider various sites with it concluded that the present site was deemed to be the most suitable and least visually intrusive. The mast would 15 metres high and of course as a result there would be a degree of visual impact.

In terms of the PAC decisions regarding visual impact, Members were asked to note that the decisions were primarily made on a site by site basis with those appeals dismissed citing prominence in the street scene, lack of information provided on alternative sites, impact on the setting of two listed buildings and would be visually intrusive to residents in an apartment block opposite a site. On the other hand, the appeal listed as 'allowed' stated that the proposed mast would not be visually harmful to neighbouring residential amenity nor would it result in visual clutter in the existing conservation area street scene.

The Head of Planning advised that it was important to remind members of the details of the site. Slide 5 showed two photographs of the proposed site location from critical views in either direction along the wide Ballycrochan Road. The proposed mast was slimline and would not dominate the street scene or result in visual clutter.

As set out extensively at the last Planning Committee meeting in August, Members may have recalled that a sequential approach test required by policy TEL 1 of Planning Policy Statement (PPS) 10 was carried out which set out the map and a table of discounted sites in the immediately surrounding area. Slide 7 provided some photos of these discounted sites.

The Head of Planning was unable to provide any further clarification on Members' queries with regards to siting and the discounted locations as the Planning Department had not received any further communication from the applicant since the application was deferred in August and therefore could not comment further in terms of that previously discussed at the last meeting other than the detailed work carried out by the case officer in respect of the research on relevant PAC decisions.

As there had been no material change in circumstances since the original presentation of the proposal and following further consideration of PAC findings, the recommendation remained to approve the proposal. As raised at the last meeting, the proposal fulfilled the material policy requirements as contained in Policy TEL1 with relevant supporting information submitted to the Planning Department for consideration including a signed statement of compliance required as part of public health guidance.

RECOMMENDED to approve planning permission.

Councillor McCollum expressed her disappointment at the lack of engagement from the applicant despite numerous attempts at initiating contact. From the Environmental Health investigations carried out, the Department had also mentioned being conscious of the need of further research. The Head of Planning explained that the Environmental Health Department had to make themselves aware of any updated guidance and that planning professionals had to consider what was in the policy and all requirements had been fulfilled.

Councillor McCollum, in a line of questioning, asked for clarification on the distance of the proposed mast from the bedroom of the objector and whether four of five PAC decisions being dismissed due to damage on visual amenity had been considered. Within those PAC decisions, two also mentioned a lack of information whilst one or more advised that a lack of visual representations existed for the proposals if placed at alternative sites. The Head Of Planning advised that a distance of 10-12 metres would exist between the proposed mast and the bedroom of 122 Ballycrochan Road. Of the PAC decisions, two had been the same height as the proposal before Members this evening. There was also a 20 metre mast, a 17.5 metre mast and a newer 20 metre mast proposal. Each site was decided upon by a case-by-case basis. The Cromac Street proposed mast had been refused due to a lack of information on other suitable sites. By comparison, the applicant had provided other sites with this application. In a 2023 PAC decision regarding a 15 metre high mast, one reason was listed with regard to no visuals being submitted.

Councillor McCollum advised that her primary concern had been the location. She recalled that at the previous meeting, Alderman Smith had said that it was the applicant who would be relied upon for the 100 metre radius of effective coverage from the mast and if such were the case, they should be asked to justify the location

of choice in this application as the coverage radius would surely mean hundreds of masts would be required across the borough. Councillor McCollum was also aware of speeding reports on the Ballycrochan Road and queried if the Department for Infrastructure had referenced visibility splays. The Head of Planning advised that no mention had been made of splays but that each application was considered on a site-by-site basis, citing how a 20metre high mast had been approved within a conservation area. In that regard, Councillor McCollum asked why it may be a case for an undue visible harm in a countryside application but not in a busy neighbourhood where a mast would be highly visible. The Head of Planning explained that it could be argued that a mast placed in an urban area would sit amongst street furniture and as such, it would not be such a drastic change or be so noticeable as a new structure in the countryside, adding that different policies existed for applications between such different locations. Councillor McCollum referenced another location, citing logistical issues had appeared to have been overcome in relation to access of an open green site despite no direct access being a logistical impediment. In addition, whilst citing other visuals on page 8 of the report with the exception of D7, she thought other sites appeared to have substantially wider pavements. The Head of Planning advised that a decision could only be made on the site before Members this evening as opposed to discussing hypothetical possibilities, adding that there was no right in law to a public view. Some of the locations shown were cul-de-sacs but the applicant had been informed that they were not helping their case by not making themselves available to attend this evening's meeting.

Councillor Cathcart noted the lack of attendance from the applicant and that the report advised Officers accepted there was a visual impact and that the recommendation had come from balancing visual disruption and the benefit of telecommunications, asking why the latter had been considered an outweighing benefit. The Head of Planning advised that it was clear from PAC decisions that masts were a benefit to the public. There was also supporting evidence from those that had businesses located in their homes or worked remotely.

Alderman McIlveen, in relation to the mention of businesses, asked if there was any knowledge of the number of businesses operating out of homes in the area which he believed would be an important factor in considering the application. The Head of Planning advised that it would be hard to clarify but that masts were seen as a public rather than a private interest. The onus had been on the applicant to submit information but with the supporting information available, the mast would offer public betterment due to connectivity. It was also noteworthy to consider that, with the aftermath of the pandemic, working practices had changed to include remote working or for businesses being operated from houses. No additional information had been submitted since the last Committee.

Alderman Smith asked if the applicant did not engage at the initial meeting or today when Members would want clarification on issues material to their consideration if the Committee could make any decision in good faith. The Head of Planning advised that the decision lay with Members and that Officers would provide support in terms of any refusal reasons in line with relevant policies. She reminded Members that whilst no further information had been supplied, the Planning Department had noted the applicant's name on several planning appeals.

Mr Mark Lilburn of 122 Ballycrochan Road, objector to the proposal, was invited to address the Committee and reminded that as he had spoken on the issue at the August Committee, he had three minutes to present his argument.

Mr Lilburn appreciated comments made by the Head of Planning but advised that one of the referenced proposals in PAC decisions had been for a replacement mast. Mr Lilburn advised that the masts were not as slim as they were proposed to be and that in the three days of the mast being constructed near Bangor Grammar School, it had been covered in graffiti; a problem that would be suffered for the Ballycrochan proposed mast as well as any others. The proposed mast also affected road safety. The Ballycrochan Road was already subject to frequent speeding with Mr Lilburn outlining that in the eight years since moving to the area, within 100 metres of his home there had been four cars overturned, one person killed and a tractor with an overturned trailer. He believed that upon sight of a new mast in the area, already reckless drivers would likely be involved in further RTAs or RTCs. With regard to businesses requiring connectivity, Mr Lilburn advised that houses already have access to the internet which removed the need of a 5G mast in the area. If there was such concern over businesses and access, he suggested Ashbury Retail Park would be a much wiser choice of location. Mr Lilburn reminded Members that his objection was backed by 40 other residents who lived in the local vicinity. Further to no queries arising from Members, he returned to the gallery.

Proposed by Alderman Smith, seconded by Councillor McCollum, that the recommendation be rejected on the basis of insufficient evidence to make a decision through lack of engagement by the applicant.

Councillor McCollum noted the work of Officers throughout the process and again spoke of her dismay at the applicant's lack of engagement with the Committee or in engaging with Officers. This was not a question of 5G provision but of the location. With the speed of technological advancement, she suggested it would not be long before masts did not have to be such imposing heights and why residents should be left with what could soon be an antiquity that detracted from the enjoyment of their properties.

Councillor Cathcart advised that his reason to refuse was, as worded in Policy TEL1 of PPS 10, that it had not been demonstrated that telecommunications development having regard to technical and operational constraints have been cited and designed to minimise visual and environmental impact. He did not believe the benefits of the mast would outweigh the visual impact but if the application had been in the town centre, there may have been a different outcome due to proximity to businesses and need for public space whilst this was a residential area. If the applicant was present, he would have used the opportunity to ask why this specific location had been chosen. Both Alderman Smith and Councillor McCollum were content to include this as part of the proposal.

The Director advised Members that rather than deferring consideration of the refusal reasons to the next Planning Committee meeting, Members could afford delegated authority to Officers to draft refusal reasons in line with the Members' concerns as outlined.

The Head of Planning, advised that, in line with protocol, Members should be aware that Officers should be given an opportunity to explain the implications. The decision this evening could be subject to a challenge and as such, Officers should prepare wording for the next meeting with regard to refusal reasons and ensure they are relevant to planning policy.

Alderman McDowell asked of potential costs and additional workload involved in any appeal to the PAC. The Head of Planning explained that Officers as part of duties already dealt with appeals as part of their workload. A Statement of Case would be prepared and the objector could also make a submission as well as other parties, taking place either online or in person. Costs would be up to the PAC, however it was considered that the Planning Department had not put the applicant through any additional cost that they would not already have incurred in going through submission. Costs would be based on whether the applicant applied for them.

Councillors Smart, Morgan and McClean all advised that they were unable to be part of the decision given that they had not been present at the August Planning Committee meeting where the application was first presented.

Alderman Graham believed the Committee was in a difficult position given the history of mast applications reaching the PAC. Whilst he understood why Officers had recommended approval, Alderman Graham agreed with Mr Lilburn's comments on housing in the area already having access to personal internet. The mast's approval would be more of a benefit to the communications company. In conjunction to not having had the opportunity to ask the applicant further questions, Alderman Graham agreed with rejecting the proposal given the scale of the structure in a residential area.

Alderman Smith was happy to accept the amendment to the proposal, summarising that there had been a lack of engagement and information with substantive questions that needed to be answered in order to make an informed decision. The scale, form and siting had been major issues for Alderman Smith and how it would dominate the area.

The Chair, Alderman McIlveen, clarified that Members were agreeing to grant officers delegated power to provide wording for the refusal.

RESOLVED on the proposal of Alderman Smith, seconded by Councillor McCollum that the application be rejected, on the basis of insufficient evidence and, in regard to technical and operational constraints, the Committee had not been satisfied that the proposal had been sited and designed to minimise visual and environmental impact in line with Policy TEL 1 of PPS10 - Telecommunications. In addition, Officers were granted delegated authority to provide reasons for refusal in line with relevant policies.

4.2

LA06/2024/0559/F

– QUEEN'S PARADE PROPOSAL

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Bangor Central

Committee Interest: An application falling within the major category of development.

Proposal: Demolition of existing buildings at 5-12 and 35-41 Queen's Parade, 22-30 Main Street (formerly B & M Bargains), 34-36 Main Street (Oxfam and Hospice shops), 6-34 King Street and 5-17 Southwell Road; minor extension and elevational changes to 40-42 Main Street (Caffe Nero); creation of new means of escape and installation of rooflights to 20 Main Street (Halifax); creation of new bin storage and basement access together with minor facade works to 48 Main Street (TK Maxx); erection of a mixed use development comprising culture and leisure facilities (class D), a 66 bedroom hotel, retail units, food and beverage outlets, offices (class B1-(a)), 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments along King Street, creation of a new vehicular access onto Southwell Road to serve undercroft car park comprising 217 spaces together with 14 courtyard spaces and 24 on street, creation of new vehicular access onto King Street to serve residential parking, minor modifications to the Main Street and King Street junction and creation of a two-way street along Southwell Road from the junction with Primrose Street, creation of a new service vehicle access onto Main Street, creation of new public squares and courtyards including new pedestrian access points; and the redevelopment of Marine Gardens Car Park including partial demolition of seawall to create a public realm space comprising gardens and lawns, play areas, events spaces, covered shelters, 4 kiosks and 2 pavilions (housing food and beverage operators), together with other ancillary development.

Variation of the following conditions of LA06/2020/0097/F:

- Condition No.2 - Amended phasing of development
- Condition No.3 - Minor landscape layout amendments to public realm
- Condition No. 6 - Minor amendments to hard and soft landscaping within public realm,
- Condition No.14 - Amendment to drawing references showing plant rooms
- Condition No.16 - Amendment to reflect updated drawing reference
- Condition No.43 - Amended drainage proposals
- Condition No.44 - Amendment to reflect updated drawing reference
- Condition No.45 - Amendment to reflect updated drawing reference
- Condition Nos.48, 49, 54 and 56 - Amended phasing of roadworks
- Condition No.57 - Amendment to reflect updated drawing reference

Site Location: Lands at and to the rear of 18 – 52 Main Street (Reeds Rain to TK Maxx), 2 – 34 King Street, 5 -17 Southwell Road, 5 – 41 Queen's Parade, Marine Gardens car park, the Esplanade Gardens, and area around McKee Clock, Queen's Parade, Bangor.

Recommendation: Approval

The Senior Planner explained that Item 4.2 was an application for the variation of 13 of the planning conditions attached to the original planning permission for the redevelopment of the Queen's Parade site in Bangor. As the application was made under Section 54 of the Planning Act for the variation of planning conditions, it was only matters relating to these specific conditions that could be considered under the application and the principle of the development itself could not be revisited.

The conditions proposed for variation were listed on slide 2 for Members. The main amendments related to the phasing of the development, the landscape layout of the public realm area, surface water drainage proposals and the phasing of roadworks associated with the updated phasing plans.

The full description of the proposal was set out on the following slide, the main elements of which included demolition of a number of existing buildings and erection of a mixed-use development including leisure facilities, a hotel, retail units, food and beverage outlets, offices, 137 residential units, an undercroft car park, new public squares and courtyards and the creation of a new public realm area at Marine Gardens.

Slide 4 provided the extent of the site approved for re-development and slide 5 showed the Development Plan context with the site being located within the city centre, primary retail core and Bangor Central Area of Townscape Character as proposed in the Draft Belfast Metropolitan Area Plan (BMAP).

The next few slides showed some photos of the site and elevations of the approved development - in the first instance, Main Street where the offices and some retail would be located followed by Queen's Parade frontage where the hotel, retail, food and beverage units, apartments and the central Market Place were to be located. Marine Gardens car park would be replaced with the new public realm area. Southwell Road would accommodate apartments and finally, King Street would accommodate some smaller scale duplex apartments.

In terms of background, this current application was the second Section 54 application for the development with planning permission previously granted for the variation of conditions 2 and 3 of the original approval in December last year. These conditions related to the phasing of the development and their variation allowed phases 1, 2 and 3 to be commenced concurrently instead of only one phase being permitted to be under construction at any one time. The previously approved amended wording of condition 2 was shown on the slides and it was this that formed the basis for the wording of condition 2 under the current application which proposed further variations.

Updated phasing plans had been submitted with the current application which now encompassed the entirety of the Marine Gardens public realm into phase 1 instead of being split between phases 1 and 2 and it was proposed to vary condition 2 further to reflect these updated plans. In practical terms, this would allow the developer to proceed with the delivery of the entire public realm in phase 1 without the pre commencement requirement to construct the new access onto Southwell Road within phase 2.

Phase 2 would then only include the retail, food and beverage units and apartments on the southern side of Queen's Parade. Phase 3 remained largely unchanged but would then include the creation of the new vehicular access from Trinity Way onto Main Street instead of the provision of this as part of phase 1 as originally proposed. This would allow the developer to focus solely on the delivery of the public realm under phase 1.

Phase 4 would also remain unchanged and included the destination building and residential units fronting King Street. As part of the review of the overall phasing of the development, it was also proposed to vary condition 56 of the original permission which required a Road Safety Audit to be carried out and any outworkings to be submitted for approval prior to commencement of development. The proposed revised wording of the condition would then allow a phased approach for the submission and approval of the carrying out of the audit and any outworkings required. As the amended phasing plans would then involve no public highway works within phase 1 of the development, the requirement for the carrying out of the audit and the submission of any outworkings for approval was proposed to be amended to relate only to phases 2, 3 and 4 and the requirement to undertake stage 1 and 2 audits prior to the commencement of the public highway works within these phases. This varied wording would allow the developer to proceed with the delivery of the public realm within phase 1 without a pre commencement requirement in relation to the audit.

The proposed changes to the phasing plans would provide greater simplicity for the developer in relation to pre-commencement requirements. However, the wording of condition 2 would still incorporate a number of important clauses which would continue to ensure that the development within each phase was completed in a timely manner and that the important public realm and open space aspects of each phase were delivered prior to occupation or operation.

Permission was also sought to vary conditions 3 and 6 of the original permission which related to the landscape layout of the public realm. The amendments proposed were very minor in nature and had already been recently approved under an associated Non-Material Change application. Slide 16 showed the original approved layout and slide 17 showed the revised layout.

As could be seen in slide 17, the general layout and extent of the public realm remained unchanged. The minor amendments related mainly to the removal of the central water feature, the narrowing of the central waterfront plaza, a slight change to the footprint of the pavilion buildings, replacement of hard surfacing within the 'multi-purpose open space' area with grass and other minor changes to hard and soft landscaping.

The application also proposed the variation of condition 43 of the original permission which related to the surface water drainage proposals for the site. The original approved drainage solution as was shown on slide 18, proposed discharge of surface water to the two existing culverted watercourses on the site along with the installation of several attenuation tanks under Marine Gardens. Condition 43 as originally worded required the submission and approval of a final drainage assessment and a detailed drainage network design for this solution prior to the commencement of development.

Under the current application, a final drainage assessment and detailed drainage network design had been submitted for an alternative drainage solution as was shown on slide 19. This would provide a direct discharge into the marina via a new outfall sewer and had required additional approvals to be obtained from NIEA Water Regulation Unit in relation to consent to discharge and DAERA's Marine and

Fisheries Division regarding a Marine Construction Licence. DFI Rivers had advised it was content with the details of the alternative solution subject to the amended wording of condition 43. The alternative solution was considered to be the most advantageous as it would allow full removal of surface water from the existing NI Water combined sewer, relieving pressure on the local sewer infrastructure and would help to mitigate against potential local out of sewer flooding. It would also allow full removal of surface water from the existing DFI Rivers culverts, relieving upstream capacity pressures and would negate the requirement for large underground attenuation tanks within Marine Gardens.

Maintenance requirements would be considerably less and ownership arrangements were likely to be more logical with the system being fully aligned to adoptable standards.

Slide 20 showed the management and maintenance responsibilities and anticipated ownership of the proposed drainage infrastructure. Upon completion, it was likely be offered for adoption by the Council and/or NI Water.

In summary, the Planning Department was content that the proposed revised wording of the specified conditions were acceptable in the context of the development plan and the relevant planning policies, allowing a greater degree of flexibility in terms of the delivery of the development but also still maintaining the various safeguards to ensure the completion of the important public realm aspects of the development. All of the consultees including DFI Rivers, DFI Roads, NIEA and Shared Environmental Service were content with the proposed variation of the conditions and no objections had been received from any third parties. The Section 76 Planning Agreement executed under the original permission to secure the provision of travel cards for the development and additional off-site parking for the approved offices would remain applicable and all other conditions of the original approval also remained applicable to the development.

RECOMMENDED that full planning permission be granted.

Councillor Harbinson queried if the traffic audit was no longer part of Phase 1 whether it would take into account plant machinery. The Officer advised that plant machinery would not be covered by the audit as it was to do with outworkings required as it was a product of development.

Mr N Salt of Turley was invited to the Chamber, speaking in support of the application. Mr Salt was reminded that he had five minutes to speak on the matter.

Mr Salt welcomed the Planning Team's recommendation to approve the application. This application sought to vary planning conditions on the existing Queens Parade planning permission to achieve the following: Firstly, amending the phases of development to ensure that the entirety of Marine Gardens was delivered as Phase 1. This would provide efficiencies during the construction phase and ensure that the whole of the new Marine Gardens would be delivered concurrently for residents and visitors to avail of. The phasing of roadworks would also be amended to reflect this.

Secondly, revisions were to be made to the surface water drainage design to provide a more effective and cost-efficient solution. The revisions would see surface water

run off being discharged safely into the Marina. This change had received positive responses from NI Environment Agency, DfI Rivers and NI Water.

Thirdly, minor changes to the landscaping design for Marine Gardens had been made to reflect those approved under a previous non-material change application. The changes were very minor and did not alter the fundamental purpose or quality of the space. Drawings had been updated to reflect the changes and variations to other planning conditions to update the drawing references were sought as a result. Subject to the approval of the application, Bangor Marine was intending to start the site works before the end of the year, to deliver what would be an exceptional new public realm area at Marine Gardens.

As there were no queries to Mr Salt from Members, he was returned to the public gallery.

Proposed by Councillor Cathcart, seconded by Councillor McClean, that the recommendation be adopted, and that planning approval be granted.

Councillor Cathcart expressed his delight at seeing yet more progress being made and was pleased to hear of works beginning shortly, praising the work of the officers on the processing of these various applications, and the applicant in trying to progress the scheme. Councillor McClean shared the same sentiments, explaining that it had been 2014 when he first joined the Council when a then scheme for Queen's Parade had been well ahead, and he had long been aware of frustrations amongst residents waiting to see diggers, or scared of getting their hopes up, whilst Councillor Harbinson stood to say that he was in agreement with comments made by other Members.

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

4.3 LA06/2024/0102/F - DEMOLITION OF EXISTING 2-STOREY DWELLING AND CONSTRUCTION OF NEW BUILD DWELLING

PREVIOUSLY CIRCULATED: - Case Officer's report.

DEA: Bangor Central

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

Proposal: Demolition of existing 2-storey dwelling and construction of new build dwelling

Site Location: 14 Shandon Park West, Bangor

Recommendation: Approval

The Principal Planning Officer explained that that Item 4.3 sought full planning permission for the Demolition of the existing 2-storey dwelling and construction of new build dwelling at 14 Shandon Park West, Bangor. This was a local development application which had attracted six or more individual objections from separate addresses, which were contrary to the case officer's recommendation.

The Site Location Plan and Google Earth image were displayed to Members on slide 2. The site was located within the settlement limit of Bangor. The existing dwelling was two-storey with a render finish and ground floor front bay windows split centrally by a porch. The pitched roof had a chimney at either end. There was a single storey detached garage to the rear of the driveway inside the northern side boundary and a lean-to conservatory on the opposite side along the southern gable. The site comprised of existing front and rear gardens and was located at the top end of the existing cul-de-sac. There was a mixture of dwellings finished in render or facing brick or a mixture of both within the cul-de-sac. These houses had windows either with a horizontal emphasis or others with a vertical emphasis. Some of the buildings had canted bay windows, some had gabled projecting bays, whilst others had recessed openings under archways. There was also an existing bungalow located at No.3. This cul-de-sac was located within the proposed Bangor East Area of Townscape Character, and it was evident that it was characterised by existing residential properties of different forms and design.

Slides 3 and 4 showed the recently approved floor plans and elevations of an extension to No.14 whilst slide 5 showed the approved site layout and the front and rear elevations of the existing dwelling.

Members were asked to note that LA06/2022/1152/F was granted full planning permission on 3 March 2023 for a modern designed flat-roofed rear two storey-extension with a retractable canopy and solar panels on the roof.

On slide 6, the Draft BMAP 2015 Bangor East Area of Townscape Character (ATC) and designation BR14 could be seen. The existing site was located within this ATC. As outlined by the Planning Appeals Commission in recent decisions, which was detailed in the case officer report, proposed ATCs could not be considered under the retained PPS 6, which set out policy for designated Areas of Townscape Character only, however the character and appearance of the entire ATC remained a material consideration.

Although objectors had raised concerns regarding the demolition of the dwelling, it was not listed and did not incorporate any historic or architectural features worthy of retention within the area. The Planning Department's Conservation Area Officer was consulted and did not raise any concerns about the removal of the dwelling or that it would result in the loss of a significant building in the proposed Bangor East ATC.

Slides 7 and 8 showed the proposed site layout, elevations and floor plans of the new dwelling. Policy QD1 of PPS 7 was the principal policy for the assessment of this proposal in the Bangor urban area. The new two-storey dwelling was to be sited on the same footprint of the existing dwelling and recently approved extension. The dwelling was 10m from the rear boundary, 3m from the northern side boundary and 2.2m from the southern side boundary. It was over 8m from the front boundary. Members were asked to note that the proposed dwelling did not come closer to the site's boundaries than the existing dwelling with the approved extension if it were constructed. It was also to be noted that the planning permission for the extension to the existing dwelling remained extant on the site until 2028.

As this was a replacement of one dwelling with another there was no impact on density. The proposed dwelling was of similar height to the existing meaning it

continued to sit comfortably in the street scene. The dwelling was proposed with a hip roof instead of pitched roof and whilst this was not a design specifically within the significant mix of dwelling types within Shandon Park West, it was however, not out of keeping in the surrounding ATC with dwellings on the nearby Clifton Road and Clifton Mews, 75m north of the site and could be viewed from within Shandon Park West, exhibiting hipped roofs. Therefore, this was a design type acceptable within proposed Bangor East ATC.

Whilst the proposed dwelling incorporated a contemporary design, this did not conflict with policy. Within the local context there was a mix of modern and older styled detached dwellings. The proposal was finished with a facing brick and a blue grey slate or tile roof which was comparable with other existing dwellings in the surrounding area.

Slides 9 through 12 showed photographs of views within Shandon Park West towards the site and looking outward. There were also examples of other hipped-roof dwellings, both modern and older within the surrounding area. Neighbouring dwellings located at No's 12 and 16 Shandon Park West, 20 and 22 Shandon Park East, and No's 13 & 15 Shandon Drive were closest in proximity to the application site. As set out already, the proposed dwelling was not sited closer to existing boundaries when considering the footprint of the current dwelling and the approved rear extension.

This rear extension was permitted with a window at first floor level looking onto the rear garden and the proposed dwelling's master bedroom window at first floor on the rear elevation would have the same outlook. Given this similar design feature and the adequate separation distance to neighbouring dwellings there was no adverse impact in terms of overlooking or loss of privacy. An additional first floor side window was proposed on the northern gable elevation towards No.16 Shandon Park West. Given the proposed 3 metre separation distance and potential to overlook the rear private amenity space within No.16, a condition to obscure the glazing and for it to be permanently retained, was to be imposed should the application be granted permission. This window was a secondary minor window of the master bedroom on the first floor with the principal fenestration on the rear elevation.

The proposed replacement dwelling respected the existing building line and did not dominate the street scene or have a detrimental visual impact through loss of natural light to neighbouring dwellings. Solar panels were proposed to the new dwelling's southern roof plane and to the existing garage's southern roof. Approximately 105 square metres of private amenity space was proposed within the site which exceeds the recommended 70 square metres set out in Creating Places and existing boundaries were to be retained and would be conditioned should approval be granted.

Nine letters of objection from nine separate individual addresses had been received as well as three letters of support for the application, with all issues considered in the case officer's report. Members were asked to note that no further letter of objection had been received following a re-neighbour notification process on 9 August 2024 after the submission of amendments to the house design, which added a

symmetrical full-length bay across the front of the house at ground floor level with a standing seam shallow pitched roof. NI Water had no objection to the proposal.

In terms of access and car parking, this was an application for a four-bedroom dwelling. According to Creating Places, such a dwelling required 2.75 spaces. The proposed site layout plan showed there would be ample room for parking with space for at least two vehicles to the front of the dwelling and parking on the driveway to the side towards the existing garage, which was to be retained. The access into the site was to be widened and subsequently DfI Roads was consulted, and offered no objections to the proposal, as it complied with Planning Policy Statement 3, Access, Movement & Parking.

In summary, the proposal was acceptable, taking account of the Development Plan and relevant policy requirements. The proposed design and layout of the new dwelling did not visually detract from the surrounding area and respected the built form, as well as the character and appearance of the surrounding proposed Bangor East ATC.

RECOMMENDED that full planning permission be granted.

The planning agent for the application, Mr David Wilson, was invited to speak in support of the matter online via Zoom and reminded of the five minute time limit. He explained that he had once acted as agent and applicant as those who owned the house were due to move back to Australia and provided some background information on those related to the house. With no further objections since the last amendment, Mr Wilson explained that it was a robust report.

Further to no queries being raised by Members, Mr Wilson returned to the public gallery on Zoom.

RESOLVED on the proposal of Alderman Smith, seconded by Alderman Graham, that planning permission be granted.

5. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity attaching information about the Appeal decisions, as below.

Appeal Decisions

1. The following appeal was dismissed on 15 October 2024.

PAC Ref	2022/A0073
Council Ref	LA06/2019/1195/F
Appellant	Mrs Rosina Herron
Subject of Appeal	Refusal of Full Planning Permission for two single storey infill dwellings
Location	Lands adjacent to and south of 9 Killinakin Road, Killinchy

The Council refused the above application on 3 March 2022 following a Planning Committee decision to overturn the Planning Service's opinion to approve the application at a meeting held on 18 January 2022. The application was refused for the following reasons:

- i. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.
- ii. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal did not constitute a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, and would, if permitted, result in the creation of ribbon development along the Killinakin Road.
- iii. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would approach the top of a slope location and would be a prominent feature in the landscape and would not visually integrate into the surrounding landscape as the site was unable to provide a suitable degree of enclosure and backdrop.
- iv. The proposal was contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and create a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

There was no dispute amongst parties that there existed a substantial continuously built-up frontage (SCBUF) with three buildings identified – the dwellings at No's 1 and 9 Killinakin Road and the detached garage at No.9, as set out under policy CTY 8 of PPS 21. It was argued that the gap site was not small enough and would accommodate more than two dwellings. The Commissioner outlined that to consider whether a gap is "small" in an otherwise substantial and continuously built-up frontage, one had to assess its size, scale, siting and plot size.

The Commissioner firstly concluded that No.1 measured 0.48Ha in area and No.9, 0.22Ha. As the plot size of the appeal dwellings would be approximately 0.3Ha per dwelling plot it would respect this aspect of the development pattern.

Secondly, in terms of plot width the Commission found that No.1 measured 83m and No.9 measured 60m. Taking into account the guidance in Building on Tradition, which stated that when the gap frontage was longer than the average ribbon plot width, and when the gap was more than twice the length of the average plot width, it

was often unsuitable for the infill with two new plots. In this case, the average plot width was approximately 72m. As the proposed gap was 91m, it was not more than twice the length of the average plot width and therefore did not offend policy CTY 8 in this regard.

However, the Commissioner concluded that the proposed dwellings would be sited further back from the road than No's 1 and 9 and behind the building line. As a consequence, the front gardens would be much deeper and taking this in combination with the centralised proposed access point, which did not respect the pattern of development in the area leads to development more akin to a suburban style of development.

Whilst the Commissioner found there to be a small gap in an otherwise SCBUF, the proposed dwellings would not respect the existing development pattern and be thus contrary to policy CTY 8. As the gap represented an important visual break in an otherwise SCBUF, and shared a common road frontage with No's 1 and 9 Killinakin Road and the garage at No.9, the proposal would result in a ribbon of development. The Commissioner found that the appeal therefore did not meet the requirements of Policy CTY 14 of PPS 21, criteria (b) and (d).

Furthermore, the Commissioner found that the site represented an important visual break with the gap being fully visible on an exposed hill, which provided relief between two settlements in this Area of Outstanding Natural Beauty.

In terms of integration, the Commissioner concluded that No.8 on the opposite site of the road to the site provided a degree of a backdrop to Site A only with Site B partly breaking the skyline when read from a critical viewpoint on Whiterock Road. The Commissioner concluded that the site was prominent, and the appellant would be required to rely upon new planting to integrate and therefore failed to meet the requirements under Policy CTY 13 of PPS 21.

Third parties' arguments were not accepted regarding that the proposal did not comply with policy NH5 of PPS 2 'Natural Heritage' as there was no evidence of an adverse impact on priority habitats or priority species. This was based on the fact that only a small section of the roadside boundary hedge would be removed, other hedges within the site would be retained and augmented and that there was no clear evidence that the existing hedgerows are species rich or have biodiversity value.

Finally, the Commissioner was content that given the number of vehicle movements associated with the proposal, her on-site observations and that DfI Roads did not have any objections to the proposal, it would not prejudice road safety or inconvenience the flow of traffic.

It was also considered that the septic tanks could be located within the site however their installation etc fell under separate legislation outside the Planning Act (NI) 2011.

- 2. New Appeals Lodged** - No new appeals had been lodged since the date of the last report.

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

RECOMMENDED that Council notes the report and attachment.

The Principal Planning Officer advised Members that there had been a dismissal of an appeal on 15 October 2024. It was an application that had been put before Members with a recommendation of approval and was overturned to refusal. The list of reasons for dismissal of the appeal could be found within the report such as substantial built-up frontage along an Area of Outstanding Natural Beauty. No new appeals had been issued since the last report.

RESOLVED on the proposal of Councillor Wray, seconded by Councillor Kerr, that the report be noted.

6. DFI LEGISLATION ON VALIDATION CHECKLISTS

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Background

1. The purpose of the report was to advise Members that the Department for Infrastructure (DFI) Regional Planning Governance & Legislation Branch had written to the Council advising that it had made a Statutory Rule entitled “The Planning (General Development Procedure) (Amendment) Order (NI) 2024 which will come into operation on 01 April 2025.
2. This represented an amendment to the Planning (General Development Procedure) Order (NI) 2015 (“the GDPO”), the main purpose of which was to permit the management of development within the revised two tier planning system with both councils and the Department operating as planning authorities where appropriate.
3. The purpose of the aforementioned amendment was to enable councils to publish a Validation Checklist. The purpose of a Validation Checklist was to extend the minimum level of information for an application to be legally valid (as currently set out in the GDPO at the time of writing) in order to improve the quality of applications submitted for processing.
4. This legislation was to come into effect from 1st April 2025, providing councils time to prepare and consult on their Validation Checklist if deemed appropriate in advance of it becoming operational under statute.

Detail

5. Currently Article 3 of the GDPO sets out what was to be contained within an application for planning permission as follows:

- A written description of the development;
 - The postal address of the land which the development related to (or description of the land if no postal address);
 - Name and address of applicant and agent (if applicable);
 - A plan sufficient to identify the land to which it relates and showing the situation in relation to the locality and neighbouring land;
 - Such other plans and drawings as necessary to describe the development;
 - A plan identifying where any neighbouring land is owned by the applicant;
 - An ownership certificate;
 - A pre application community report (for proposals in major category of development);
 - A design and access statement (if required);
 - 3 additional copies of plans; and
 - The relevant fee.
6. Article 3 (6) sets out that the Council may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable the Council to determine any application.
7. The above list was what is referred to as being the 'validation checklist' and the Council must be in receipt of all the above before being able to deem an application 'valid' in order to commence the appropriate processing. However, it had been recognised that the legislation as exists had set an extremely 'low bar' to make a legally valid planning application.
8. The Northern Ireland Audit Office (NIAO) Report into the planning system in Northern Ireland, dated February 2022, reported a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require submission of key supporting documentation (e.g. flood risk assessments, transport assessments, bat surveys) at the point of submission. This meant that potentially 'incomplete' (not appropriately front-loaded) applications must currently be accepted by the planning authority (having met the minimum statutory requirements) and from which the time period for statutory processing began.
9. The NIAO believed this contributed to inefficiency and poor processing times in a number of ways:
- statutory consultees were often expected to provide a substantive response to planning applications where essential supporting information was missing;
 - consultees were spending time on poor quality or incomplete applications, and often had to be consulted multiple times on the same application; and
 - applications which arrived at the Planning Committee for a decision often had to be deferred to allow supporting information to be provided.
10. The NIAO considered if the planning system continued to accept poor quality applications, this created a culture of speculative applications, whereby the system was being used to effectively "MOT" proposals and determine the assessments required.

11. The Public Accounts Committee Report, published March 2022, highlighted significant concern regarding the quality of applications that entered the planning system, and that the current system did not encourage submission of good quality applications. Thus, it was recommended that the Department for Infrastructure implement changes to improve the quality of applications entering the system and believed the introduction of validation checklists was one way to achieve this.
12. At the time of writing, the Council operated an informal Validation Checklist, based on that of Belfast City Council, introduced in January 2020. This, however, had limitations because it was advisory and did not hold statutory weight. The inability for Councils to mandate the minimum level of information supplied with applications had a seriously detrimental impact in terms of adding significantly to processing times, placing additional burden on staff and consultees, and time wasted assessing proposals without the key information.
13. Councils were measured on the average time for processing Major and Local applications with “Day 1” being the date when the bare minimum level of information was provided. The clock did not stop to allow for the submission of the necessary additional information to properly assess and process the application. This significantly lengthened application processing times and made it difficult for planning authorities to achieve statutory targets. The time for an amendment to existing legislation was long overdue, having been raised with the Department many times since transfer, and as referenced in the report to Planning Committee at its October 2019 meeting concerning introduction of ANDBC’s Validation Checklist.
14. The legislation would enable a Council to specify additional information requirements for applications for full planning permission, outline planning permission and approval of reserved matters, according to the “nature, scale and location” of the proposed development. The information requirements must be “reasonable” and proportionate and be “material” to the consideration of the application.
15. The Validation Checklist must be reviewed and re-published by the Council at no more than 3-year intervals. Where an application was submitted which was not in compliance with the Validation Checklist, councils would normally request the additional information from the applicant on an informal basis. However, councils may ultimately issue a formal “notice” of non-compliance with the Validation Checklist. The applicant would then have the ability to lodge an appeal to the Planning Appeals Commission (PAC) within 14 days from the date of the notice. The PAC would then preside over the appeal and determine whether the additional information in question was necessary. Where the appeal was allowed, the applicant may resubmit the application to the Council absent the originally requested information.
16. The statutory average processing time would be measured from the date of the last information required to make the application valid in accordance with the published Validation Checklist. DFI had been preparing best practice guidance on the publication and implementation of Validation Checklists with support from

Councils. The best practice guidance had not been published at this time but was expected in due course.

17. It was not considered necessary for the Planning Service to consult publicly on the content of its Validation Checklist, as it would be likely be entirely upon that introduced and in operation since January 2020 (as reported to Committee in October 2019 as Item 11) albeit on a non-statutory basis. That checklist was formulated on the basis of trying to help our customers get a timely planning decision and for officers and consultees to have all the relevant information from the outset (and appended to this report). A report detailing the content of our proposed Validation Checklist was to be brought to Committee in the coming months for approval, after liaison with our statutory consultees.

Conclusion

- The attached Order amends the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO), to enable local council planning authorities to prepare and publish planning application validation checklists.
- Article 5A was inserted to enable councils to specify by direction validation particulars or verifying evidence that was required by the council to accompany an application for planning permission or for approval of reserved matters.
- Article 12A was inserted requiring councils to issue a notice (notice of non-compliance with direction) to an applicant where an application did not comply with the specified information requirements in the direction.
- Article 12B was inserted and set out four grounds for appealing against a notice of non-compliance with direction. Appeals were to be to the Planning Appeals Commission.

RECOMMENDED that Council notes the content of this report and attachments.

The Head of Planning explained that the Department operated validation checklists for approximately two years though not required in legislation. Belfast had been operating to frontload applications for better quality which Ards & North Down Borough Council felt was long overdue. The Department for Infrastructure had issued a letter stating the period for Councils to either refine checklists or compose them which would be due to come into legislation in April 2025. When this Council's checklist was created, Officers contact the top 50 agents that had worked with the department. These changes were amendments to the GDPO legislation and it was worth noting that the applicant could appeal against requests for further information. These changes would also affect the timeframes for completion of cases as the timer would stop and be from the date that Officers felt they had all necessary information to assess an application rather than ticking through whilst awaiting further information.

RESOLVED on the proposal of Alderman Smith , seconded by Councillor Wray, that the report be noted.

7. NIW ON 'THE STORY OF BELFAST LOUGH

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Background

Officials within Northern Ireland Water (NIW) and the Council had previously been engaged in relation to the Living with Water Programme (LwWP) water sampling, and the LwWP Wastewater Treatment Works (WwTW) upgrade project. Through those discussions, matters around water quality, flood risks and development constraints were raised.

Planning officials raised the matter of funding for the LwWP with Members at the Planning Committee meeting of 09 April 2024 – Item 6, at which Members agreed that the Council wrote to the Minister for Infrastructure seeking assurances that the monies committed to NIW for infrastructure projects, particularly the planned upgrade to Kinnegar WwTW, be reinstated forthwith. A response to that letter was reported to Committee at its meeting of 06 August 2024 – Item 6.

We had since reached a critical stage as NIW and other LWWP partners awaited the outcome of the Department for Infrastructure's review of the LWWP, which would determine if any of the LWWP Major Projects (which included the replacement of Kinnegar WwTW) would be able to proceed as had been planned in 2021.

The Story of Belfast Lough

NIW had provided the attached document, entitled 'The Story of Belfast Lough' which it prepared and had released to stakeholders, after review by the Utility Regulator and the Department for Agriculture, Environment and Rural Affairs.

The report referenced how improvement of the water quality in the rivers of Belfast and Belfast Lough was dependent upon key decisions being made today.

In relation to Ards and North Down Borough Council Members were asked to note that:

- Figure 2.1 illustrated how the LWWP catchment area spanned from Holywood to Helen's Bay
- Figure 5 showed the locations of storm overflows in the ANDBC area that were 'unsatisfactory' - causing pollution
- Section 5.4 set out how the odour at Kinnegar was a result of land reclamation coupled with unsatisfactory overflows
- Section 6.4 set out the impact of pollution on swimming at designated Bathing Waters controlled by ANDBC
- Section 6.5 set out the impact of pollution on Seapark – and the important role of the Council in advising the public about the risks of water quality
- Section 7 set out the impact of capacity constraints on economic development

- Section 9.5 set out how the NI Assembly had until 3 December 2024 to respond to a report by the Office for Environmental Protection (OEP)

Living With Water Programme (2021)

In many places, the 'Story of Belfast Lough' referenced the 'Living With Water Programme' (LwWP) and the Living With Water In Belfast Plan. Further information on this could be found at the following link:

<https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/living-with-water-in-belfast-plan-updated-apr22.pdf>

Storm Overflows Document and Data

In March 2024, NIW published the document '*Northern Ireland's Wastewater System*' on its website.

This could be accessed from the storm overflow page:

<https://www.niwater.com/%2Fstorm%2Foverflow%2F&data=05%7C02%7Cann.mccullough%40ardsandnorthdown.gov.uk%7Cc5bb2a45eb504c12fa2908dce1fd8399%7C39416dee5c8e4f5cb59d05c4bd0dd472%7C0%7C0%7C638633726685750215%7CUnknown%7CTWfPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQljoV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=T3kJZVh8hNsAhX1KZM%2F5KAbMIs7yT1byhX19594NuWs%3D&reserved=0> (Storm Overflows - niwater.com)

NI Water had also launched a second webpage called '*storm overflow performance*' that makes available in a spreadsheet the modelled results for frequency and volume of spills from storm overflows. This can be accessed from the storm overflow performance page:

<https://www.niwater.com/%2FStorm%2FOverflow%2Fperformance%2F&data=05%7C02%7Cann.mccullough%40ardsandnorthdown.gov.uk%7Cc5bb2a45eb504c12fa2908dce1fd8399%7C39416dee5c8e4f5cb59d05c4bd0dd472%7C0%7C0%7C638633726685767057%7CUnknown%7CTWfPbGZsb3d8eyJWljoiMC4wLjAwMDAiLCJQljoV2luMzliLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=6NZbr3Qc20MrUqlpkiPi7iH71qVlhVqjwKh9qsUbrGM%3D&reserved=0> (Storm Overflow performance (niwater.com))

Sharing of this information was part of NIW's commitment to increasing understanding of Northern Ireland's wastewater system, how it worked and performed. Publishing drainage modelling data also ensured that NI Water was compliant with FOI requirements.

RECOMMENDED that Council notes the content of this report and the attachment.

The Head of Planning explained that correspondence had been issued from the Council which sought assurances that NI Water would receive money for upgrades. Kinnegar had been mentioned in the report with issues of odour being raised. Whilst

recommendations did exist in the report for improving infrastructure around Belfast Lough, the only way they could be met was through funding.

Proposed by Councillor McCollum, seconded by Councillor Harbinson, that the recommendation be amended to, 'we note the report from NI Water, welcome its publication and write again to the Minister for Infrastructure asking him, in light of the findings of the report, to revisit the issue of funding for upgrades to Kinnegar Waste Water Treatment Works as a matter of urgency.'

Councillor McCollum welcomed the report and noted comments made by the DAERA Minister in which he stated that he felt the country was on course for Belfast Lough to become the next Lough Neagh, an issue which Connie Eagan MLA had also raised. The report contained bleak statistics and in the same week of its release, Councillor McCollum had been contacted by constituents who were looking to meet. The Alliance published their document on the same week. 80% of 270 overflows in the vicinity of Belfast Lough were considered unsatisfactory with Victoria Road combined overflows tallying at 150 with over 70,000 cubic metres of overflow. 90% of bacteria and nutrients found in the lough stemmed from overflows. This highlighted the chronic underinvestment in wastewater infrastructure that would lead to disastrous consequences for the environment and those businesses who relied on the lough. There would also be a knock-on effect for Planning and development with the ability to build new homes. Councillor McCollum recalled that Council had written to the Minister previously who had responded to say he believed much could still be achieved in relation to the Council's ambitions, encouraging them to work jointly with NI Water to seek innovative solutions and maximise opportunities available.

Councillor McCollum asked the Director, on that response if she had been aware of innovative solutions and opportunities. The Director of Prosperity advised that it would be difficult to come up with any solutions when there was no legislative mechanism to take money from developers to pass onto statutory consultees. This issue had been raised throughout the years from 2015 without solution.

Councillor Harbinson mentioned plastic on the beaches that was often found as part of beach cleaning teams such as one that he and Alderman McRandal jointly worked on.

RESOLVED on the proposal of Councillor McCollum, seconded by Councillor Harbinson, that the report be noted and its publication welcomed, and write again to the Minister for Infrastructure asking him, in light of the findings of the report, to revisit the issue of funding for upgrades to Kinnegar Waste Water Treatment Works as a matter of urgency.

8. FIRST QUARTER 2024/25 STATISTICAL BULLETIN

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Background

The Department's Analysis, Statistics and Research Branch published provisional statistics for Planning activity on 03 October 2024 for Quarter 1 (April – June) of 2024/25.

The Statistical Bulletin was attached to this report.

Members could view the full statistical tables at

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-2024>

Detail

Local Applications

The Council determined 164 residential applications in Quarter 1 of 2024/25 compared to 248 such applications in the same period of the year before. The majority of applications received in Quarter 1 were in the residential category at 73% (133 out of 183).

The average processing time for applications in the local category of development in Quarter 1 was 14.9 weeks, in line with the statutory performance indicator of 15 weeks.

Major Applications

Recorded in the statistics was one application determined in the major category of development with an average processing time of 76.6 weeks against the statutory performance target of 30 weeks.

The detail of the application could be found below.

Application No:	LA06/2022/1072/F
Proposal:	Erection of new post-primary school with car park, bus drop-off area and playing pitches with floodlighting
Site Location:	Former Redburn Primary School Site, Old Hollywood Road, Hollywood

The application was submitted in October 2022 on a site within the settlement limit of Hollywood within an area designated as Open Space. The site was also within a proposed Local Landscape Policy Area for Hollywood. Extensive Consultations were required with many requesting submission of further detailed information in order to be able to provide substantive responses.

In addition to receipt of the requested information, further re-advertisement neighbour notification was required, in addition to assessing submitted objections to the proposal.

Processing time was ultimately hindered by lack of response from DFI Roads to its initial consultation request issued 12 January 2023, whereby DFI Roads did not respond until 19 March 2024 stating the proposal was unacceptable. When raised

with DFI Roads, it was advised that the consultation had been delayed in the system between the various sections within DFI Roads, as unfortunately other sections, such as Traffic, had their own priorities which don't always align with Development Management.

DFI Roads issued its final response on the application on 20 June 2024, and the application was presented to Planning Committee on 02 July 2024 with a recommendation of approval.

There had been an improvement in the processing time of major applications of 93.2 from Quarter 1 of last year, where in the case of an application requiring re-consultation to address consultee queries was not going to be in a position to meet a 30 -week target - rather planning officers worked with the Education Authority, statutory consultees and agent to deliver this much need educational facility for Hollywood and beyond. All parties worked together to a point where statutory consultees were content and the Planning Service could write up its assessment and present its professional recommendation to the Planning Committee.

Further information on majors and locals was contained in Tables 3.1 and 4.1 respectively of the Statistical Tables.

Enforcement

The Planning Service opened 79 new enforcement cases in the first quarter of 2024/2025, whilst 77 cases were concluded resulting in a conclusion time of 89.6% against the target of 70%.

84 cases were closed with the reasons as follows:

Closure Reason	Number
Remedied/Resolved	30
Planning permission granted	8
Not expedient	10
No breach	31
Immune from enforcement action	4
Enforcement appeal upheld – i.e planning permission granted under ground (a) appeal	1

Householder Applications

During Quarter 1, the Planning Service processed 78 applications within the householder category of development.

25 of these were processed within the internal performance target of 8 weeks (32.5%), with 63 being processed within the 15-week statutory performance indicator (80.7%).

Additional Activity

Additional activity details the "non-application" workload of the Planning Service, and included Discharge of conditions, Certificates of Lawfulness (Proposed & Existing), and applications for Non-Material Changes.

Type	No. Received	No. Processed
Discharge of Conditions	27	24
Certificates of Lawfulness (Existing/Proposed)	20	18
Non-Material Changes	16	13
Pre-Application Discussions (PADs)	8	12
Proposal of Application Notice (PANs)	0	0
Consent to carry out tree works	18	8

RECOMMENDED that the Council notes the content of this report and attachment.

The Head of Planning advised that Item 8 provided statistics for the first quarter for noting. The statutory performance target had been met with 14.9 weeks for local applications. Whilst major applications did not meet the target, there had been a drop in processing time compared to the previous year. By way of example, the former Redburn Primary school site was discussed and the liaising with different bodies for a satisfactory agreement whilst working with the Education Authority to get the facility in the pipeline for the Borough.

RESOLVED on the proposal of Alderman Smith, seconded by Councillor Kerr, that the report be noted.

9. DECISION NOTICE BY NI LOCAL GOVERNMENT COMMISSION FOR STANDARDS

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Purpose of Report

1. The purpose of this report was to advise members of the findings of a Report by the Assistant Commissioner of the NI Local Government Commissioner for Standards against a former Councillor within Lisburn and Castlereagh City Council (LCCC).
2. This Committee Report coincided with the updated information on the adjudication procedures and sanctions guidelines related to the NI Local Government Code of Conduct, as recently advised by the NI Local Government Commissioner for Standards.

Background

3. Members would have been aware that a key element of The Local Government (Northern Ireland) Act 2014 was an ethical framework for local government in Northern Ireland which included a mandatory code of conduct for councillors. As a result, the Northern Ireland Local Government Code of Conduct for Councillors was subsequently introduced on 28 May 2014. Part 9 of that Code (planning) was implemented from 1 April 2015. The Act imposed a requirement on councillors to observe the Code.
4. The Report by the Assistant Commission came about as result of an investigation into various complaints made against a former LCCC Councillor in 2017 where it was found that the former councillor had breached seven paragraphs within the Code of Conduct for Councillors. The individual concerned was suspended from being a Councillor for a period of four years from the date of the written decision in February 2024.
5. As a consequence of the Report, the Chief Executive of LCCC prepared a 'Lessons Learned' Report for that Council (copy attached), the purpose of which was to identify any learnings from the Assistant Commissioner's findings with a view to minimising the risk and reputational damage to LCCC in the future.
6. It was prudent for ANDBC Members to review the Assistant Commissioner's Report in the context of operation of its Planning Committee.
7. Within LCCC's Report on Lessons Learned, Part 9 details a table of Actions, Guidance and Recommendations. Officers had set out below those elements of that table considered relevant, with the final column setting out the position within ANDBC. For clarity those actions numbered as A4, A5, A12, and A13 in LCCC's report were not considered relevant to ANDBC.

No.	Action	Members or Officers	Action Complete
A1	Issue Conflict of Interest Form to all Councillors each year, after the Annual Meeting	Officer	Yes – Ongoing Development of online form to be developed for Members to update as and when required
A2	Councillors must complete and return Conflict of Interest Forms annually	Members	As above
A3	Publish combined Elected Member Conflict of Interest register annually	Officers	Yes – published on Council website under Home/ Council / Your Councillors Declaration of interest made at meetings recorded in Council/Committee minutes

A6	Update declaration of interest form to capture relevant guidance on what is a significant private or personal non-pecuniary interest, including the expected action by those who declare an interest.	Officers	To be undertaken for 2025
A7	Amend the Protocol for the Operation of the Planning Committee to note that, where a Councillor declares an interest and does not leave the room without providing valid justification, the matter should be challenged by the Chair of the Committee, or other Councillors	Officers	ANDBC's Protocol states at paragraph 40 that when a Member declares an interest, they must leave the Council Chamber (including the Public Gallery)
A8	Member Services to have present at any Council, Committee, or sub group meeting, details of the declared conflicts of interest of all Members with voting rights	Officers	Considered that Democratic Services and Director attending Committee has access to Register on website accordingly
A9	Amend the Protocol for the Operation of the Planning Committee to report annually for noting, all declarations of interest made relating to the work of the Planning Committee	Officers	Considered that all Conflicts of Interest are recorded in the minutes of Committee accordingly
A10	Where the Council's legal adviser has concerns about the action of a Councillor following declaration of interest, the legal adviser should bring those concerns to the attention of the CEO/Director.	Officers	ANDBC does not have its legal adviser present at all Planning Committee meetings. Considered that current Protocol is clear at paragraph 40 on need for Member declaring an interest to leave the Chamber. Director can raise any concerns as appropriate with CEO.
A11	Include the NIAO guidance as part of the prescribed training in order for a Member to sit on Planning Committee	Officers	Propose that this is implemented for any new Members to ANDBC Planning Committee into training as provided by legal advisers
No.	Guidance	Members or Officers	Action Complete

G1	For circumstances where a Member on the Planning Committee works for an MLA or MP who wishes to make representation on a planning application under consideration, a pecuniary interest should be declared and the member should leave the room. There are no exceptions to this because there is a pecuniary interest.	Members	Ongoing
G2	For circumstances where a Councillor on the Planning Committee is related to an MLA or MP who wishes to make representation on a planning application under consideration, a significant non-pecuniary interest should be declared and the member should leave the room. The member could remain if they have been given dispensation by DFC to remain or where they believe it would be to the Council's benefit for the Member to remain. Any members deciding on this latter course of action should be prepared to be challenged by other Members of the Committee and/or by the CEO/Director either during or following the meeting, recognising an increased risk of the report potentially coming under greater scrutiny through the declaration of interest.	Members	Considered that the current Protocol deals with this matter and Members have been appropriately trained by legal advisers prior to coming onto Planning Committee. Additionally, paragraphs 11 and 12 of the current Protocol deal with situation whereby Committee becomes inquorate due to declarations of interest.
No.	Reminder	Members or Officers	Action Complete
R1	Regularly reflect on their conduct as part of their role as an Elected Member to avoid bringing themselves or the Council into disrepute	Members	Ongoing
R2	Refresh conflicts of interest declared during the course of the year should new pecuniary or nonpecuniary interests arise	Members	Ongoing

R3	Note the requirement in law to comply with a Commissioner's request in connection with an investigation, even following the end of their term as a Councillor	Members	Commission's report to be included as part of ongoing training for new Members of Planning Committee and available to all Members
R4	Declare any significant private or personal nonpecuniary interest arising at a Council, committee or sub group meeting	Members	Ongoing
R5	A requirement to withdraw from the relevant meeting when the matter to which an Elected Member has a significant private or personal interest is being discussed	Members	Ongoing
R6	Continue to reflect on the 12 requirements of Section 8.1 of the Code in reaching decisions regarding the business of the Council	Members	Ongoing
R7	Councillors on the Planning Committee to continually reflect on their role in relation to the planning process.	Members	Ongoing
R8	The risks related to planning decision outcomes increase significantly where the Planning Committee overturns the recommendation of professional planning officers, more notably for single houses in the countryside	Members	Considered that the current Protocol deals with such matters, specifically at paragraphs 53 to 60 which had been inserted previously further to legal advice, entitled ' <i>Decisions Contrary to Officer Recommendation</i> '
R9	Be aware of options that exist to the Council to allow for quick and effective engagement with Elected Members where a declaration of a pecuniary or significant non-pecuniary interest has not been made. Early intervention in such circumstances is crucial.	Members	Ongoing
R10	Being a councillor requires the highest standards of probity and integrity. In submitting a planning application for land within the Council's boundary, councillors should ensure appropriate declaration of any interest, by them (and of their wider family), in the land.	Members	Ongoing

RECOMMENDED that Council notes the content of this report and attachments.

The Director of Prosperity explained the background that led to this item being on the agenda. The Lisburn and Castlereagh City Council's Chief Executive had brought this matter to the attention of the Society of Local Authority Chief Executives (Solace) in respect of its Planning Committee. Luke Poots, son of Edwin Poots was a Councillor within the area and Chair of the Planning Committee. His father had represented numerous objectors as an MLA at the Committee and on numerous occasions, the decisions agreed were in contradiction of Officers' recommendations. In numerous complaints, it had been seen that a declaration of interest had not been submitted.. A legal representative raised the issue who had attended the Planning Committees with the case eventually being referred to the Commissioner. The decision note was attached and particulars of applications that had been determined to fall within it. The Chief Executive of Ards & North Down Borough Council therefore believed it wise to look at lessons learned and any issues that may be relevant to this borough's Planning Committee.

The Director of Prosperity was satisfied that this Council had dealt with any such issues in the past by way of updates to the Protocol and procedures, and reminded that those serving on the Committee should abide by the published Code of Conduct.

RESOLVED on the proposal of Councillor Wray, seconded by Alderman Smith, that the report be noted.

10. PLANNING BUDGETARY CONTROL REPORT

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

The Planning Service's Budgetary Control Report covers the 6-month period 1 April to 30 September 2024. The net cost of the Service was showing an overspend of £8k (1%) – box A on page 2.

Explanation of Variance

The Planning Service's budget performance was further analysed on page 2 into 3 key areas:

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£103k favourable	2
Report 3	Goods & Services Expenditure	£11k favourable	2
Report 4	Income	£122k adverse	2

Explanation of Variance

The Planning Service's overall variance was summarised by the following table: -

Type	Variance £'000	Comment
Payroll	(103)	Vacant posts include PTO and SPTO. The HPTO vacant for first 5 months. SPTO post to be recruited this month.
Income	122	Mainly Planning application fees. No major applications received yet this year.

REPORT 1 BUDGETARY CONTROL REPORT					
Period 6 - September 2024					
	Year to Date Actual £	Year to Date Budget £	Variance £	Annual Budget £	Variance %
Planning					
730 Planning	855,589	847,500	8,089	1,740,400	1.0
Total	855,589	847,500	A 8,089	1,740,400	1.0
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Planning - Payroll					
730 Planning	1,158,072	1,261,300	(103,228)	2,522,500	(8.2)
Total	1,158,072	1,261,300	(103,228)	2,522,500	(8.2)
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Planning - Goods & Services					
730 Planning	113,424	124,200	(10,776)	367,500	(8.7)
Total	113,424	124,200	(10,776)	367,500	(8.7)
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Planning - Income					
730 Planning	(415,907)	(538,000)	122,093	(1,149,600)	22.7
Totals	(415,907)	(538,000)	122,093	(1,149,600)	22.7

RECOMMENDED that the Council notes this report.

The Head of Planning explained that Item 10 covered a six month period from April to September. In relation to the previous report, income was down £122k along with payroll, in light of vacant posts. However, the Department was recruiting for a Senior Planning post which it hoped to fill in the near future.

RESOLVED on the proposal of Alderman Graham , seconded by Alderman Smith, that the report be noted.

11. REVISION TO SCHEME OF DELEGATION

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Purpose of Report

The purpose of this report was to bring to the attention of Members a Court Order quashing a decision of the Council whereby it granted planning permission on 11 May 2023 under planning reference LA06/2020/1115/F .

Background

The Council granted planning permission under delegated authority, to the following application proposal under the above reference:

Proposal: Retention of dwelling approved under W/2014/0177/F, including alterations to fenestration of approved dwelling, revisions to patio/terrace area, landscaping and associated ground retention to include existing timber retaining structure. Also proposed amendment to existing development to include new 'Macwall' block wall to facilitate culverting of existing small watercourse which runs adjacent to boundary with No. 29 Station Road.

Location: 27 Station Road, Hollywood

An application for leave to judicially review (JR) that decision was made by the objector ("The Applicant") to the decision citing a number of grounds of challenge.

Further to review and upon receipt of legal advice, the Director agreed to concede the challenge on one ground only which is stated as follows:

'That the Council erred by misdirecting itself and/or acting in a procedurally improper manner by failing to consider that the threshold of "*six or more separate individual objections which are contrary to the officer's recommendation, and where a material planning matter has been raised*" was met", requiring the application to be called in for consideration by the full Planning Committee.'

The decision had been quashed by Court Order dated 17 October 2024 and the application remitted back to the Council for reconsideration.

Detail

The ground of contention (as accepted by Council) was "*Breach of policy in relation to the Council's Scheme of Delegation*". The Applicant (objector) took issue with the fact that the planning application had been determined by Officers acting under the Council's Scheme of Delegation, rather than having been automatically

'referred/called in' to be considered by the full Planning Committee. His point was that six separate objections were made which all raised material planning concerns so that relevant condition for call-in to the Committee had been met.

The Council had received material objections from five individual addresses; whereby the objector claimed that a consultation response from NIE should be considered as an objection, thus making up the sixth objection so that the relevant trigger for call-in was operative.

The Judge considered that the Council's Scheme of Delegation did not make clear on its face that a qualifying "objection" could only come from a private individual or company who was not a statutory consultee. Indeed, he considered that such an interpretation may seem counter intuitive. He took issue with a situation whereby a statutory body, or a body required to be consulted under statute, objected on material planning grounds, and the Council did not consider that to be a separate objection (over and above others) which would warrant consideration by the committee if the threshold has been reached.

In a leave hearing judgment dated 29 May 2025 the Judge considered that against this background there was an arguable case that the Council had misdirected itself as to whether or not its Scheme of Delegation required a call-in in these circumstances.

Action Required

Further to legal advice on this issue, given the fact that the Judge had raised this particular point within his leave hearing judgment, it was prudent to accede to quashing of the decision on this singular point. Thus, the Council required to amend its current Scheme of Delegation to address this point going forward, so there could be no further ambiguity.

It was therefore proposed to amend the Scheme of Delegation by the addition of the wording highlighted in the Scheme of Delegation attached.

Subject to approval, the Council was required to submit this Scheme of Delegation to the Department for Infrastructure for its approval, before publishing it on the website accordingly.

RECOMMENDED that Council notes the content of this report and approves the amended Scheme of Delegation, for submission to the Department for Infrastructure for approval.

The Head of Planning explained that a revision to the Scheme of Delegation was required following a Judicial Review (JR) finding. In a JR brought by McMullan against a planning decision for Hastingsthere had been a number of grounds of challenge. On receipt of legal advice, the Director agreed to concede the challenge on one ground, *'that the Council erred by misdirecting itself and/ or acting in a procedurally improper manner by failing to consider that the threshold of six or more several individual objections which are contrary to the Officer's recommendation and where a material planning matter has been raised was met requiring the application*

to be called in for consideration by the full committee.’ The application had attracted five objections however, it had been found that the Scheme of Delegation was not clear enough in explaining that consultee objections did not count as objections contributing to the threshold for referral to a Planning Committee meeting. Advice had since been sought and wording amended. The Department for Infrastructure had to be notified of change hence the requirement for approval at Committee. These changes would make it clear to anyone reading the document that objections by statutory or non-statutory consultees would not count toward the threshold and would be excluded from any such calculation.

Proposed by Councillor Cathcart, seconded by Councillor Smart that the recommendation be adopted, and that the report be noted and approves the amended Scheme of Delegation for submission to the Department for Infrastructure for approval.

Councillor Cathcart asked if the application that it had referred to had to start afresh from a planning perspective. The Head of Planning explained that it would be readvertised again and additional information would be submitted from the agent and therefore may go onto the delegated list rather than come before the Committee.

Councillor Smart asked if any Council had considered the views of statutory consultees as an objection for the same purpose. The Head of Planning advised that every Council had a different Scheme of Delegation and that this was the first time the issue had been raised in almost ten years since its inception.

RESOLVED on the proposal of Councillor Cathcart, seconded by Councillor Smart, that the recommendation be adopted, and that the report be noted and approves the amended Scheme of Delegation for submission to the Department for Infrastructure for approval.

12. REVISED STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

PREVIOUSLY CIRCULATED: - Report from Director of Prosperity detailing the undernoted:

Purpose of Report

1. The purpose of this report was to seek approval of a revised Planning Statement of Community Involvement (SCI). Subject to approval by Council, and once receipt of agreement had been received from the Department for Infrastructure (DFI) in accordance with Section 4(3) of the Planning Act (Northern Ireland) 2011, the SCI shall be published, thus fulfilling obligations under regulation 7 of the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 – available at

<https://www.legislation.gov.uk/nisr/2015/63/contents/made>

Background

2. The purpose of a Statement of Community Involvement (SCI) was to outline how the Council proposed to engage the community and stakeholders in exercising its planning functions. The SCI set out a council's policy as to the involvement, in the exercise of the Council's functions under the development management and local development plan provisions of the **2011 Act**, of persons who appeared to the Council to have an interest in the matters relating to development in its area.
3. The SCI explained how the community and stakeholders would be involved in the development management process (planning applications) as well as the preparation of the local development plan. It would also set out the steps that the Council would take to facilitate community involvement. It allowed everyone to know with whom, what, where and when participation would occur in the planning process. In short, it presented a vision and strategy for involving the community and stakeholders at various stages of the planning process. The SCI set out the standards to be met by the Council in terms of community involvement, building upon the minimum requirements set out in both the Planning (Local Development Plan) Regulations (NI) 2015 and the Planning (Statement of Community Involvement) Regulations (NI) 2015.
4. Section 4 of the Planning Act (NI) 2011 required a council to prepare a SCI. The SCI Regulations set out the requirements for the preparation, form and content and publicity for the SCI.
5. A Council should involve the community at an early stage in the planning process and anyone who wished to get involved was encouraged to do so at the opportunities provided. The following groups of people were most likely to become involved:
 - People living within the area / neighbourhood;
 - Elected representatives;
 - Voluntary groups;
 - Community forums / groups / umbrella organisations;
 - Environmental and amenity groups;
 - Residents' groups;
 - Business community
 - Public bodies;
 - Developers / landowners;
 - Government departments;
 - Adjacent councils;
 - Groups identified under Section 75 of the Northern Ireland Act 1998.
6. It should be noted that the above list was not intended to be exhaustive and in no way restricted other individuals, groups and organisations from participating in the planning process.
7. The planning system could be difficult to understand which meant some groups of people may find it difficult to get involved. These underrepresented groups could include young people, ethnic minorities, people with disabilities and

disadvantaged communities. The Council may therefore wish to liaise with community representatives to help identify under-represented groups within its area and develop strategies and specific consultative methods in order to encourage engagement with these groups in the planning process. This may include targeting participation through workshops, focus groups or mapping exercises and ensuring venues for consultation events are as accessible as possible to all groups of the community, and that events were held at locations within the community and at varying times which appealed to a wider range of people.

8. The SCI last required updating in 2020 with detail provided on how Ards and North Down Borough Council would engage the public across its planning functions against the backdrop of the COVID pandemic.
9. The SCI had since been reviewed and updated to take account the arrangements for community involvement in the planning system post-pandemic and, once approved by Council, would be submitted to the DFI for review seeking to agree terms as per Planning Act (NI) 2011, Part 2 section 4 (3).

RECOMMENDED that Council notes the content of this report and approves the updated Statement of Community Involvement.

The Head of Planning summarised the report, explain to Members of the revised Statement of Community Involvement and the need to notify the Department for Infrastructure. This was a general guide to allow the public to be more involved with the last document being updated in 2020 for Covid-19. In the revised document, any reference to arrangements for Covid-19 had been removed and some general refinements had been made. The previous SCI had been included in the report to allow Members to see the differences.

RESOLVED on the proposal of Councillor Wray, seconded by Councillor McCollum, that the report be noted and the updated Statement of Community Involvement be approved.


TERMINATION OF MEETING

The meeting terminated at 20:34

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2022/0827/F
Proposal	Stable building and associated hayshed/tack room and equipment store
Location	Lands approximately 250m SW of 240 Scrabo Road, Newtownards DEA: Newtownards
Committee Interest	<p>A local development application “called-in” to the Planning Committee by a member of that committee from the Delegated List on 30 July 2024. The Mayor seeks the Planning Committee to consider whether -</p> <p><i>“The principle of stables development in the countryside has been accepted. The refusal quotes 5 reasons. However, all of these essentially relate to considerations of visual integration and rural character which is subjective and should be considered by the planning committee. Furthermore, this is the only land within the applicants ownership and there are no realistic alternatives but to site the buildings at this location. If stables cannot be secured at this location, then the business may not be able to survive.”</i></p>
Validated	16/08/2022
Summary	<ul style="list-style-type: none"> • No letters of objection or other representations received. • Consultees – DfI Roads – no objection subject to conditions re access. • Principle of development accepted as development of an outdoor recreational use in the countryside. • Site location unacceptable failing ADAP 2015 policy regarding Local Landscape Policy Area, PPS 21 & PPS 8 - adverse visual impact. • Site cannot be absorbed into surrounding landscape (due to topography, lack of existing vegetation and other buildings), is a prominent feature and site lacks long established boundaries with front boundary being removed to accommodate visibility splays. • Reliance on need for new landscaping which is contrary to Policy CTY 13 of PPS 21. Site is within an AONB and fails to comply with Policy NH6 of PPS 2 ‘Natural Heritage’ as prominent in landscape with critical views from east and north west.
Recommendation	Refuse Planning Permission
Attachment	Item 4.1a – Case Officer Report Item 4.1b – Addendum Report

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2022/0827/F	DEA: Newtownards		
Proposal:	Stable building and associated hayshed/tack room and equipment store.			
Location:	Lands approximately 250m SW of 240 Scrabo Road, Newtownards.			
Applicant:	Mr G Metcalfe T/a Hillhead Farm			
Date valid:	16.08.2022	EIA Screening Required:	No	
Date last advertised:	31.08.2022	Date last neighbour notified:	25.08.2022	
Letters of Support: 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
DFI Roads	No objection with conditions relating to the development of the access.			
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of development • Integration and impact on rural character • Impact on AONB and Local Landscape Policy Area • Access, parking and road safety • Impact on biodiversity and designated sites • Impact on residential amenity 				
Recommendation: Refuse Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)				

1. Site and Surrounding Area

The application site is the southwest portion (0.3ha) of a field (Figure 1 and 2) and is accessed via an existing agricultural lane which initially inclines in a southerly direction up from Scrabo Road before declining gently to the application site.

Figure 1: View of Application Site from Lane



Figure 2: View of Application Site Facing North



The application site sits at a higher ground level than the adjacent agricultural laneway and Moat Road with it being visible when travelling on Moat Road (Figure 3). Boundaries to the west and south of the application site are defined by hedges and wooden fencing (Figure 4). Boundaries to the north and east are undefined as the application site is part of a field.

Figure 3: View Towards Application Site from Moat Road



Figure 4: Boundaries to the West and South of the Application Site



The surrounding landscape is undulating and inclines in a northerly direction to peak at Scrabo Tower (Figure 5). The surrounding area appears rural with agricultural lands, fields, farm holdings and dwellings found in the surrounding landscape.

Figure 5: Application Site and Surrounding Landscape



2. Site Location Plan

Figure 6: Site Location Plan

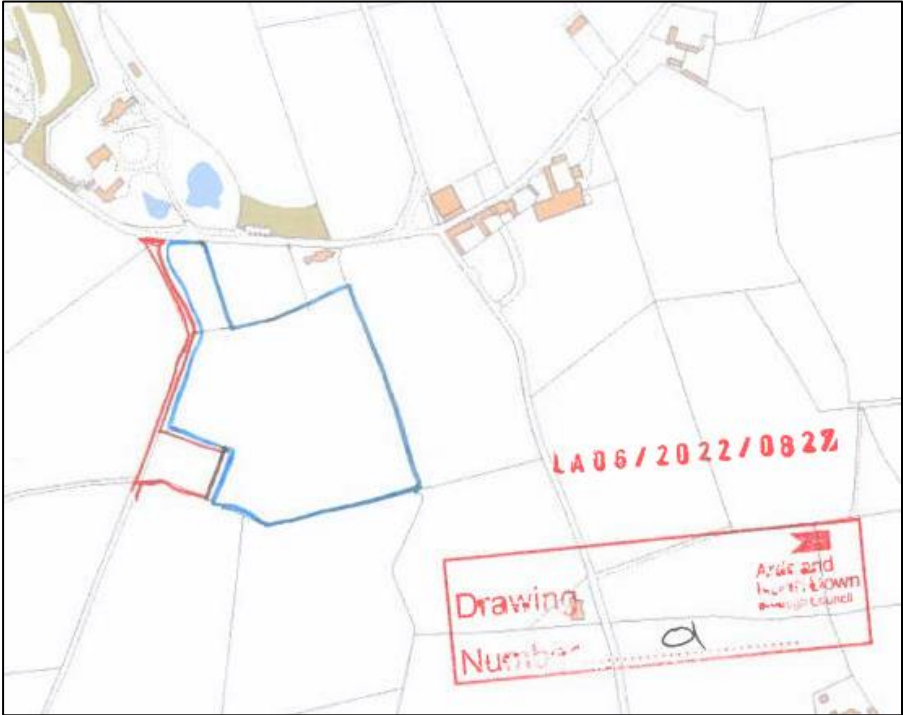


Figure 7: Aerial Image of Application Site



3. Relevant Planning History

There is no relevant planning history associated with the application site.

4.0 Planning Assessment

4.1 Planning Policy Framework

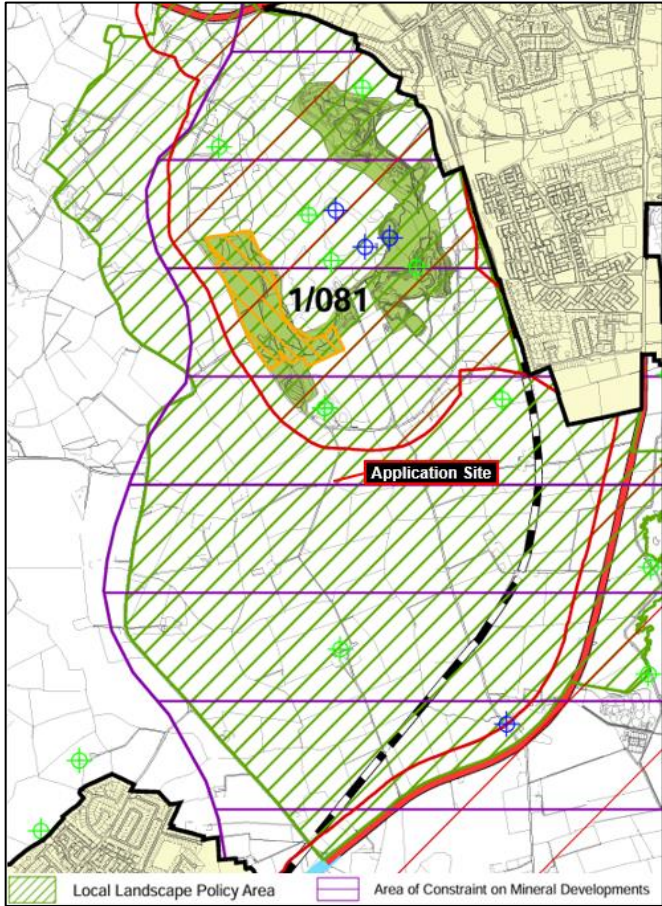
The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- Ards and Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS 3)
- Planning Policy Statement 8: Open Spaces, Sport & Outdoor Recreation (PPS 8)
- Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21)

4.2 Principle of Development

ADAP designates the application site as located in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area (LLPA 5) and an Area of Constraints on Mineral Developments (Figure 8).

Figure 8: Extract From Map No.2/001a – Ards Borough North



Policy CON 2: Local Landscape Policy Areas (Policy CON 2) in the ADAP explains that planning permission will not be granted for development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Policy CON 2 continues to explain that Local Landscape Policy Areas are of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

Features that contribute to the environmental quality and the character of LLPA 5 in which the application site is located include, *inter alia*:

- The whole of the landform of Scrabo Hill which extends across Kempe Stones Road to the north and in a number of tails towards Comber to the south as well as the remaining undeveloped flat foreground adjoining Comber Road which is visually significant in long distance views.
- Traditional patterns of farms and fields which are renowned for their agricultural quality and create a patchwork effect.

The proposal is considered contrary to Policy CON 2 as the proposed stable building, associated hayshed/tack room and equipment store would adversely impact the character and environmental quality of LLPA 5. This is as the application site forms part of a field that is undeveloped land which contains no existing buildings or structures. As the application site and wider field contains no existing buildings, the proposal is unable to be absorbed/blend into the rural landscape without creating an adverse visual impact.

Additionally, with no visual backdrop from existing buildings or indeed mature vegetation such as trees, the proposed development is considered prominent and will consequently have a detrimental impact on the two forementioned key features of LLPA 5 which is the traditional pattern of fields which form a patchwork effect and the whole landform of Scrabo Hill which is visually significant in long distance views.

Development at the application site, on undeveloped land devoid of backdrop features (built and natural) which would assist with absorbing/integrating the proposal with the rural landscape will adversely affect the environmental quality, integrity or character of LLPA 5. Given the amenity value, landscape quality and local significance of LLPA 5, it is considered that the proposal is contrary to Policy CON 2.

In relation to ADAP, no further environmental, architectural, or archaeological designations relate to the application site.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically, PPS 2, PPS 3, PPS 8 and PPS 21.

In relation to development in the countryside, PPS 21 lists types of development that are considered acceptable in rural areas. Policy CTY 1 indicates that planning permission will be granted for outdoor sport and recreation uses in accordance with PPS 8: Open Space, Sport and Outdoor Recreation. Under the headnote "Equestrian Uses", prevailing policy states that the keeping and riding of horses for recreational purposes is increasingly popular and that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, subject to the

scale and integration of ancillary buildings. Whilst it is acknowledged that this makes specific reference to riding schools, the headnote does not distinguish between recreational facilities for personal use and larger commercial operations. Of further note and material to assessment is the Planning Appeals Commission interpretation on the matter which suggests that “this would not bar consideration of other equestrian uses under the policy” (Planning Appeal 2018/A0008).

In the same appeal decision, the appointed Commissioner states that none of the listed criteria to be met under Policy OS3 requires the applicant to provide supporting information to demonstrate that there is a need for this type of development within the rural area. Notwithstanding, the applicant submitted a Design and Access Statement and Supporting Statements explaining that the application site is located to the rear of the applicants’ lands and will be used to facilitate the applicants existing equestrian business which breeds horses for recreational purposes. Due to changes in the applicant’s personal circumstances which involved selling-off the applicants’ stables at 27 Ballymore Road, Killinchy, new stables are required to house young foals.

Taking into consideration the understanding of equestrian uses in PPS 8 and the PAC interpretation provided in Planning Appeal 2018/A0008, I am satisfied that the proposal is concurrent with acceptable outdoor sport/recreational uses specified in PPS 8.

While the proposal is considered acceptable in principle with regard to being an acceptable outdoor recreational use in the countryside both Policy OS 3 in PPS8 and Policy CTY 1 in PPS 21 explain that such development is subject to the proposed development being able to integrate sympathetically into their landscape surroundings:

Outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, ***provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings***. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals (Policy OS 3, para 5.33. p.27)

All proposals for development in the countryside ***must be sited and designed to integrate sympathetically with their surroundings*** (Policy CTY 1, PPS 21, p. 11).

As the proposal is not capable of integrating sympathetically into its rural surroundings for the forementioned reasons and those provided in section 4.3 of this report, it will detrimentally impact on the identified features that contribute to the environmental quality and the character of LLPA 5. Consequently, the proposal is considered contrary to Policy CON 2 of the ADAP and therefore not considered acceptable in principle at the proposed location.

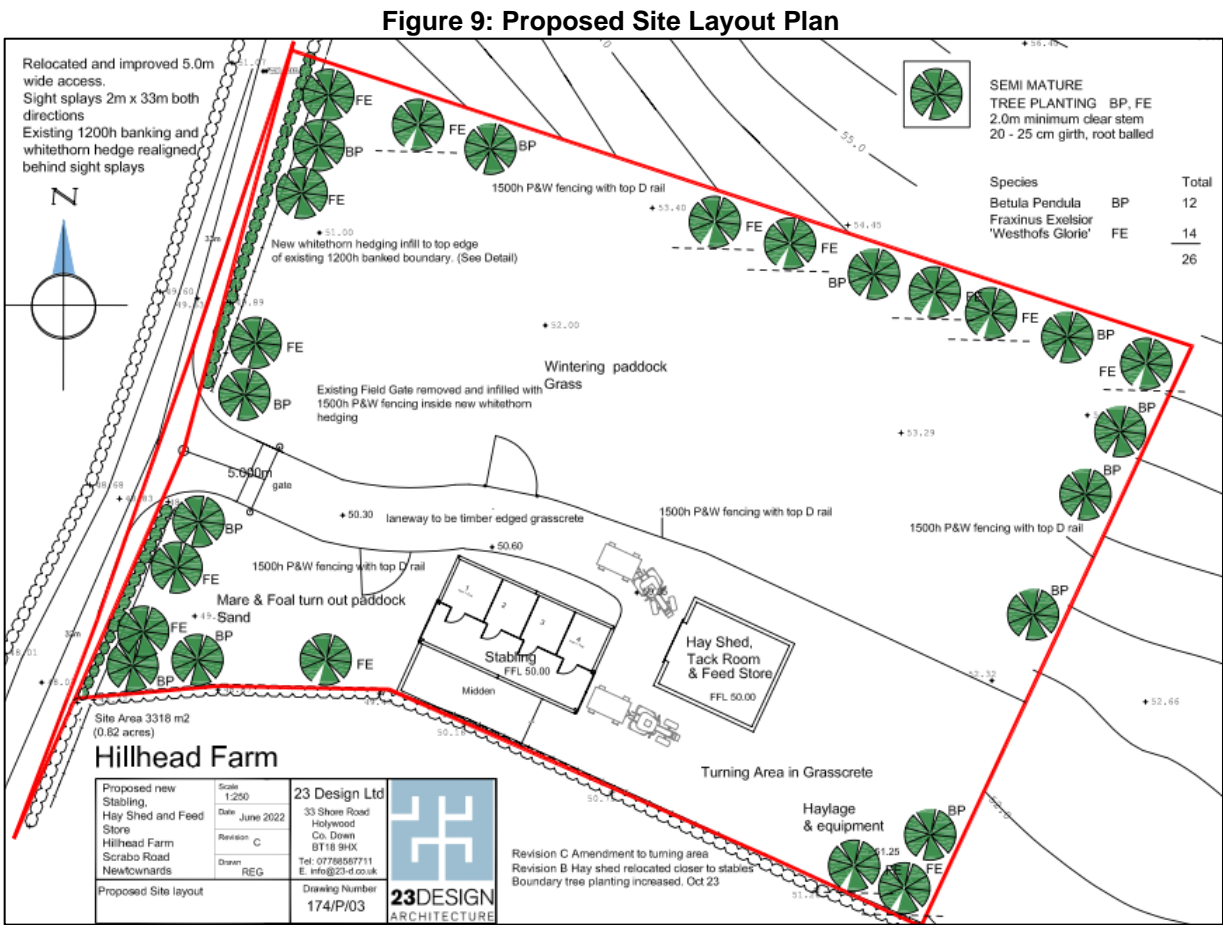
Assessment continues with discussing material planning considerations under the subsequent headings of this report.

4.3 Integration and Impact on Rural Character

As identified, the application site is in the countryside, in Scrabo Tower and Landform Local Landscape Policy Area and also Strangford and Lecale Area of Outstanding

Natural Beauty. Proposals located in the countryside and within these designated areas are subject to specific planning policy criteria to they do not detrimentally impact on the visual amenity value of the rural area and character of the ANOB. With regard to PPS 21, Policies CTY 1, CTY 13 and CTY 14 are applicable. With regard to PPS 8, Policy OS 3 is applicable and with regard to PPS 2, Policy NH 6 is applicable.

The proposal seeks full planning permission for the development of an equestrian facility for breeding/training horses which incorporates a stable building, hayshed/tack room and equipment store, sanded paddock, relocated and widened access, fenced wintering paddock and turning area/haylage storage area (Figure 9).



The proposed Hay Shed and Tack Store is the taller of the two proposed buildings (Figures 9 and 10), measuring 5.947m high and will be sited to the eastern side of the application site. The proposed stables will have a ridge height of 4.5m. With regard to the topography of the application site, the submitted topographical survey and cross-section drawing demonstrates that the proposed buildings will not be visible from Scrabo Road which lies north of the application site. However, the topography of the landscape steadily falls away from the application site both in southeasterly and easterly directions towards Comber Road meaning that the proposed buildings will be visible from long distances.

Figure 11 demonstrates that the height of proposed Hay Shed and Tack Store at the proposed siting in the landscape will be approximately 56.6m high which makes it visible from Moat Road as demonstrated in Figure 3 at the start of this report.

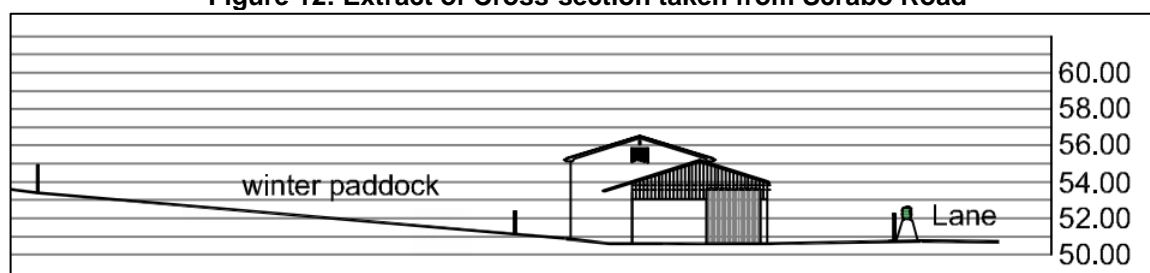
Figure 10: Proposed Hay Shed and Tack Store Elevations



Figure 11: Proposed Stables Elevations



Figure 12: Extract of Cross-section taken from Scrabo Road



The design and external finishes of both proposed buildings are considered appropriate for the site and its locality. However, the height of the buildings and the lack of a suitable degree of enclosure for the proposed buildings to integrate into the landscape such as existing trees or existing buildings which could act as a backdrop, makes the proposed buildings inappropriate at the application site.

The Proposed Site Layout Plan demonstrates that a significant amount of tree planting (26 trees) has been proposed for integration purposes. In addition to the proposed tree planting, the undefined northern and western boundaries are to be defined by 1.5m high post and wire fencing. While the hedgerow which defines the southern boundary will be retained, it will be the only natural boundary to be retained as the hedge that defines the eastern boundary would be removed, with new hedges planted, to allow for the development of the proposed access and visibility splays. As explained in paragraph 5.64 in PPS 21 *'while new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient'*.

The proposed grassed wintering paddock is considered acceptable as is the proposed grasscrete laneway and turning area would maintain the rural appearance of the application site and wider area. The sand paddock is also not considered visually obtrusive given its small scale.

The existing agricultural access into the application site is to be closed off and infilled with a post and wire fencing and a new hedge and, a new 5m wide access has been proposed on this side of the application site. As discussed above, the development of the proposed new access will initially have a visual impact given that the existing 1.2m banking and hedge will have to be realigned behind the visibility splays required for the proposed access however, its development is considered appropriate in appearance and will maintain the rural character of the application site and area.

At the proposed location, on land elevated above Moat Road as well as above lands to the east and south, it is considered that the scale/height of the proposed buildings will make them a prominent feature in the landscape. When the prominence of the proposed buildings is taken into consideration along the fact that the application site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, would primarily on the use of new landscaping for integration and fails to blend in with the landform, it is considered that the proposal fails to comply with the policy criteria (a – c and f) in Policy CTY 13 of PPS 21. Consequently, planning permission should be refused as the proposed buildings cannot visually integrate into the surrounding landscape.

It is also considered that the proposal fails to comply with policy criteria (a) in Policy CTY 14 of PPS 21 as the proposal would be unduly prominent in the landscape.

Lastly, is considered that the proposal fails to comply with the policy criteria (iii and vi) in Policy OS 3 of PPS8 as the proposal would have an adverse impact on the visual amenity of the local landscape as the proposed development cannot be readily absorbed into landscape by taking advantage of existing vegetation and topography and, the proposed buildings are of an inappropriate scale to the surrounding environment in terms of their siting, layout and landscape treatment.

With regard to the impact of the proposal on the AONB, it is considered that the application site is located in vulnerable position in the landscape with long distance views achievable from the east and south. Given that a key environmental feature of Strangford and Lecale AONB is Scrabo Hill, is considered that the siting and scale of the of the proposal will appear prominent and therefore is not sympathetic to the character of the AONB. Had the proposal been grouped with or benefitted from a backdrop, then it is likely that its impact on the AONB would have been negligible however, this is not the case. For these reasons, the proposal is also considered contrary to policy criteria (a) of Policy NH6 in PPS 2.

4.4 Impact on Trees or Landscape Features

No trees would be affected by the proposal as none exist at the application site. The western hedgerow would be relocated to behind the proposal visibility splays which is not considered environmentally damaging. Overall, the proposal will not cause the unacceptable loss of, or damage to, landscape features which contribute significantly to local environmental quality.

4.5 Access, Parking and Road Safety

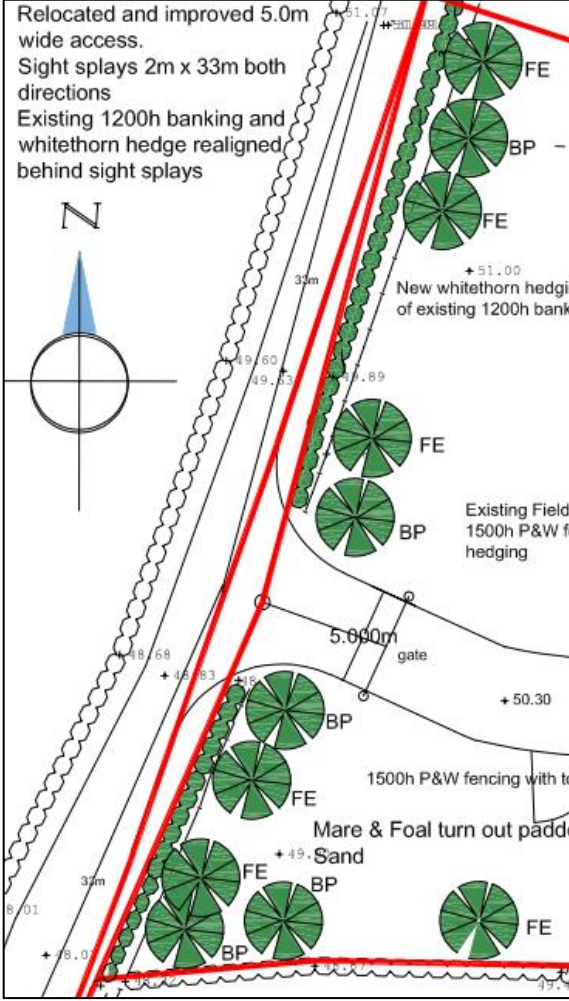
The proposal incorporates closing off the existing access on the western boundary and developing a new 5m wide access on the same boundary (Figure 13).

The applicant has confirmed in the submitted Application Form and Design and Access Statement that the applicant will attend the application site twice a day to feed and care for the stock. In addition to this, occasional visitors to the application site will include a vet, farrier or feed supplier. It is not considered this low level of vehicular traffic to the application site would have a detrimental impact on the safe movement in traffic.

DFI Roads was consulted on the proposal and raised no objection subject to conditions pertaining to the construction of the visibility splays and access gradient. I am therefore satisfied that the proposed access will not prejudice road safety.

I am satisfied that sufficient space has been proposed within the curtilage of the application site for the movement and parking of vehicles.

Figure 13: Proposed Access Arrangement



4.6Impact on Biodiversity and Designated Sites

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

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

4.7Impact on Residential Amenity

The closest neighbouring property is located over 200m away at 240 Scrabo Road. This separation distance is sufficient to prevent any adverse impact on the amenity enjoying by the residents of this property.

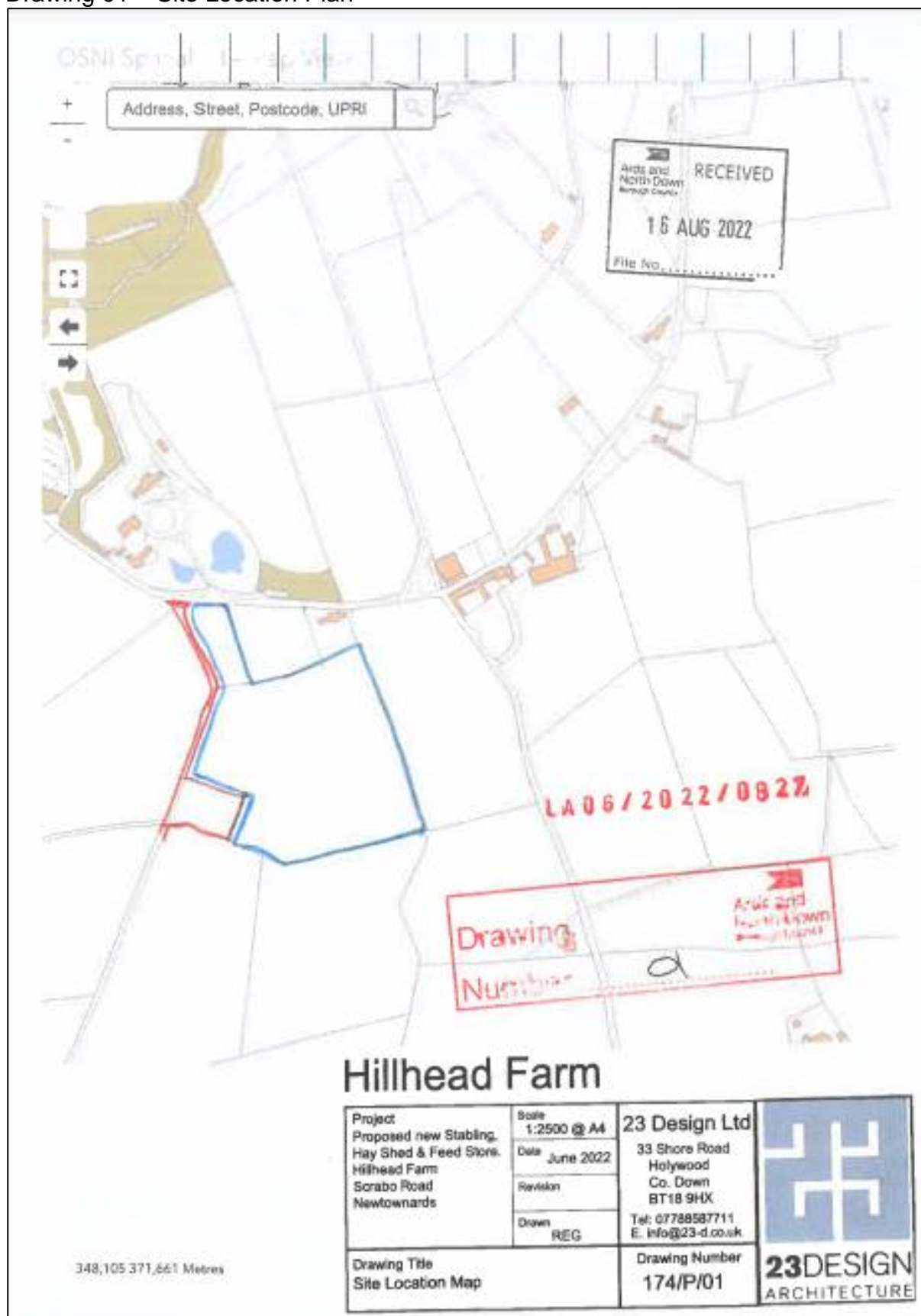
4 Representations

No representations were received.

5 Recommendation
Refuse Planning Permission
6 Refusal Reasons
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are not designed to integrate sympathetically within their surroundings. 2. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2 Natural Heritage criteria (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CON 2 in the ADAP, and criterion iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment. 4. The proposal is contrary to the SPPS and Policy CTY13 criteria (a), (b), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposal would rely primarily on the use of new landscaping for integration and, the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop. 5. The proposal is contrary to the SPPS and Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Appendix One: Submitted Plans

Drawing 01 – Site Location Plan

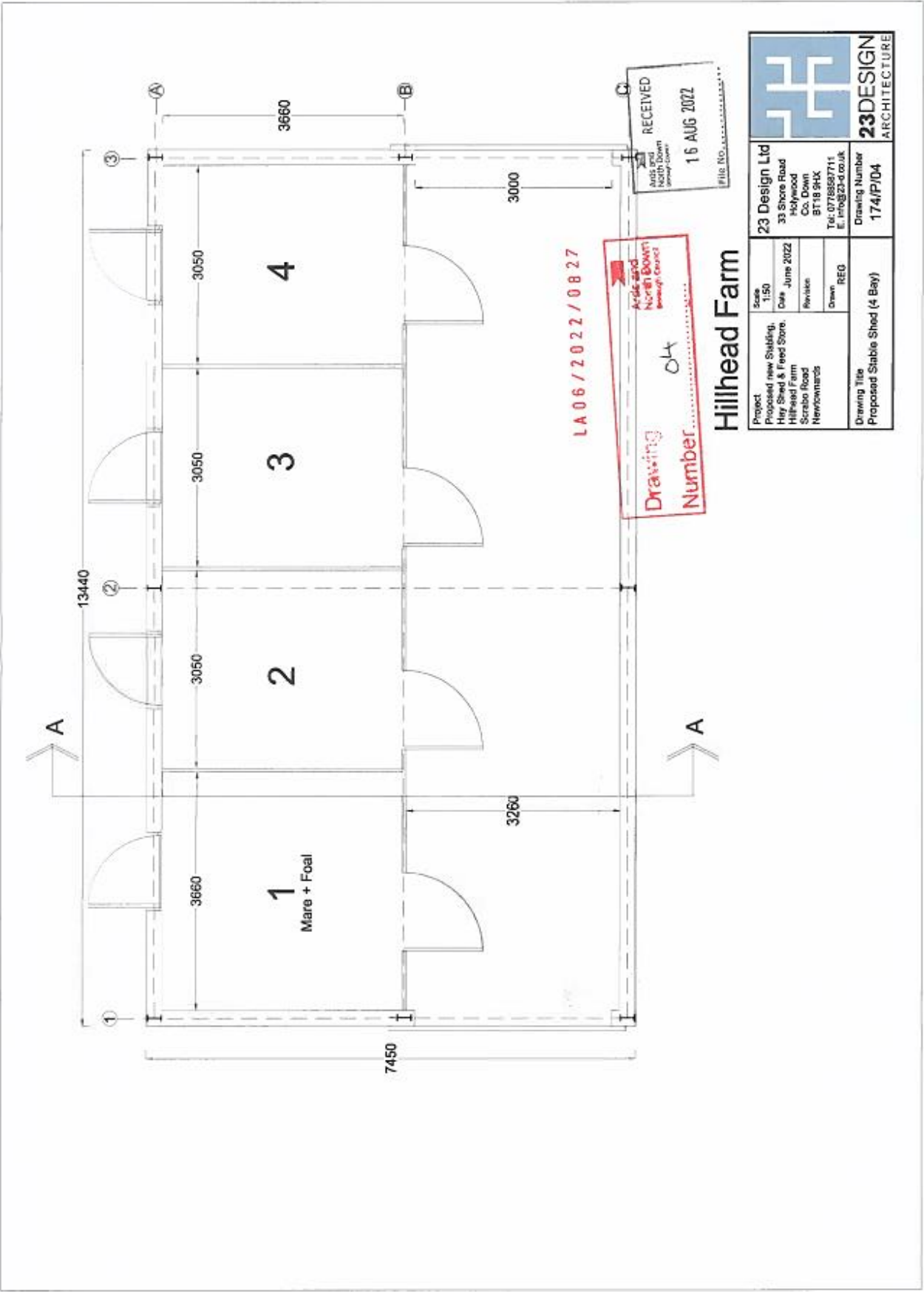


Drawing 02A – Topographical Map and Proposed Site Section



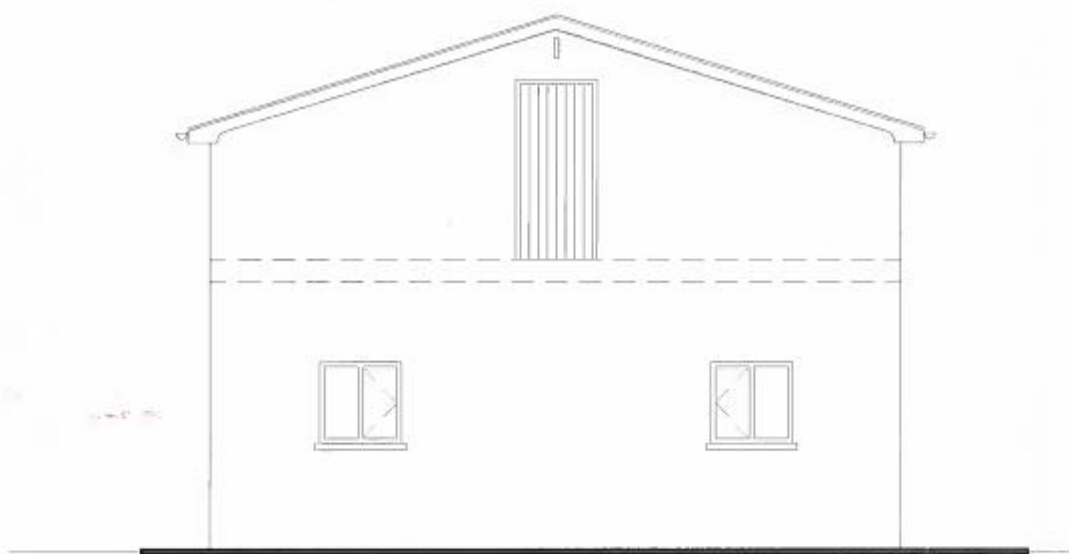


Drawing 04 - Proposed Floor Plans (Stables)

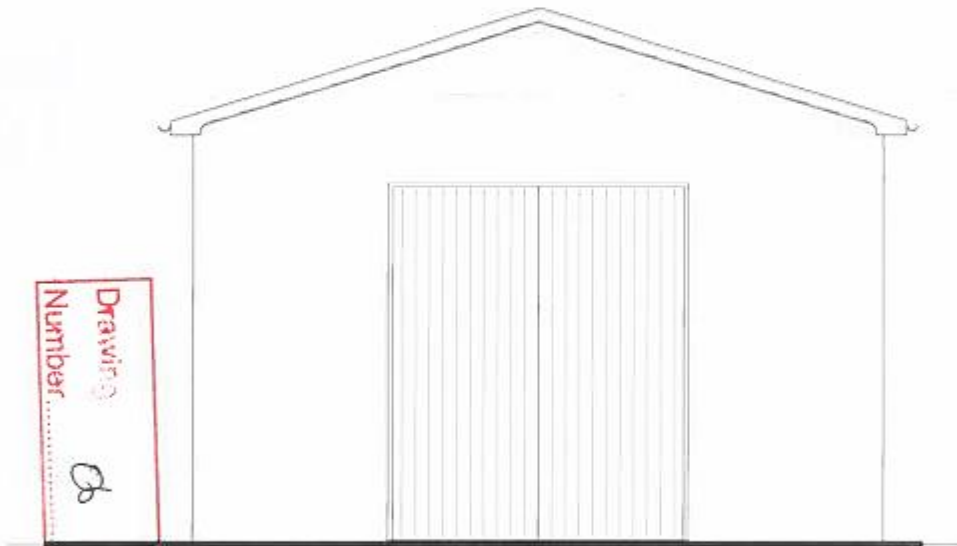




Drawing 06 – Proposed Hay Shed and Tack Store Elevations



Proposed South East Elevation



Proposed North West Elevation

LA06/2022/0827

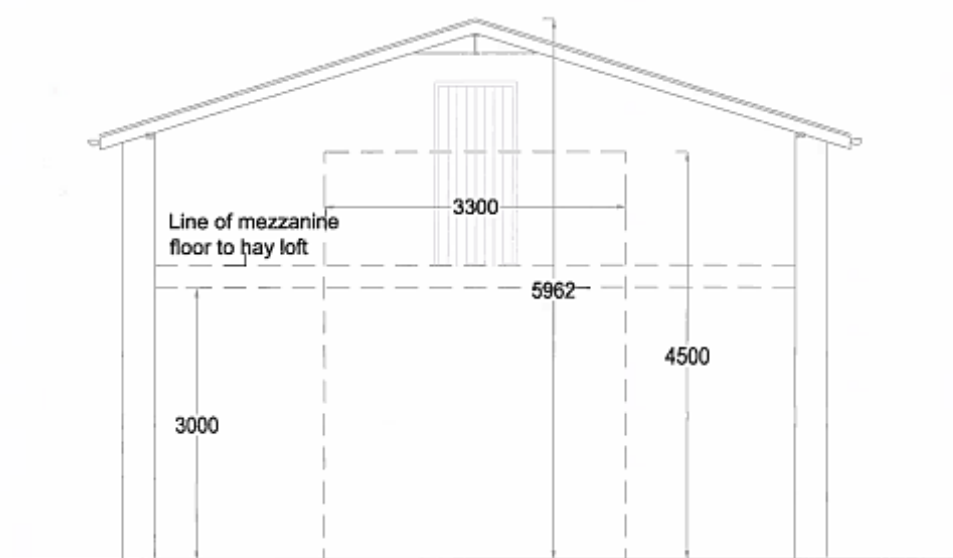
- Proposed finishes
- Dark green double skin ppc metal profiled roof
 - 300mm insulated cavity walls
 - Smooth sand cement render
 - Black rainwater goods
 - Dark green steel sliding door
 - Aluminium windows
 - Perspex rooflights



Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scribbles Road Newtownards	Scale 1:50 Date June 2022 Revision Drawn REG	23 Design Ltd 33 Shore Road Holywood Co. Down BT18 9HX Tel: 07788587711 E: info@23-d.co.uk	 23DESIGN ARCHITECTURE
Drawing Title Hay Shed Proposed SE & NW Elevations	Drawing Number 174/P/08		

Drawing 07 – Levels and Cross Sections for Hay Shed and Tack Store



Proposed Section B-B

LA06/2022/0827

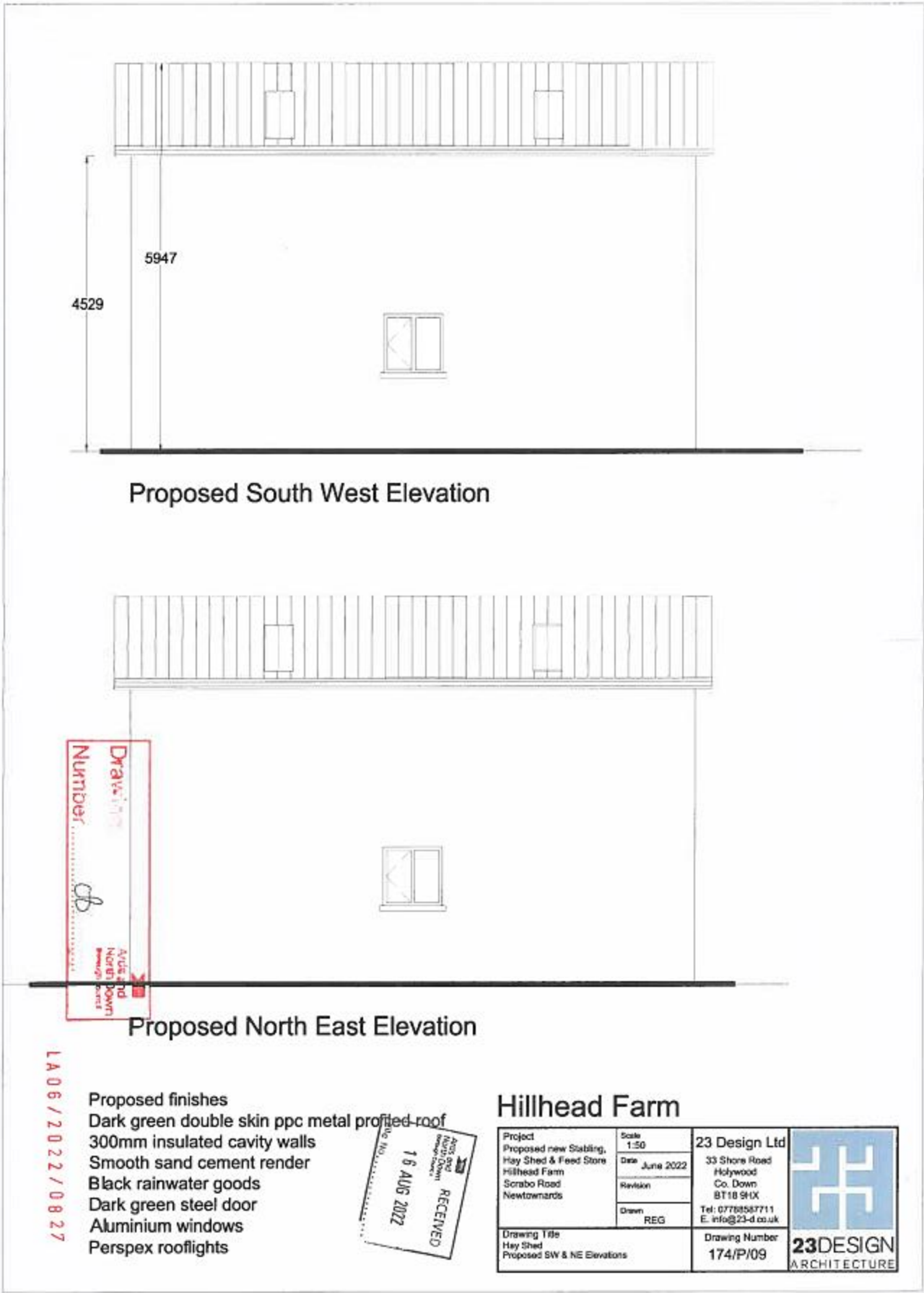
Drawing
Number
07
A06/2022/0827

RECEIVED
16 AUG 2022
Hillhead Farm
Newtownards

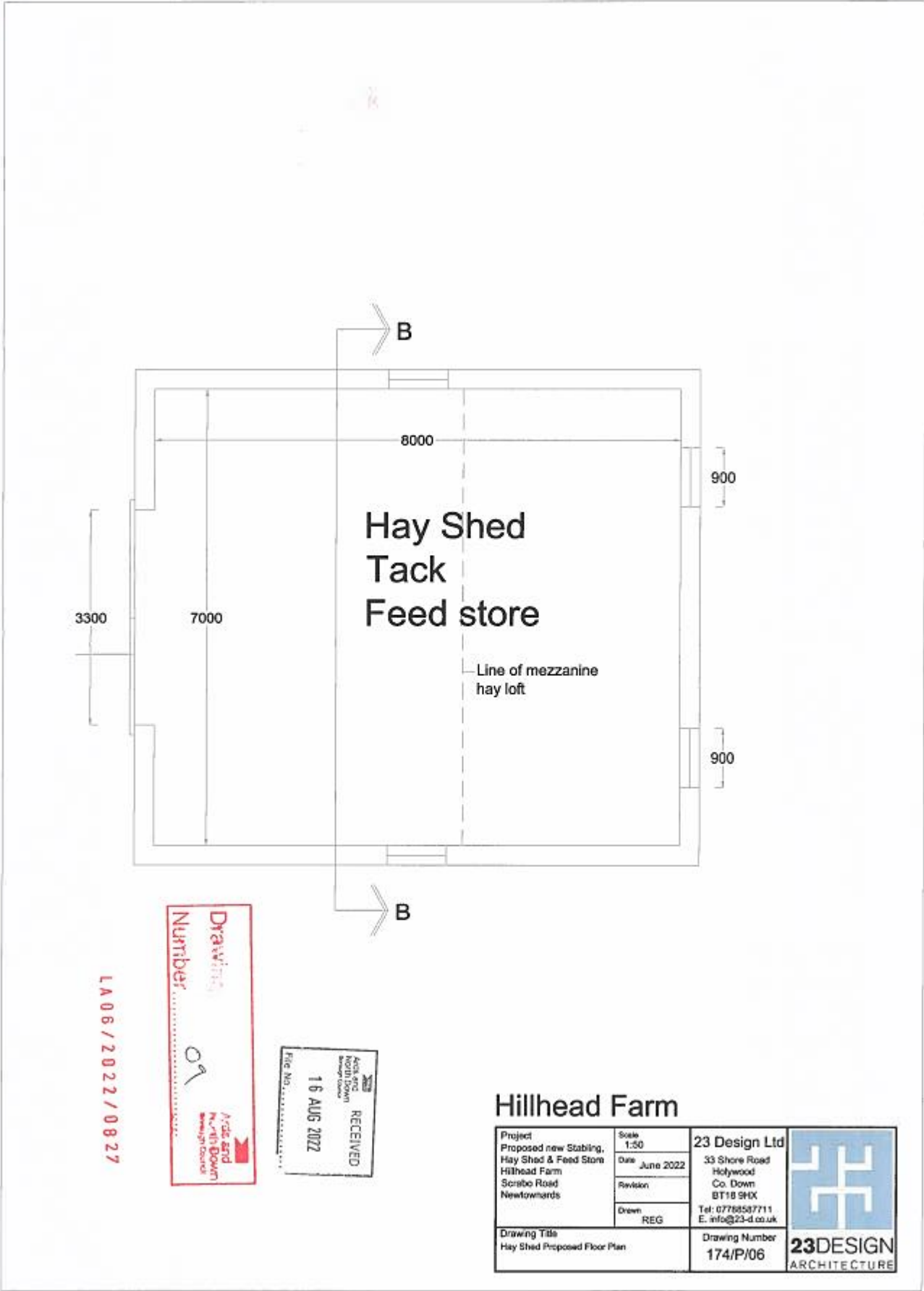
Hillhead Farm

Project Proposed new Stabling, Hay Shed & Feed Store Hillhead Farm Scrabo Road Newtownards	Scale 1:50 Date June 2022 Revision Drawn REG	23 Design Ltd 33 Shore Road Holywood Co. Down BT18 9HX Tel: 07788587711 E: info@23-d.co.uk	 23DESIGN ARCHITECTURE
Drawing Title Hay Shed Proposed Section B-B	Drawing Number 174/P/07		

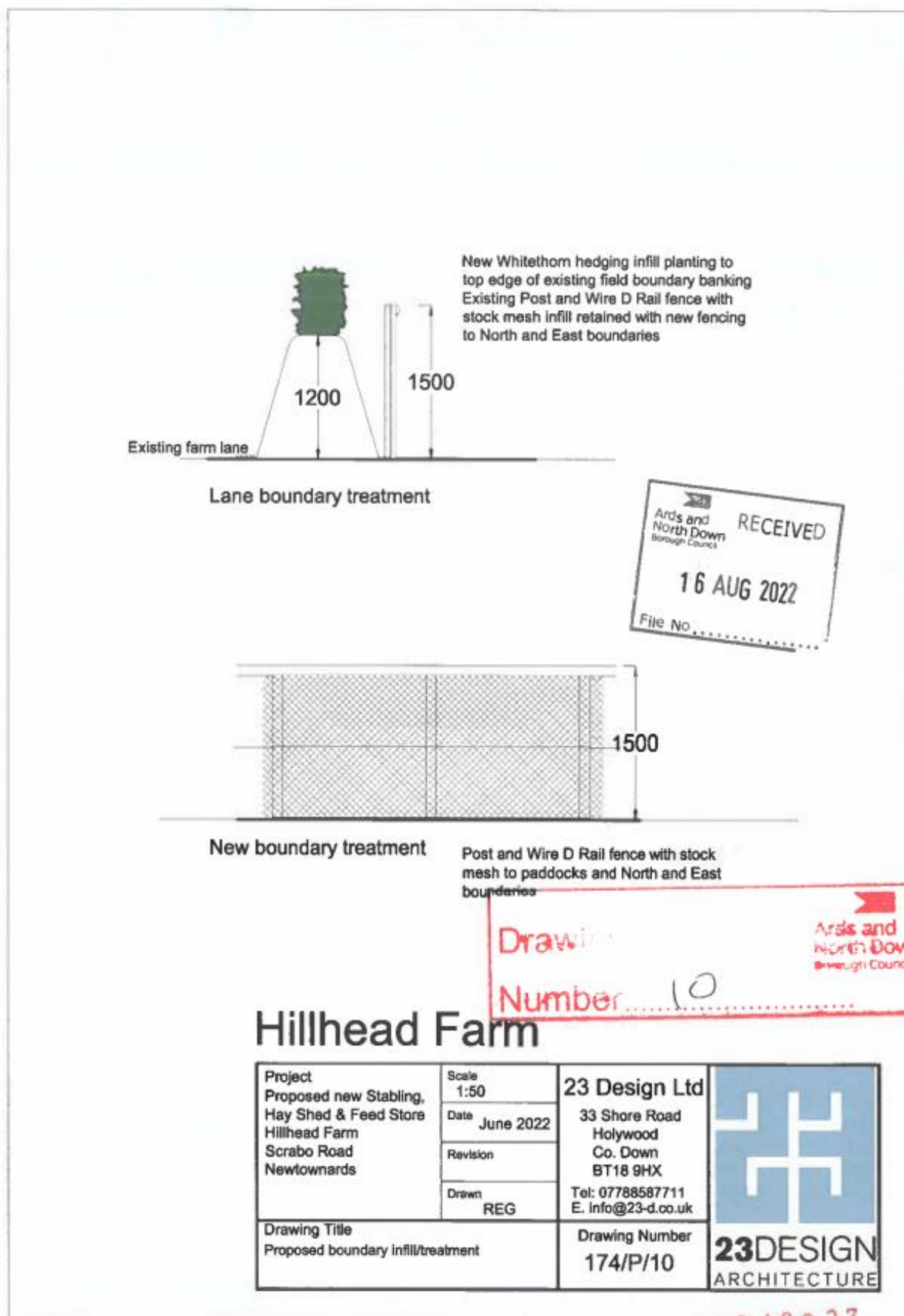
Drawing 08 – Proposed Hay Shed and Tack Store Elevations



Drawing 09 – Proposed Floor Plans (Hay Shed and Tack Store)



Drawing 10 – Proposed Boundary Treatment



Appendix Two: Site Inspection Photographs

Existing access into application site/western boundary



Existing access – through gate.



Southern Boundary




View of application site facing North



View within application site facing Southwest and boundaries to the West and South



Addendum to Planning Committee Report			 Ards and North Down Borough Council
Reference:	LA06/2022/0827/F	DEA: Newtownards	
Proposal:	Stable building and associated hayshed/tack room and equipment store.		
Location:	Lands approximately 250m SW of 240 Scrabo Road, Newtownards.		
Applicant:	Mr G Metcalfe T/a Hillhead Farm		
Date valid:	16.08.2022	EIA Screening Required:	n/a
Date last advertised:	31.08.2022	Date last neighbour notified:	25.08.2022
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Rationale for Addendum and Discussion			
1.0 Introduction and Rationale for Addendum			
<p>This is an addendum to the full Planning Committee Report for application LA06/2022/0827/F which is due to be presented at Planning Committee on 3rd December 2024.</p> <p>This Addendum has been prepared to consider the Briefing Note submitted by Donaldson Planning on behalf of the applicant which was received by the Planning Department in response to the original Case Officer Report. In line with procedure, the Planning Department considers all documentation submitted prior to the formal determination of an application in the assessment of a proposal.</p> <p>In addition to considering the Briefing Note (Donaldson Planning), the Planning Department requested an Explanatory Statement from the applicant to explain how the business is currently operating, where the horses are currently stabled/located, justification for selection of the application site and details of any other alternative sites considered.</p> <p>In response to the request for an Explanatory Statement the applicant submitted:</p> <ul style="list-style-type: none">- An Explanatory Statement regarding the previous business known as Hillhead Farm.- A further Explanatory Statement explaining the current operational circumstances of the business, the challenges the business faces, consideration of alternative sites and justification for the current application.- Copies of 2 Horse Passports.- A copy of a payment made to the applicant by DAERA dated September 2023.- A copy of membership of the applicant's membership in the Irish Thoroughbred breeders' Association.- Pedigree horse information.			

- News article/press coverage relating to a horse owned by the applicant.
- Sales history records for horses.

Consideration of the submitted information is presented below.

2. Consideration of Additional Submitted Information

2.1 Briefing Note provided by Donaldson Planning

The Briefing Note states that the proposed stable building and associated hay and feed store would be located on land owned by the applicant for over 40 years, used for grazing and exercising his horses. The briefing Note considers the buildings to be small with a maximum height of 6m, located approximately 100m south of Scrabo Road on land which is at a lower level.

The Briefing Note acknowledges that a concern raised by the Planning Department is that the proposed development will have an adverse impact on rural character and recognises that the application site is located in a Local Landscape Policy Area (LLPA). The briefing Note emphasises that the LLPA designation does not prohibit development and the Planning Department concurs with this understanding. The LLPA designation does however, prohibit development which will adversely affect the environmental quality, integrity and character of LLPAs which the Planning Department considers that the development will do as:

- The application site forms part of a field that is undeveloped land containing no existing buildings or structures. As the application site and wider field contains no buildings, the development will sit in an isolated position in an exposed landscape rather than being clustered and consolidated with an existing group of buildings in the landscape creating an adverse visual impact on the LLPA.
- The application site contains no mature vegetation such as trees with only one boundary defined by a hedge to be retained. Consequently, the proposed development will appear prominent and have a detrimental impact on the two key features of the particular LLPA which are the traditional pattern of fields which form a patchwork effect and the whole landform of Scrabo Hill which is visually significant in long distance views.

The Briefing Note acknowledges Scrabo LLPA as a high-quality landscape requiring protection from insensitive or inappropriate development and recognises it as an area with a living and working agricultural landscape containing more than 140 buildings consisting of large houses, farm buildings and a number of commercial enterprises. The Planning Department agrees that Scrabo LLPA is a high-quality landscape which is also located in the AONB and considers that all development must be given careful consideration to ensure the quality of the landscape is protected from inappropriate development.

Local Landscape Policy Areas (LLPAs) are those areas, within or adjoining settlements, which are considered to be of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

While the overall LLPA may contain a multitude of buildings for different uses including dwellings and farm buildings, these buildings would have been assessed against site specific circumstances and relevant planning policy. Hence, the existence of other buildings in the surrounding landscape provides no precedent for the proposed development which can only be assessed against the relevant regional planning policy and the site-specific circumstances.

The agent's Briefing Note refers to the Planning Committee Report where reference is made to the Case Officer considering the proposal 'prominent' and 'in a vulnerable position with long distance views achievable from the east and south' with the development 'fully visible' from Moat Road. The Briefing Note refutes that the development will be fully visible from Moat Road and argues that it will be 'well integrated into the landscape'.

While the Planning Department accepts that the proposed buildings will not be visible from Moat Road in their entirety, this is not the policy test: it is whether the proposed development is a prominent feature in the landscape.

When the development site is viewed from along Moat Road, the rear elevation of the building proposed for use as a Hay Shed and Tack Store (measuring 6m in height) reads as skyline development with no backdrop and is a prominent feature. This building is visible to a significantly greater degree than the proposed stables building from Moat Road due to its height and easterly position within the application site (Figures 1 and 2).

The Planning Department also does not agree that the buildings will be well integrated into the landscape as only a hedge along the southern boundary exists/would be retained (the laneway hedge is to be removed to accommodate the access and development, which is considered against policy NH5 of PPS 2 later in this addendum).

There are no existing trees or buildings that could act as a backdrop and/or assist with absorbing the development; it is unable to integrate into the surrounding Local Landscape Policy Area (LLPA 5 of ADAP 2015 – Scrabo Tower & landform) and sensitive AONB landscape.

Figure 1 below: Proposed Site Layout Plan overlay Map

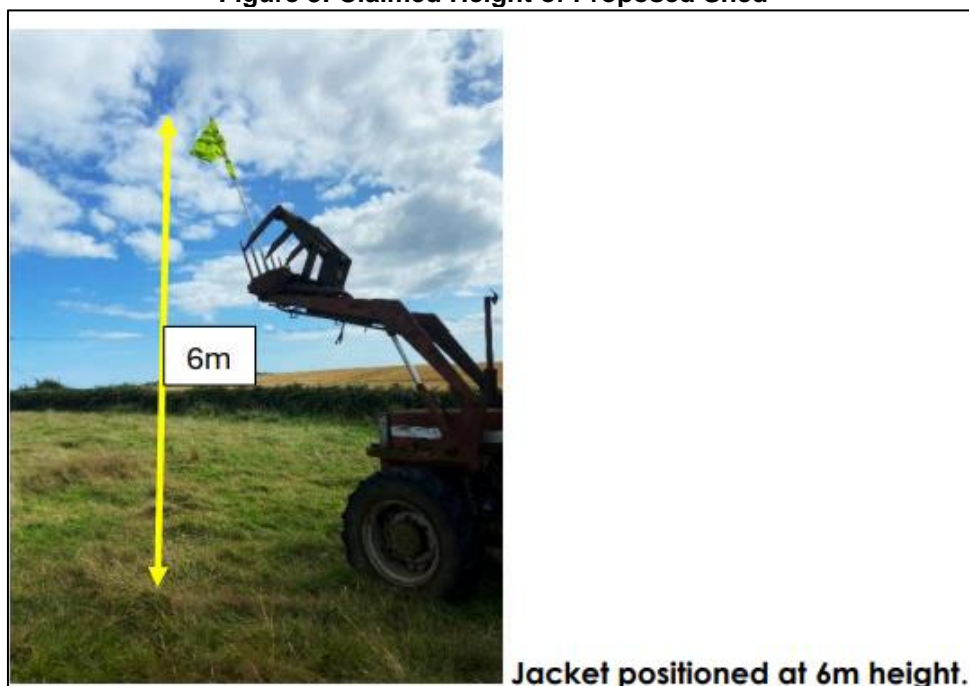


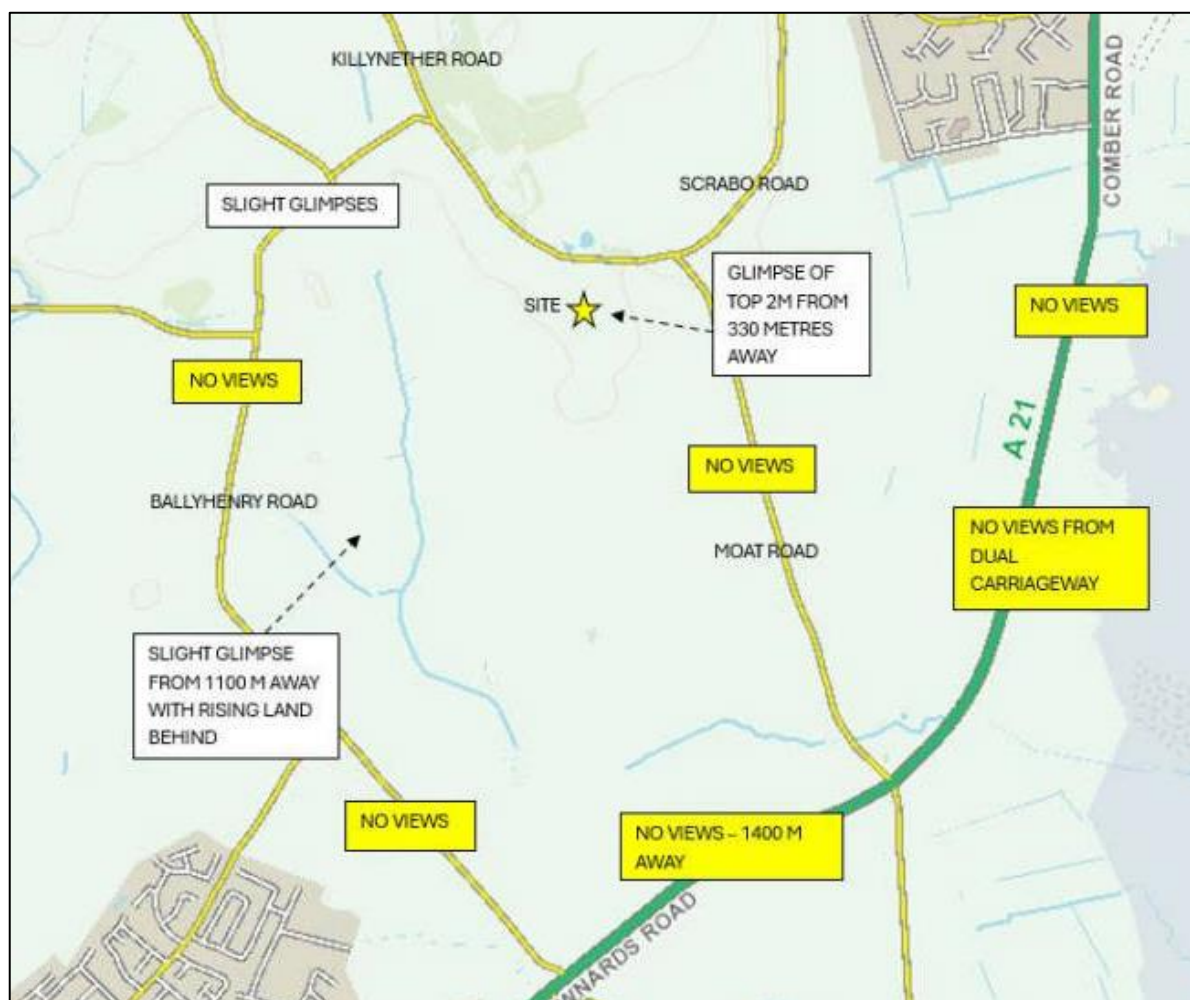
Figure 2: View towards Application Site from Moat Road

The agent's Briefing Note describes the two buildings (stable building and associated hayshed/tack room and equipment store), as modest in size and situated on the lowest part of the applicant's holding. The buildings are not considered modest in height with the Hay Shed and Tack Store measuring 6m high and the proposed stables measuring 4.5m high. While the application site may be situated on the lowest part of the applicant's holding, this does not account for the fact that the wider surrounding landscape consists of open fields with no trees or other natural integrative features or in intervening buildings that the proposed development could avail of, meaning that the proposed buildings will be prominent in this surrounding landscape.

The Briefing Note further contains an assessment of perceived critical views of the proposed development where a high visibility jacket was supported by a tractor and loader and raised to the maximum height and position of the proposed shed (Figure 3). The Briefing Note states that views were then taken of the tractor/jacket from all surrounding roadways and mapped. Figure 4 shows the mapped views of the tractor tractor/jacket contained in the Briefing Note.

Figure 3: Claimed Height of Proposed Shed





The Planning Department does not consider that a high visibility jacket raised on a tractor accurately represents and reflects the visual impact of the proposed buildings. There is also no confirmation within the Briefing Note as to the precise position of the loader within the application site and therefore no reliance of accuracy or determining weight can be placed on this information.

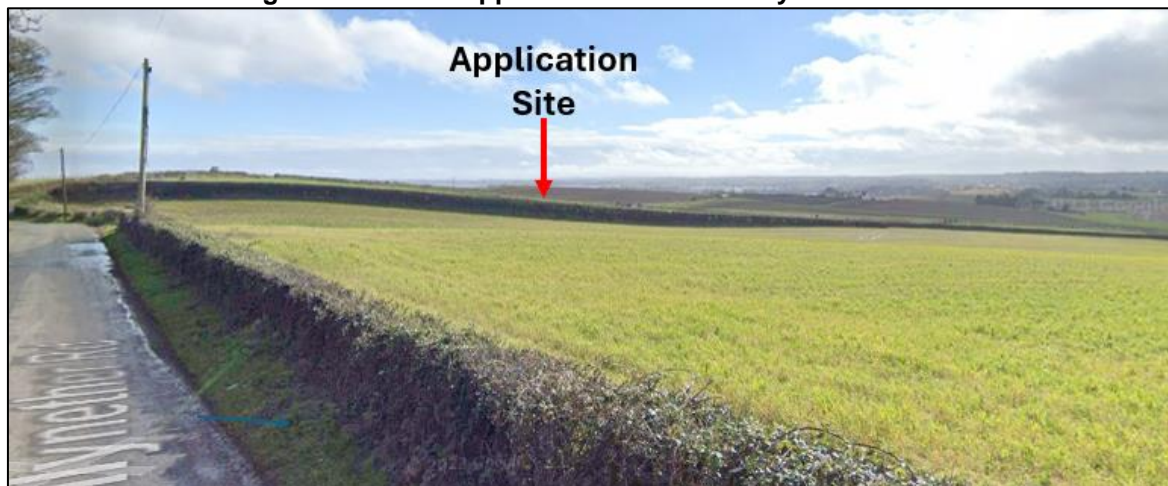
Whilst the Briefing Note includes several long-distance views of the application site, it fails to consider the visual impact of the proposal from the Killynether Road, immediately northwest of the site. There are critical views of the application site from Killynether Road when travelling east with views of the proposed buildings achievable when looking south towards the application site (Figure 5). From this viewpoint there is no existing backdrop or intervening buildings or features in the foreground to assist integration by filtering views of the proposed development. It therefore appears unacceptably prominent from this part of the public road network (approximately 220m away) within a very open and exposed landscape.

It is the considered opinion of the Planning Department that this would be the most critical and sustained view of the buildings in the landscape and would go further to demonstrate over what distance of the Killynether Road they would be visible from –

i.e. it isn't just one point along the road (see image of viewpoint from further along the Killynether Road below).

It is also worth noting that this is an attractive tourist area with Scrabo and Killynether Forest Park providing additional reasoning to ensure the special characteristics of the LLPA and AONB Landscape are protected in this area.

Figure 5: View of Application Site from Killynether Road



The Briefing Note continues to state that in terms of views of the proposed buildings, there will be a slight view of the application site from Moat Road but the development will be 'mostly hidden from view as it will sit at a lower level than the drumlin top and be further screened by vegetation and new planting'. This assertion relies on a photograph of the 6m high jacket on the tractor to demonstrate that only the top of the hay shed will be visible (Figure 6) and also on new planting which will take a considerable time to mature.

Figure 6: Views of Application Site from Moat Road provided by the Agent



View from Moat Road



Magnified view from Moat Road to show the jacket attached to the loader is only just visible – only the very peak of proposed hay store may be visible due to the combination of topography and vegetation.

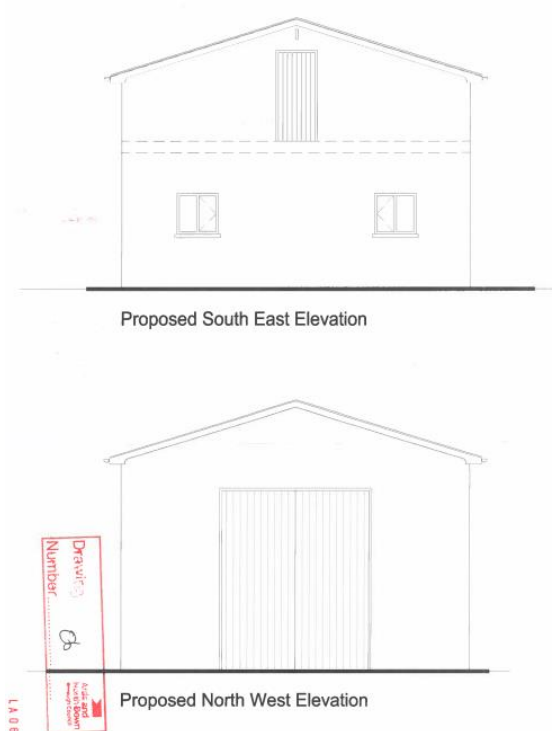
The Planning Department would contend that the view provided has not been taken from the where the application site is most visible on Moat Road and, would point out that while the agent asserts the buildings would be screened by new planting, the need for new planting for integrative/screening purposes is contrary to planning policy as specified in PPS 21, Policy CTY 13 - Integration and Design of Buildings in the Countryside, Criteria (c) where it clearly states that a new building is unacceptable where it relies primarily on the use of new landscaping for integration. As 26 new trees have been proposed for integrative purposes along with the planting of a hedge along the lane-side boundary, it is clear that the proposal relies on new planting for integration. Moreover, it is also considered that the amount of tree planting is out of keeping with the character of the surrounding area which consists of open fields with hedgerows.

Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of PPS 2 states that permission will only be granted for a development proposal that is not likely to have an adverse impact on or damage to a number of listed elements, one being priority habitat.

The extensive tree planting does not make up for the loss of the hedgerow, which exceeds 30m in length, and there is no record of an Extended Phase 1 Habitats Survey being carried out as set out in NIEA's Standing Advice on Hedgerows to consider the impact on the degradation of hedgerow quality and the foraging opportunities for existing species.

The Planning Department considers that the proposed extensive tree planting is uncharacteristic in the surrounding landscape which is open character in nature and defined by existing hedgerow boundaries.

Additionally, as per the proposed site layout (drawing No.03A), it is the rear elevation of the proposed Hayshed which will be clearly visible from Moat Road. This elevation is two-storey with the pitched roof (set out below - drawing No.06) and is proposed to have a sand cement render finish. The proposed building, which the Planning Department does not consider as modest nor ancillary to the primary stables building given its scale, size and height, will clearly read as skyline development and be a prominent feature in the surrounding landscape from Moat Road (see also initial Case Officer Report).



The Planning Department would agree with the Briefing Note with regard to the assertion that the keeping and breeding of horses is a recognised rural activity with stables and hay sheds a recognisable and acceptable element throughout the Northern Ireland countryside. The Planning Department does not however, agree with the conclusion contained in the Briefing Note that the development will not be prominent and will nestle into the local landscape for the aforementioned reasons.

2.2 Explanatory Statements

Two explanatory Statements were submitted on behalf of the applicant. One sets out the history of the business which was previously located at Hillhead Farm and the second, explains how the business is currently operating following the loss of the facilities at Hillhead Farm.

Explanatory Statement – History of Business

The applicant explains that for nearly 40 years he has been involved in breeding National Hunt horses in the area but due to matrimonial circumstances was required to sell the farmhouse, 8 acres and the stabling facility. The applicant states that he retained 12 acres of land where he continues to operate the breeding business (this site is a part of this acreage). No information has been presented by the applicant demonstrating that a search for alternative stabling facilities in the locality has been investigated.

The Statement continues to explain that the applicant is a member of the Irish Thoroughbred Breeders Association, having served on the Committee for over 35 years and is governed by its code of practice. The applicant also states that he receives a grant subsidy from DAERA.

The applicant states that the objective of his business is to produce high quality foals suitable for sale with those foals requiring additional time for development, retained until they are 3 years old and ready for the next sales cycle. The applicant explains that while he previously handled the preparation of his horses, he now sends them to Hillcrest Stables in Killinchy for this process.

The statement continues to provide information regarding the number of successfully bred foals and racing winners which is not considered relevant to the assessment. Documents supporting this element of the statement were submitted and include:

- Copies of 2 Horse Passports.
- A copy of a payment made to the applicant by DAERA dated September 2023.
- A copy of membership of the applicant's membership in the Irish Thoroughbred breeders' Association.
- Pedigree horse information.
- News article/press coverage relating to a horse owned by the applicant.
- Sales history records for horses.

The Planning Department would assert that the success/longevity of a business is not a material planning consideration so the information listed above pertaining to this holds no weight in the assessment of the proposal except to demonstrate that the proposed stables are for equestrian use, and he has managed to function without the proposed development to date.

Explanatory Statement – Current Operation of Business

This Statement explains that the applicant's previous farmstead contained 4no. indoor stables, a high hayshed, a foaling and isolation unit and tack room.

In terms of the operational arrangements of the business following sale of the above facilities, the applicant explains that from November to April his horses are stabled in Ballymena. The Statement explains that while business can function under this arrangement, the applicant states there are limitations in their view although this cannot carry determining weight in the assessment of the current planning application site, as this was a personal decision to use this location and nowhere closer:

- Limited indoor space for some horses has resulted in some being kept in sheltered fields.
- The facilities scale makes it difficult to monitor individual horses with the same level of care as he could when the applicant had his own facilities. The use of his own facility may assist in preventing injuries to horses.
- The risk of contagious diseases is higher because multiple horses from different owners share the same space. The barn setup makes isolating infected horses extremely difficult.
- The arrangement is financially draining, adding unnecessary strain on the applicant's business.
- The applicant is unable to support local suppliers for feed, haylage, and engage his usual veterinary practice which has a wider economic impact.

The Statement explains that from May to October, the applicant continues breeding on the 12 acres of land he retained.

The applicant explains that *'In the past, I foaled my own mares with assistance from my local Veterinarians, but now I must send them to a specialised foaling unit in Southern Ireland near the stud farms. Once the mares have foaled, been covered, and confirmed back in foal, they return home. Meanwhile, the foals, yearlings, two-year-olds, and three-year-olds graze on the land'*.

The Statement sets out perceived difficulties asserted by the applicant:

- As there is no stabling, should a horse become injured they would need transported to a veterinary clinic which may not always be practical.
- Routine veterinary and farrier services take place in a small, fenced area in the field. This arrangement poses health and safety risks to both horses and the professionals and only for his long-standing relationship do they attend.
- The applicant currently uses his car as tack room, which is both impractical and inefficient.
- Feed is stored in a large waste bin, and there is nowhere to store extra supplies

This Statement explains that in selecting the application site, consideration was given to other locations on the 12 acres of land with the application site considered the least visible and capable of providing the best shelter when the horses are turned out during the day in the winter paddocks.

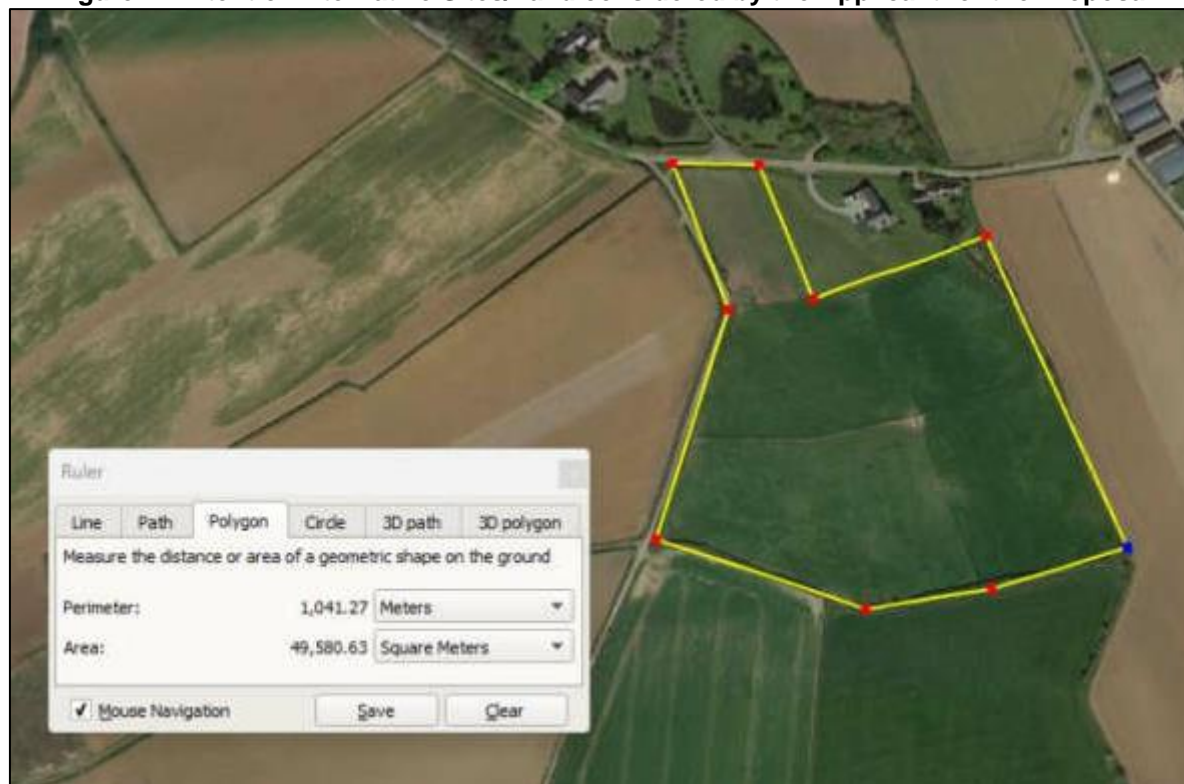
In its concluding summary, the Statement requests planning approval to ensure *"health, safety, and welfare of both the horses and personnel, and to maintain the efficient operation of my equine activities"*.

The applicant considered the 6m height of the hayshed necessary to allow for tractor access to handle and store large bales of straw. The applicant explains that the

proposed facility will include an isolation area for mares and foals returning from stud farms, to migrate the risk of contagious diseases, and will also incorporate a tack room.

Having considered the above information, the Planning Department requested that the planning agent confirm the location of 12 acres of land considered in the site selection process. A map was submitted which showed that the 12 acres included the application site and land immediately north and east (Figure 7).

Figure 7: Extent of Alternative Sites/Land considered by the Applicant for the Proposal



Having considered the Statement the Planning Department considers insufficient consideration has been given to alternative sites for the development which is limited to only the lands owned by the applicant within the specific LLPA and the AONB. In selecting an acceptable site, consideration should have been given to lands where the development could be visually integrated into the surrounding landscape and where it would not cause a detrimental change to the rural character of an area. It should be noted however that the Planning Department does not consider that any land within the applicant's ownership at this location along Scrabo Road would comply with the policy tests in terms of absorption and integration into the surrounding open landscape.

Lastly, the submitted Design and Access Statement states that the applicant's own stabling facilities were sold off in February 2021. Since then, the applicant's business has been able to operate without owning stabling facilities, albeit not in the most economically sustainable manner in his view given a requirement to avail of stabling facilities outside of his ownership. Nonetheless, the business has functioned without the proposed development. The Planning Department considers that the applicant's desire to develop the proposal at the application site for financial reasons/efficiency gains, does not outweigh the policy requirement to protect this Area of Outstanding

Natural Beauty in which the proposed development would be a prominent feature and cannot be effectively integrated even with proposed new planting.

3.0 Planning Appeal 2020/A0064

Planning Appeal 2020/A0064 (Appendix 1) reviewed the decision to refuse planning permission for 'Retention of building for equestrian use, to include domestic stables, hay store and tack room'. The Planning Department considers the appeal development comparable in terms of the application of the third criterion of planning policy OS 3 of PPS 8 to that proposed under the current application.

A main issue in Appeal 2020/A0064 is whether the buildings for equestrian use will have an adverse impact on visual amenity or the character of the local landscape due to lack of integration (when the roadside hedgerow is removed to provide the visibility splays).

Similar to the application site, the appeal site is located in a rural area. Unlike the appeal site which was not subject to any specific designations or zoning, this application site is located in a much more sensitive landscape (Strangford and Lecale AONB and Scrabo Tower and Landform Local Landscape Policy Area). Given the additional designations, it is considered that the development proposed under the current application requires even greater consideration with regard to its visual impact on the special designated areas than that awarded to the appeal site.

As with the current application, the appeal proposal was assessed under PPS 8: Open Space, Sport and Outdoor Recreation and PPS 21: Sustainable Development in the Countryside.

Policy CTY 1 – Development in the Countryside of PPS 21 says that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One such is outdoor sport and recreational use in accordance with PPS 8. Therefore, if the development satisfies the requirements of PPS 8, it would be acceptable in principle. Thereafter, its siting, design and other planning and environmental considerations remain to be assessed in concluding on whether it complies with Policy CTY 1.

Appeal 2020/A0064 determined and sustained the refusal reason that the proposal is not compliant with Policy CTY 1 of PPS 21 on the premise that it accords with PPS 8 as it was not sited to integrate sympathetically with its surroundings.

Following the first refusal reason, appeal 2020/A0064 also determined that the development failed to satisfy criterion (iii) of PPS 8 Policy OS 3 which requires that there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

The third refusal reason was that the equestrian buildings were at odds with criterion (b) of Policy CTY 13 of PPS 21 whereby the site lacks long-established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Figure 8: Unauthorised Appeal Building dismissed at appeal under 2020/A0064 (Google Streetview) for comparison – considered to be an adverse impact on visual amenity and character of local landscape:



The Planning Department considers that the current application should be refused for the reasons specified in appeal 2020/A0064 which were upheld by the Planning Appeals Commission as:

- The site forms part of an open field on elevated ground with long distance views achievable from surrounding public roads. The proposed buildings would not integrate to sympathetically with its surroundings. Indeed, the 26 proposed trees would appear out of character with the open fields.
- The development cannot be readily absorbed into the landscape by taking advantage of existing vegetation or topography and contains no mature vegetation or trees.
- The application site only retains one boundary defined by hedge as the only other boundary defined by a hedge would be removed allow for the development of the visibility splays. While another hedge would be planted behind the visibility splays, this hedge would take time to mature.

In addition to the current proposal being refused in accordance with the three refusal reasons upheld in Appeal 2020/A0064 on what is considered a less sensitive site, the Planning Department also contends that the current application does not comply with the following policy criteria:

- Policy CON 2 in the ADAP, and criteria iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are

not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

- Policy NH 6 of Planning Policy Statement 2 Natural Heritage criterion (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
- Policy CTY13 criteria (a), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape as it would read as skyline development; the proposal would rely primarily on the use of new landscaping for integration and, the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
- Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

As detailed in the Case Officer Report and referred to earlier, the application site lies within Scrabo Tower and Landform Local Landscape Policy Area. Policy CON 2: Local Landscape Policy Areas (Policy CON 2) designated by the ADAP explains that planning permission will not be granted for development proposals which would be liable to adversely affect the environmental quality, integrity or character of these areas. Policy CON 2 continues to explain that Local Landscape Policy Areas are of greatest amenity value, landscape quality or local significance, and therefore worthy of protection from undesirable or damaging development.

Features that contribute to the environmental quality and the character in which the application site is located include:

- The whole of the landform of Scrabo Hill which extends across Kempe Stones Road to the north and in a number of tails towards Comber to the south as well as the remaining undeveloped flat foreground adjoining Comber Road which is visually significant in long distance views.
- Traditional patterns of farms and fields which are renowned for their agricultural quality and create a patchwork effect.

The Planning Department remains of the view that the proposed development is contrary to Policy CON 2 as it would adversely impact the character and environmental quality of the LLPA 5. This is as the application site forms part of a field that is undeveloped land which contains no existing buildings, structures or trees and thus is unable to absorb the development into the rural landscape without creating an adverse visual impact on its existing character. Additionally, with no visual backdrop from existing buildings or mature vegetation such as trees, the proposed development will be prominent in the landscape which consists of open fields and will be critically visible from surrounding public viewpoints as outlined earlier in section 2 of this Addendum.

Policy OS 3 of PPS 8 states that the development of proposals for equestrian/ outdoor recreational uses will be permitted where all of eight criteria are met. In light of the aforementioned reasons, the Planning Department also considers that the proposed development fails to comply with criteria iii) and vi) of Policy OS 3 in PPS 8:

- iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

As the proposed buildings would be located in what is considered vulnerable landscape with clear critical views and, given that a key environmental feature of Strangford and Lecale AONB, is Scrabo Hill, it is considered that the siting, scale and proposed finishes of the of the proposal will appear prominent and not sympathetic to the character of the AONB. Consequently, the proposal is also considered contrary to policy criterion (a) of Policy NH6 in PPS 2:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

In addition to not complying with criterion (b) of Policy CTY 13 - Integration and Design of Buildings in the Countryside, of Planning Policy Statement 21 which was upheld as a refusal reason Appeal 2020/A0064, considered comparable case to the current proposal, the development also offends criteria (a), (c) and (f) where a new building is unacceptable where:

- (a) it is a prominent feature in the landscape.
- (c) it relies primarily on the use of new landscaping for integration.
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The above refusal reasons have been provided as the buildings will have a significant adverse visual impact from Killynether and Moat Roads in a landscape consisting of expansive open fields, which gradually descend to the south. The proposed development is prominent and fails to acceptably integrate into the surrounding high scenic area. Further, the application site is unable to provide a suitable degree of enclosure for the new buildings in order to integrate into the landscape with no existing trees or other natural features and buildings to aide integration, alongside the fact that it would primarily rely on the use of new landscaping (26 new trees and a new hedge boundary) for integration then it is clear that the proposal cannot satisfy the above policy criteria.

Lastly, the proposal fails to satisfy criterion (a) in Policy CTY14 - Rural Character, of PPS 21 which states that a new building will be unacceptable where:

- (a) it is unduly prominent in the landscape.

It follows that if the development cannot comply with criterion (a) of Policy 13, it also cannot satisfy (a) of Policy CTY 14 as the proposal would cause a detrimental change to the rural character of the area.

The Planning Department takes the view that Planning Appeal 2020/A0064 provides a comparable case to the development proposed. While each planning application is

assessed on individual merit, it is inarguable that where a proposal will adversely impact the landscape in which it is to be located, then planning permission must be refused.

Given that the application site lies within a vulnerable and sensitive landscape, more so than the Appeal site because of the AONB and LLPA designations and determining weight cannot be simply applied to the applicant's personal circumstances over the need to absorb the proposal into the surrounding open countryside, the Planning Department stands by its recommendation to refuse the application.

4.0 Full Refusal Reasons

Having reviewed the submitted information, the Planning Department remains of the opinion that the proposal does not comply with planning policy and should be refused for the following reasons:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings are not designed to integrate sympathetically within their surroundings and there are no overriding reasons as to why it is essential and could not be located in a settlement.
- The proposal is contrary to the SPPS and Policy NH 6 of Planning Policy Statement 2 Natural Heritage criteria (a) in that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality
- The proposal is contrary to the SPPS, Policy CON 2 of ADAP 2015, and criteria iii) and vi) of Policy OS 3 of PPS 8 in that the proposal will have an adverse impact on visual amenity or the character of the local landscape and the development cannot be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography and, the ancillary buildings are not of an appropriate scale to the local area and are not sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
- The proposal is contrary to the SPPS and Policy CTY13 criteria (a), (b), (c) and (f) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposal would rely primarily on the use of new landscaping for integration and, the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
- The proposal is contrary to the SPPS and Policy CTY14 criterion (a) of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would be unduly prominent in the landscape and would therefore result in a detrimental change to and further erode the rural character of the countryside.

5.0 Summary


Taking into consideration the comparable Planning Appeal 2020/A0064, the policy interpretation and weight afforded by the PAC to the visual harm caused to the character of the rural area and the fact that policy OS3 of PPS8 does not list the 'need' for such a facility as a material consideration to be given weight the Planning Department remains of the view that the proposal should be refused on the grounds of the visual harm caused to the character of this sensitive rural landscape for the reasons outlined above.

ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2024/0676/F
Proposal	Extension to residential curtilage and erection of single storey detached ancillary residential accommodation
Location	55 Woburn Road, Millisle, BT22 2HZ DEA: Ards Peninsula
Committee Interest	<p>A local development application “called-in” to the Planning Committee by a member of that committee from the Delegated List on 13 November 2024 – The Mayor seeks the Planning Committee to consider whether -</p> <ul style="list-style-type: none"> the proposed single storey detached ancillary residential accommodation, contrary to the officer’s recommendation, is indeed essential as the applicant wishes to provide an element of independent living and support to his adult daughter who has health issues. They believe that their daughter will require additional support going forward and that she would benefit greatly by living adjacent to her home with family nearby. The second refusal reason cited is that the ancillary accommodation is not considered to be subordinate and demonstrates dependency on the main residential dwelling. The Planning Committee needs to consider whether the annex can practically and viably operate on its own given it is fully dependent on the host dwelling for all services including power, water, drainage, car parking, amenity and access from the public road. Also, whether this could be resolved through a planning condition or legal agreement. Furthermore, the committee needs to examine this in the context of the recent approval of a detached 2 bed annex of 1500 sq. ft. at 225A Millisle Road, Donaghadee LA06/2022/1262/F
Validated	11/10/2024
Summary	<ul style="list-style-type: none"> Planning history of site includes application for a new dwelling which did not comply with PPS 21 ‘Sustainable Development in the Countryside’. This application was withdrawn following a recommendation for refusal. Key difference from the withdrawn application is that the proposed accommodation has been reorientated to face

	<p>the side gable of the existing dwelling, however it remains the same in terms of siting, size and scale.</p> <ul style="list-style-type: none">• Proposal for ancillary accommodation requiring an extension of the existing curtilage. Proposed self-contained accommodation is accessed via a separate driveway, has its own fenced-off lawn and has appearance of a new separate dwelling and does not comply with the Addendum to PPS 7 as it is not considered subordinate to the host dwelling.• It fails to meet PPS 21 in terms of policy CTY 14 as the proposed development contributes to a loss of rural character.• The Addendum report deals with the submitted comparison to a recent application before the Council at No.225A Millisle Road, Donaghadee. The proposal is not comparable as the private amenity space, parking and access are not shared with the current proposal physically separated by fencing and the forked driveway, therefore appearing as a separate planning entity.• No representations received.
Recommendation	Refuse Planning Permission
Attachment	Item 4.2a – Case Officer Report Item 4.2b – Addendum Report

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2024/0676/F	DEA: Ards Peninsula		
Proposal:	Extension to residential curtilage and erection of single storey detached ancillary residential accommodation			
Location:	55 Woburn Road, Millisle, BT22 2HZ			
Applicant:	Robert Anderson			
Date valid:	11/10/2024	EIA Screening Required:	N/A	
Date last advertised:	24/10/2024	Date last neighbour notified:	14/10/2024	
Letters of Support: 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
Consultation not required.				
Summary of main issues considered: <ul style="list-style-type: none"> Principle of Development Impact on existing dwelling and character of the area Impact on privacy and amenity of neighbouring residents Impact on trees/landscape features Impact on amenity space/parking Impact on designated sites/natural heritage assets 				
Recommendation: Refuse Planning Permission Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal				

1. Site and Surrounding Area

The application site is located at 55 Woburn Road, outside the settlement of Millisle, consisting of a large 1-2 storey dwelling with attached stables (finished in white render), and a small industrial business use to the rear of the site, consisting of a concrete yard and two detached workshops. The residential curtilage of the site is proposed to extend to the west, into a small field running along the boundary of the site. To the west of the dwelling, there is a large field and paddock, under the ownership of the applicant but not within the residential curtilage.



Figure 1 – front of dwelling



Figure 2 – western elevation of dwelling / stables



Figure 3 – eastern elevation of dwelling

The dwelling has an enclosed courtyard to its rear, surrounded by the stables to the west and the eastern 'wing' of the dwelling to the other side. There is a long driveway leading from Woburn Road to the dwelling, which splits in two close to the site entrance,

forming clear separate accesses for the workshops and the dwelling. To the west of the lane accessing the workshops there is a field, which is bound by low timber fencing.



Figure 5 – driveway

Towards the rear of the dwelling on its eastern side, there is a level drop, with a modest patio area surrounded by low white render walls. Beyond this, the property is occupied by a large field and a paddock, neither of which are within the residential curtilage of the application site. The site is bound by a mature hedgerow to the front, dense trees to the west and a mixture of hedging and trees to the rear and eastern boundaries.



Figure 6 – eastern yard / patio area



Figure 7 – dropped level beyond yard / patio



Figure 8 – field on western end of site

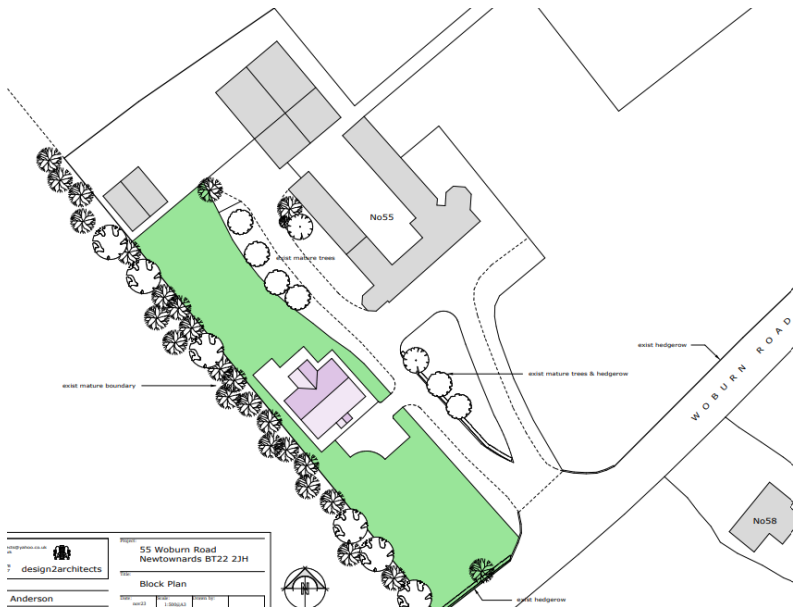
The surrounding area is rural in character, consisting of dispersed dwellings with varied scale and character.

2. Site Location Plan

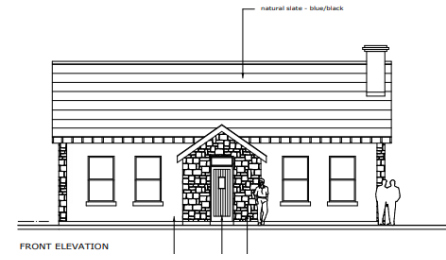
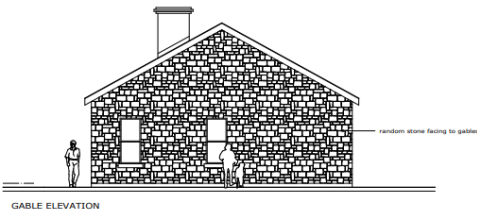


3. Relevant Planning History

LA06/2023/2483/O – Dwelling – Application withdrawn



Withdrawn Proposal



Withdrawn Proposal

The application was withdrawn, with the agent stating their intention to re-apply for ancillary accommodation instead.

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 7 Addendum: Residential Extensions and Alterations
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

Development Plan

ADAP currently acts as the LDP for this area. As the site is located outside the settlement limit of Millisle, considerations from PPS 21 apply. Within this, Policy CTY 1 stipulates that planning permission will be granted in the countryside for an extension to a dwelling house where this is in accordance with the Addendum to PPS 7. As the proposal involves the erection of detached ancillary accommodation, this policy will apply. There are no material provisions in the Plan that are pertinent to the proposal and therefore the determination will be based on other material considerations.

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.

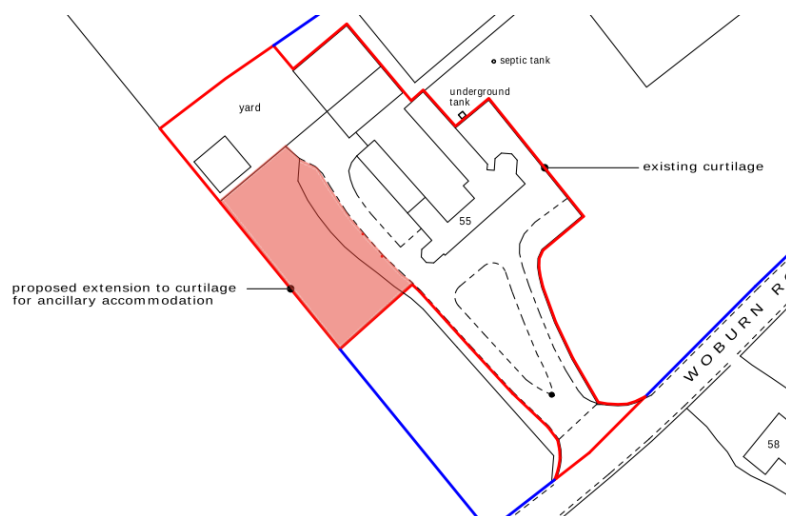
Impact on Existing Dwelling and Character of Area

Full planning permission is sought for an extension to the residential curtilage of the application site, and the erection of detached ancillary residential accommodation.

Extension to curtilage

The proposed extension to residential curtilage will see a portion of the field west of the driveway being added to the residential curtilage of the site. At present, this field is seemingly only used for the grazing of animals, such a sheep or horses. It is currently fenced off, with black painted timber fencing, showing a clear disconnect between this area and the host dwelling. The proposed area will measure approx. 682.6m2, with the entirety of the proposed residential curtilage measuring approx. 4288.9m2.

The proposed extension to residential curtilage does not represent a major increase to the area of the site and is not deemed to affect the character or appearance of the host dwelling or surrounding area.



Site location plan with extended area highlighted



Photograph of area to be added to curtilage

Detached ancillary residential accommodation

The proposed detached ancillary residential accommodation is to be located within the area of extended curtilage. The proposal is single storey, finished in painted render with a pitched, tiled roof, matching the appearance of the host dwelling, and will be approx. 13m wide, with a depth of approx. 8.5m and a ridge height of approx. 5.4m. The scale and style of the proposal represents that of a detached bungalow, as opposed to a small “annex” style development.

It is noteworthy that the proposed ancillary accommodation has a floorspace of approx. 102.9m² – which is larger than the neighbouring dwelling opposite at No.58 Woburn Road, which has a floorspace of approx. 99m². The proposed building for ancillary accommodation would be similar in appearance to this dwelling (see image below).



58 Woburn Road

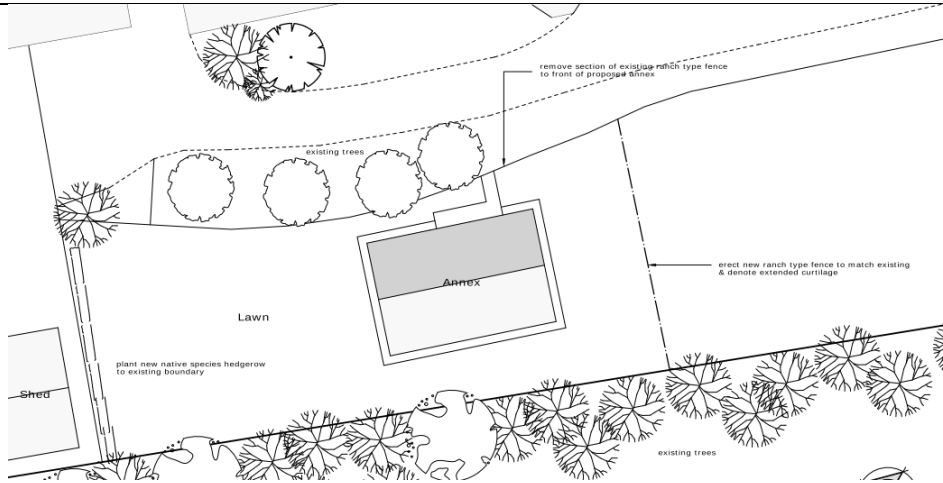
The proposed siting of the ancillary accommodation is approx. 17.6m southwest of the host dwelling and approx. 60.4m away from the front boundary of the site (facing onto Woburn Road). Considering the scale of the proposal (to include two bedrooms, a kitchen, a living room, a shower / wet room and a hall), and its separation from the host dwelling, it is evident that it could function completely independently of the host dwelling.

The proposed block plan (below) shows that the proposed ancillary accommodation will be completely separated from the rest of the site, with “ranch type” fencing and new hedging bounding a lawn which surrounds it. Further to this, the ancillary accommodation would sit adjacent to the laneway that is used to access the workshops to the rear of the site, evidencing a separate vehicular access to that of the host dwelling. It would also have its own separate private amenity space to the side/rear and there would be sufficient room immediately adjacent for separate parking to serve the accommodation.

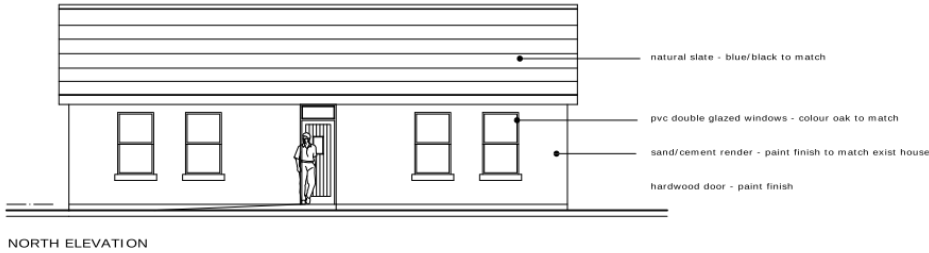
While medical information was submitted by the applicant, this was not deemed to demonstrate the need for ancillary accommodation of this scale or detached nature. It has not been demonstrated why an extension to the existing dwelling would not be feasible. While there is a septic tank close to the northeastern corner of the dwelling, there is still ample space in the surrounding area for attached ancillary accommodation. Ancillary accommodation which is attached to the host dwelling would likely fulfil the policy requirements in this case, as it would be viewed as ancillary and an integral part of the host dwelling.

PAC decisions have consistently demonstrated that the main considerations for ancillary residential buildings, such as within 2015/E005, are whether:

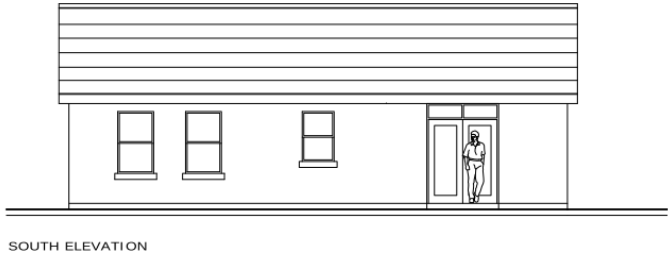
- There are physical boundaries between the ancillary building and the main dwelling
- The garden area is shared between the two buildings
- The parking area is shared between the two buildings



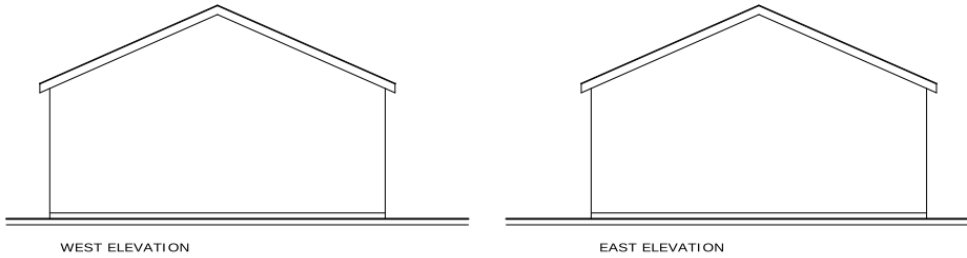
Proposed Site Plan



NORTH ELEVATION



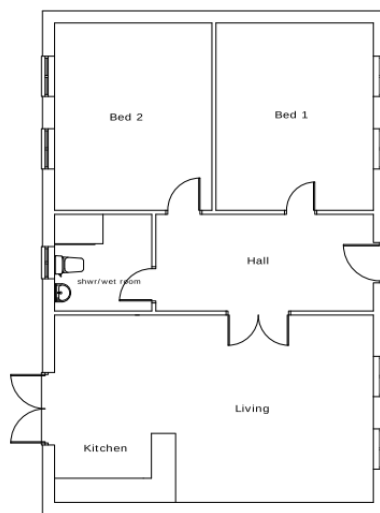
SOUTH ELEVATION



WEST ELEVATION

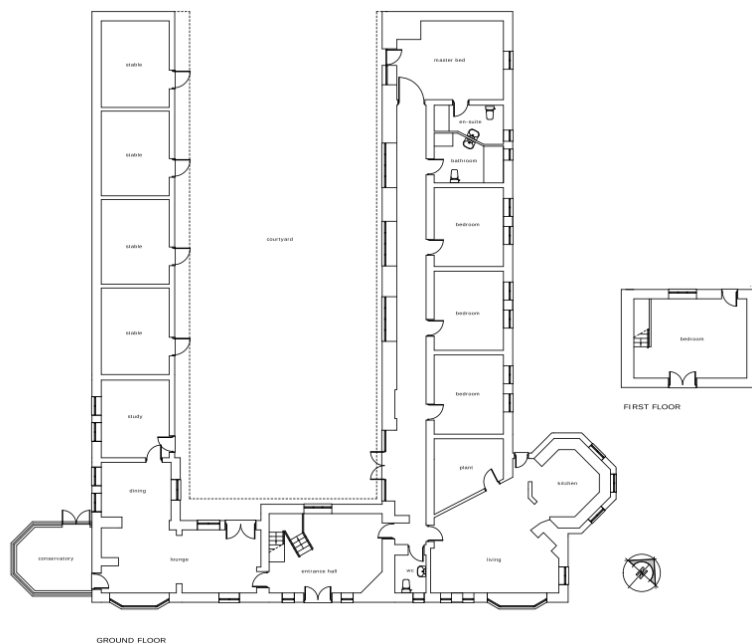
EAST ELEVATION

Proposed Elevations



GROUND FLOOR PLAN

Proposed Floor Plan



GROUND FLOOR

Floor Plan (Host Dwelling)

Impact on Privacy and Amenity of Neighbouring Residents

The nearest neighbouring property to the proposal is No.58 Woburn Road, which is located approx. 96.3m away from the proposed ancillary accommodation. As such, there is no feasible impact on overshadowing, loss of light, overlooking or dominance to the neighbouring dwelling as a result of the proposal.

Impact on Trees/Landscape Features

The proposal would not cause the unacceptable loss of, or damage to, trees or other landscape features. There are no Tree Preservation Orders on site.

Impact on Amenity Space and Parking

The proposed residential ancillary accommodation would have no impact on the existing car parking provisions associated with the site.

The proposed extension to residential curtilage would see the introduction of further private amenity space to the site, however, this is proposed to be a lawn for the ancillary accommodation – which does not meet the policy criteria. Therefore, while the proposal introduces an increased amount of amenity space within the site, this would not be directly accessible to the host dwelling, and as such would not be of benefit. Nonetheless, the existing provision for private amenity space within the site is considered to be sufficient in line with the guidance set out by Creating Places.

Designated Sites and Natural Heritage

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

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

PPS 21 – Policy CTY 13 Considerations:

Policy CTY 13 of PPS 21 stipulates that a new building will be unacceptable where:

- It is a prominent feature in the landscape; or
- The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- It relies primarily on the use of new landscaping for integration; or
- Ancillary works to not integrate with their surroundings; or
- The design of the building is inappropriate for the site and its locality; or
- It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The proposed ancillary accommodation is not deemed to be a prominent feature in the landscape, as, while it sits completely separate to the host dwelling, the boundaries of the site are considered to be well-established enough to shield it from public view to a suitable extent. However, it will rely on the use of new landscaping for its integration, with its own separate lawn proposed to be introduced. Its design does integrate with that of the host dwelling, and as such it is not deemed to be prominent under CTY 13.

PPS 21 – Policy CTY 14 Considerations:

Policy CTY 14 of PPS 21 stipulates that a new building will be unacceptable where:

- It is unduly prominent in the landscape; or
- It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- It does not respect the traditional pattern of settlement exhibited in that area; or
- It creates or adds to a ribbon of development; or
- The impact of ancillary works would damage rural character

As discussed above, the proposal is not deemed to be unduly prominent in the landscape, and will not result in a suburban style build-up of development. As the surrounding area is sparsely developed, the proposal is also not deemed to create or add to a ribbon of development.

5. Representations

One neighbouring property has been notified, as per the Council’s statutory obligation.

As of writing, no representations have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21 ‘Sustainable Development in the Countryside’ in that there are no overriding reasons why the development is essential in this rural location.
2. The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 ‘Residential Extensions and Alterations’ in that the proposal, if permitted, would result in development that is not considered to be subordinate ancillary accommodation demonstrating dependency on the main residential dwelling as it could practically and viably operate on its own as a separate dwelling.

Item 4.2b

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LA06/2024/0676/F – 55 Woburn Road, Millisle – Addendum to Case Officer Report

Proposal: Extension to residential curtilage and erection of single storey detached ancillary residential accommodation

The agent has referred to the approval of a detached 2 bed annex of 1500 sq ft (approx. 139m²) at 225A Millisle Road, Donaghadee – reference LA06/2022/1262/F. This application's full description reads as follows: *"Demolition of existing ancillary residential accommodation, garage and workshop and erection of replacement residential accommodation, detached garage and workshop ancillary to the dwelling at 225 Millisle Road, Donaghadee"*.

It is noteworthy that the approved ancillary accommodation at 225A Millisle Road is sited to the rear of the host dwelling within its existing garden and demonstrates a high level of dependence as such.

The Committee Report prepared for this application refers to appeal decision 2015/E0053. In this appeal decision, it was noted that the detached ancillary building was to be sited to the rear of the dwelling (with little space between it and the dwelling), making it unlikely that it could function as an independent dwelling. The ancillary accommodation proposed in LA06/2022/1262/F also had no physical boundary between it and the main dwelling, and would have a shared garden, parking facilities and access.


While the current proposal for ancillary accommodation at 55 Woburn Road is of a similar scale to that of the approval at 225A Millisle Road, it is notably separated from the main dwelling and located to the side instead of the rear. It has its own means of access; its own lawn; is separated from the main dwelling by a laneway and fencing; and feasibly could provide independent parking provision. As such, it is deemed that the current proposal could viably function as an independent dwelling. As such, it does not meet the criteria of Policy CTY 1 of PPS 21 'Sustainable Development in the Countryside' (as no overriding reasons have been provided as to why the development is essential in this rural location), nor does it meet the criteria of Policy EXT 1 of the Addendum to PPS 7 'Residential Extensions and Alterations' (as the proposal would not be subordinate ancillary accommodation demonstrating dependency on the main residential dwelling, and it could practically and viably operate on its own as a separate dwelling).

ITEM 4.3

Ards and North Down Borough Council

Application Ref	LA06/2019/0308/F
Proposal	<p>Extension of existing Comber Greenway from 20m North of 122 Belfast Rd, Comber, to existing shared path to the southwest arm of roundabout on A21 accessing Enler Village, Comber. Further proposed section of Greenway from existing agricultural access approx. 10m west of entrance gates at Ballyrickard Wastewater Treatment Works, 35m east of 145 Newtownards Rd, Comber, to the existing flood embankment on the northwest edge of Strangford Lough, through Londonderry Park to 30m south of 14 Moyne Gardens, Newtownards. (Proposed Greenway along the A21 between Enler village roundabout and existing agricultural access approx. 10m west of entrance gates to Ballyrickard Wastewater Treatment Works, 145 Newtownards Rd, Comber, to be submitted as separate application). Works include 1x car park adjacent to 122 Belfast Rd, Comber, 3x pedestrian bridges over Enler River, a controlled crossing at Bridge Street, Comber, and upgrading of existing street lighting, fencing and associated site and access works. (Amended proposal description and amended plans)</p>
Location	<p>Extension of existing Comber Greenway from Belfast Road, Comber to Georges Street/Upper Greenwell Street Newtownards (BT23 5QP - BT23 7PA)</p> <p>DEA: Comber and Newtownards</p>
Committee Interest	Council Application
Validated	12/03/2019
Summary	<ul style="list-style-type: none"> • 12km Greenway connecting from the existing Greenway at Comber to the floodgates at Georges Street in Newtownards • A 1.5km part (the middle section) between the Enler Village roundabout in Comber to Ballyrickard WWTW has been excluded from this planning application, to enable the remaining parts to proceed. • It has taken a considerable period of time to reach agreement with DfI Roads and Active Travel subject to conditions requiring the route to be delivered in its entirety in the future.

	<ul style="list-style-type: none"> • A separate planning application will be submitted for the middle section, which has been conditioned as part of this application. • The proposed Greenway (typically 3-4m wide with exception of several 2m pinch points) is policy compliant with the Development Plan, the SPPS and PPS 8 'Open Space, Sport & Outdoor Recreation' as the development contributes to outdoor recreation and open space needs. • The proposal, which complies with policies AMP 1, 2 and 7 of PPS 3 incorporates a new 35No. Space Car Park at Belfast Road, Comber: it utilises existing pathways as well as traversing some agricultural land and rough ground. It includes the construction of a new pedestrian bridges as well as improving/widening others: it does not conflict with road safety or adversely impact the flow of traffic. • There are no objections from other statutory consultees. • Given the separation distances between the site and nearby residential units there is no detrimental impact on private amenity space in terms of overlooking or noise, despite objectors' concerns.
Recommendation	Grant Planning Permission
Attachment	Item 4.3a – Case Officer Report

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2019/0308/F	DEA: Comber and Newtownards	
Proposal:	Extension of existing Comber Greenway from 20m North of 122 Belfast Rd, Comber, to existing shared path to the southwest arm of roundabout on A21 accessing Enler Village, Comber. Further proposed section of Greenway from existing agricultural access approx. 10m west of entrance gates at Ballyrickard Wastewater Treatment Works, 35m east of 145 Newtownards Rd, Comber, to the existing flood embankment on the northwest edge of Strangford Lough, through Londonderry Park to 30m south of 14 Moyne Gardens, Newtownards. (Proposed Greenway along the A21 between Enler village roundabout and existing agricultural access approx. 10m west of entrance gates to Ballyrickard Wastewater Treatment Works, 145 Newtownards Rd, Comber, to be submitted as separate application). Works include 1x car park adjacent to 122 Belfast Rd, Comber, 3x pedestrian bridges over Enler River, a controlled crossing at Bridge Street, Comber, and upgrading of existing street lighting, fencing and associated site and access works. (Amended proposal description and amended plans)		
Location:	Extension of existing Comber Greenway from Belfast Road, Comber, to Georges Street/Upper Greenwell Street, Newtownards (BT23 5QP - BT23 7PA)		
Applicant:	Ards and North Down Borough Council		
Date valid:	12.03.2019	EIA Screening Required:	Yes
Date last advertised:	05.09.2024	Date last neighbour notified:	21.08.2024
Letters of Support: 2	Letters of Objection: 82	Non-committal: 3	
Consultations – synopsis of responses:			
DFI Roads	Content with conditions		
DFI Rivers	No objections		
DAERA Inland Fisheries	Inland Fisheries has some concerns however with appropriate mitigation the impacts to fisheries interests in the vicinity of the proposed greenway can be limited		
DAERA Natural Environment Division	No objections. Natural Environment Division has considered the amended layout to the proposed development and has no concerns		
DAERA Marine and Fisheries Division	Marine and Fisheries Division has considered the impacts of the proposal and, provided appropriate		

	noise and pollution prevention measures are put in place, they are content with the proposal.
DAERA Water Management Unit	Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to the applicant referring and adhering to DAERA Standing Advice, the points contained within the Explanatory Note, obtaining any Statutory permissions and Compliance with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4.
Shared Environmental Service (SES)	No objections. SES states – “Further to our previous responses SES note the Council has commissioned a HRA Stage 2 appropriate assessment (AECOM July 2021). The HRA provided by AECOM concludes that following implementation of mitigation measures, it is considered that the proposed greenway will have no adverse impact on the integrity of any European sites, either alone or in-combination with other plans or projects. While not being responsible for the HRA, SES has reviewed it and has no reason to disagree with the assessment and conclusions. The planning authority on agreement can adopt the HRA.”
Environmental Health Department (EHD)	No objections subject to a condition. In order that nearby residents are not adversely affected by noise from the construction work, EHD would request that a condition for construction activity is attached to any permission granted
NI Water	No objections
HED	<p>HED (Historic Buildings) has reconsidered the impacts of the proposal on nearby listed buildings and on the basis of the additional and revised information provided, advise it remains content with the proposal without conditions.</p> <p>HED (Historic Monuments) has considered the impacts of the proposal and is content that the proposal satisfies PPS 6 policy requirements, conditional on the erection of a fence around each of the monuments.</p>
Ulster Flying Club	No objections

Summary of main issues considered:

- Principle of development
- Road safety
- Impact on nature conservation
- Impact on residential amenity

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

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

1. Site and Surrounding Area

The scheme is to extend the existing greenway at Belfast Road, Comber, to the town centre in Newtownards.

Originally, this application had included a section of approximately 1.5km along the dual carriageway between Comber and Newtownards (the middle section). However, this has been excluded at this stage and will be dealt with via a future separate planning application.

The land currently consists of a mix of agricultural land, riverside paths specifically around Kennel Bridge and Comber Leisure Centre, footways, existing pathway along the Comber by-pass, a flood embankment along Strangford Lough, pathways along Portaferry Road and Londonderry Park, terminating at Georges Street in Newtownards.

2. Site Location Plan



Figure 1 Aerial image of the proposed route

3. Relevant Planning History

Due to the extensive reach of the site, there is a significant amount of planning history in and around the site, however the majority of it is not material to this application,

with the exception of the following applications for the same greenway, details as follows:

LA06/2017/1350/PAD - Extension of existing Comber Greenway from Belfast Road Comber to St Georges Street/Upper Greenwell Street.

Proposal relates to extension of Comber Greenway for approximately 12km's to Comber and Newtownards. – Advice given including comments made through consultation with DfI Roads which did not raise any objections.

LA06/2018/0219/PAN is the associated Proposal of Application Notice (PAN).

Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals. The PAN was submitted to the Council 12 weeks in advance of the submission of this application.

The Council has considered the PAN and finds that it contains sufficient information with regards community consultation measures and therefore considers it complies with Section 27 of the Planning Act (Northern Ireland) 2011.

LA06/2019/0544/F - On lands to the South and East of Ulster Flying Club, along the Southern side of the A20 Portaferry Road, along existing pathways to the South and West of the all-weather pitches at Londonderry Park and along the Southern bank of the canal towards Georges Street, Newtownards.

Proposed 1.26km Greenway linking the flood wall at the South of Ulster Flying Club to Georges Street Newtownards via Portaferry Road and Londonderry Park. To incorporate new 3m wide asphalt paths, widening of existing paths, a puffin-controlled crossing, a bridge at the entrance to Londonderry Park, fencing and associated site and access works.

Permission granted on 02.09.2021.

LA06/2020/0940/F - Belvedere Road, Newtownards to the Somme Heritage Centre, Bangor Road, Newtownards.

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

Permission granted on 1.09.2022.

4. Planning Assessment

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

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

- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance: None applicable.

The proposal

The proposed greenway is approximately 12km in length and will provide an extension from the existing Comber Greenway at Belfast Road.

A section of the route along the A21 dual carriageway between Comber and Newtownards has had to be omitted from the application proposal due to DfI Roads considering the current proposed works to be unacceptable.

As a result, the proposed greenway then begins again at Ballyrickard WwTW and will connect with a previously approved greenway at the Floodgates on Portaferry Road in Newtownards. The proposal now consists in essence of two parts, one that serves Comber and one that serves Newtownards. The proposed route has been split into different sections as set out below:

Section 1 – End of existing Comber Greenway at Belfast Road to Kennel Bridge, Comber

Section 2 – Kennel Bridge to Bridge Street, Comber

Section 3 - Bridge Street, Comber to A21

Section 4 - A21 to Ballyrickard WwTW (no proposed works)

Section 5 - Ballyrickard WwTW to Floodgates

Section 6 - Floodgates to Georges Street Newtownards.

Other elements of the proposed development include:

- One new car park located on lands at the start of the proposed route at Belfast Road Comber (35no.spaces). This is for 'Park and Pedal'.
- A controlled pedestrian crossing at Bridge Street, Comber and an uncontrolled pedestrian crossing on Portaferry Road, Newtownards.
- New pedestrian bridges under Kennel Bridge, adjacent to Nendrum College/Castlelodge Park and at Darragh Road/ Bridge Street, Comber.
- Widening of existing pedestrian bridges to 4km at Nendrum College/Comber Leisure Centre, at the rear of Comber Methodist Church, at Park Way and at Mucker's Field, Comber.
- Lighting at the A21 under pass and between Mucker's Field and the proposed Enler Village.
- Fencing, replacement planting and associated and ancillary works.

Amended proposal

The proposal initially connected the existing Comber Greenway right through to the location of a previously approved greenway at the Floodgates in Newtownards. The route followed alongside the A21 dual carriageway from the Enler Village roundabout in Comber towards Ballyrickard WwTW. A lengthy consultation process with DfI Roads

has taken place, however in the consultation response dated 7/12/2023, DfI Roads considered that it is unlikely that an acceptable solution can be provided within the current application red line for this section. A meeting between the Council (applicant), AECOM (agent), DfI Roads and DfI Active Travel (the funders) took place on 7/02/2024, at which it was agreed works along this section would be removed from this application which would enable the remaining parts within the application to proceed, which had achieved broad agreement. The application consists therefore of two parts outlined above.

The site outlined in red has been amended to show no works will occur along the dual carriageway A21 section between the Enler Village roundabout and Ballyrickard WwTW – see Figure 16 further in this report. The proposal description has also been amended to reflect the changes and re-neighbour notification letters have been issued as well as the amended proposal being re-advertised in the local press. A proposed car park at Ballyrickard WwTW has also been removed from the scheme.

Signs are proposed stating ‘End of Greenway’. DfI Roads was re-consulted regarding the latest amended scheme and has advised it considers the solution to be acceptable subject to conditions. The Council has indicated that a separate application will be submitted for this middle section of the route in order to link the entire greenway together.

Compliance with the 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 Area Plan unless material considerations indicate otherwise.

The relevant area Plan is the Ards and Down Area Plan 2015. The first part of the proposed greenway route provides an extension to the existing Comber Greenway from the Belfast Road into Comber town centre to Kennel Bridge. This section is within the open countryside and is within LLPA1 – Enler River Corridor and Mount Alexander and is also partially within Comber Area of Archaeological Potential.

It then continues from Kennel Bridge to Bridge Street in Comber which remains in the open countryside until it crosses the Enler River, after which the route is within the Comber settlement limit.

It then continues from Bridge Street to the A21 underpass. Part of this route falls within an area designated as Existing Open Space.

The route continues along the A21 Comber bypass within the settlement limit in part then progresses back into the open countryside. The A21 then becomes a dual carriageway running between Comber and Newtownards and is a designated Protected Route.

It is this section between the Enler Village roundabout and Ballyrickard WwTW, which has been removed from this application. Plans have been submitted to include signage stating ‘End of Greenway’ at both ends of this section.

From Ballyrickard WwTW it remains in the open countryside along the coastline to the Floodgates in Newtownards. In addition to falling within an Area of Constraint on Mineral Development and the AONB, it travels within the boundary of LLPA5 – Scrabo Tower and Landform and is in close proximity to a number of scheduled and unscheduled archaeological sites and monuments.

The route continues from the Floodgates to Georges Street which is within the settlement limit for Newtownards.

Due to the nature of the proposed development, it is considered that it will not have any adverse impact upon these designations in the Ards and Down Area Plan 2015.

Within the SPPS it states that ‘a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted’. During the transitional period planning authorities will apply the SPPS together with existing 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. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policy, this should not be judged to lessen the weight afforded to the retained policy.

No policy conflict exists between the SPPS and Planning Policy Statements relevant to the subject proposal, namely PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS 6: Planning, Archaeology and the Built Heritage, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 15: Planning and Flood Risk and PPS 21: Development in the Countryside.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS document sets out the guiding principle 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. Within paragraphs 6.199 – 6.213, it is acknowledged that open space, sport and outdoor recreation has an important societal role to play, supporting many cultural, economic, health and environmental benefits. Ease of access to open space and contact with nature for everyone is recognised within the Regional Development Strategy 2035 alongside a commitment to safeguard and enhance existing outdoor recreational space within the countryside in keeping with the principles of environmental conservation and the protection of biodiversity. In direct response to this, the planning system has a contributing role to play in securing high quality and sustainable development schemes which do not damage the environmental features and qualities which are of acknowledged public importance and local amenity.

The proposed greenway consists of a three-metre or four-metre wide pathway. The greenway is reduced to 2m at a number of pinch points located along the route - existing road bridge footways and riverside paths adjacent to the flood defences. The proposed route of the greenway traverses areas of agricultural land, rough ground and existing pathways and access lanes etc. with a variety of differing surfaces. The drawings entitled General Arrangement show the details of the proposed greenway including widths, sectional drawings and materials. See Figure 2 below for typical gradient detail.

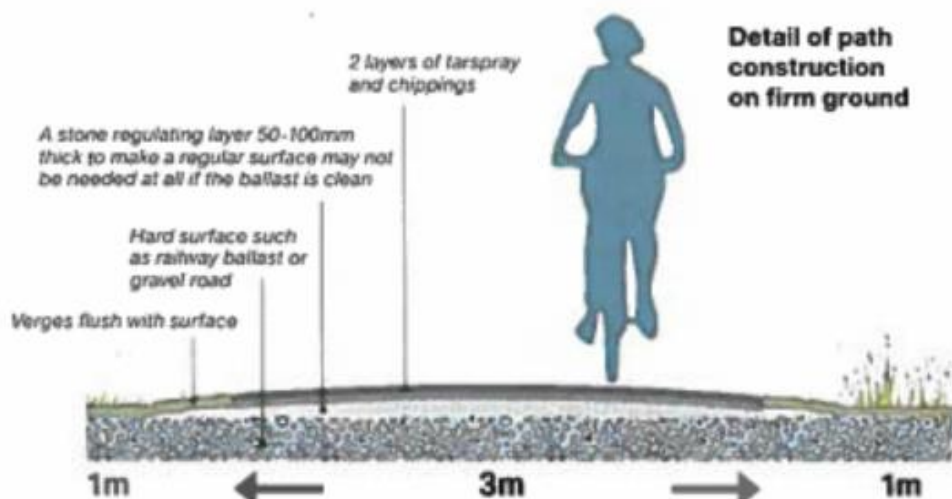


Figure 2 Typical greenway detail.

The initial section of the proposed greenway will extend from the existing greenway at Belfast Road in Comber – see Figure 3 below. The existing greenway is shown in green, and the proposed greenway will extend towards the east. A new car park is proposed providing 35no. spaces with a picnic area. DFI Roads has been consulted and has not raised any objections regarding the vehicular access from Belfast Road, the internal layout or the visibility splays.

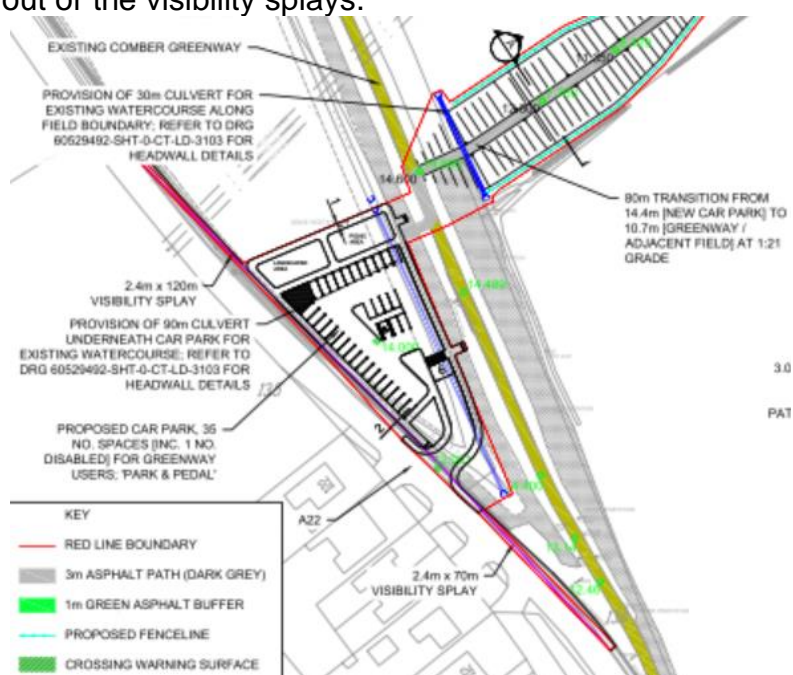


Figure 3 Proposed initial section of the greenway (Drawing 28C).

An embankment of approximately 4m in height from existing ground levels will be created on which the proposed greenway path will be constructed on top and will run from the proposed car park to just before it reaches the Enler River – See Figure 4 below.

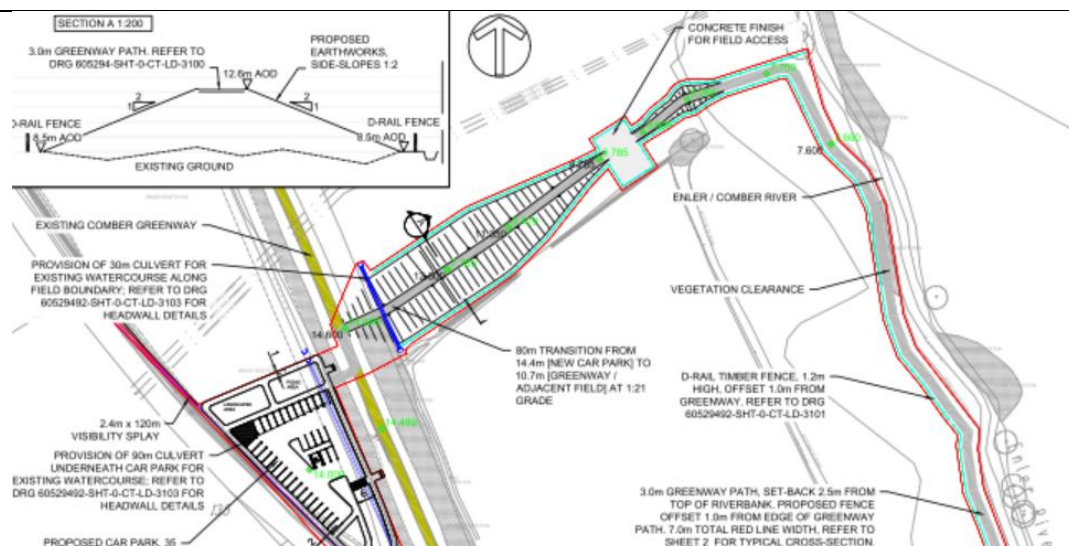


Figure 4 Proposed embankment between proposed car park and Enler River (Drawing 28C).

The greenway path will follow the Enler River, will be 3m in width and will be set back 2.5m from the top of the riverbank with a proposed timber fence 1.2m high, positioned 1m inland from the greenway path.

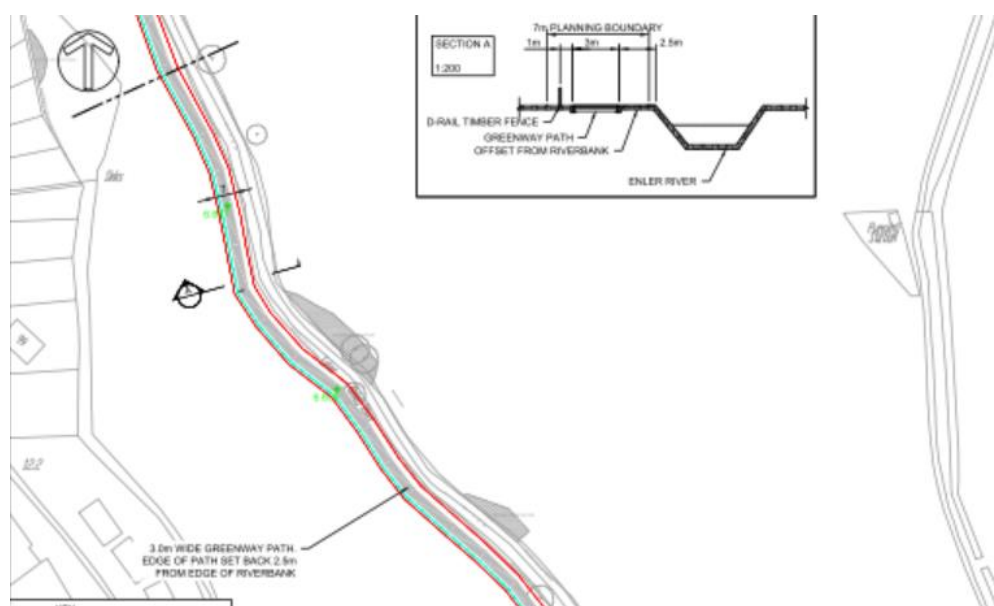


Figure 5 Proposed section of greenway path adjacent to Enler River. Drawing 29.

The greenway path then reaches Kennel Bridge where a new pedestrian bridge 4m in width will go from the southern bank to the northern bank of Enler River beneath the existing road bridge for the Mount Alexander Road – see Figure 6 and 7 below known as Bridge A. Dfl Roads has considered the proposal and has no objections regarding this section.

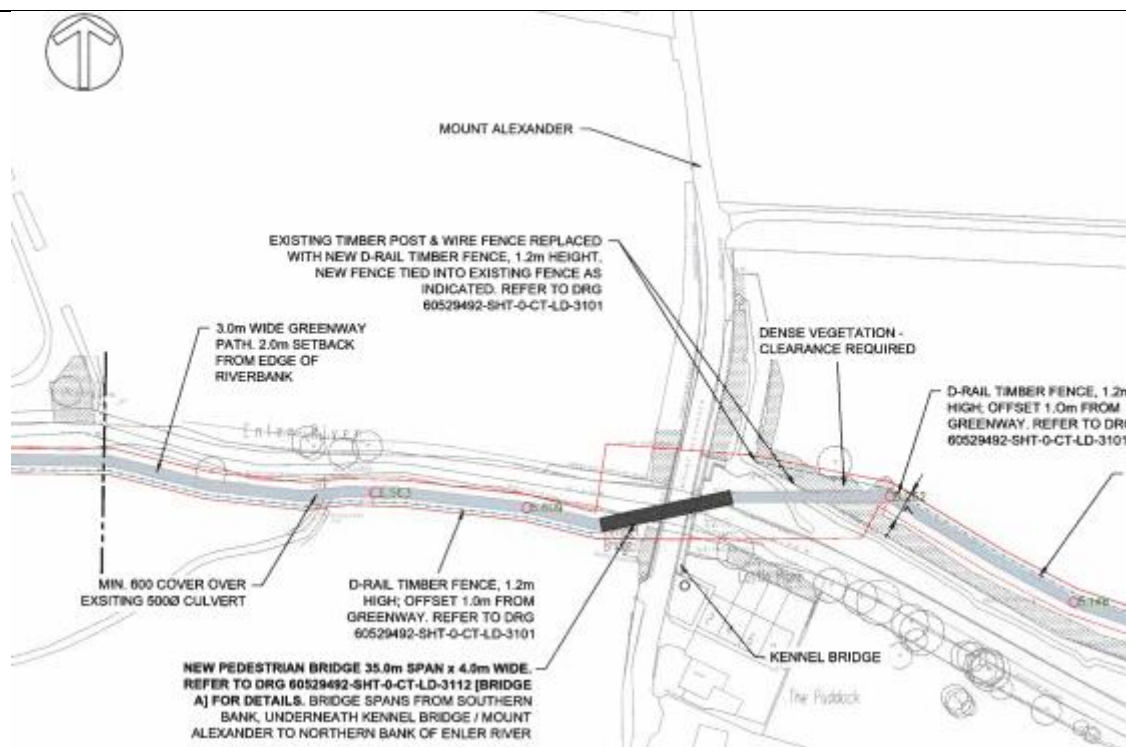


Figure 6 Proposed route over Enler River via a new bridge (Bridge A). Drawing 30.

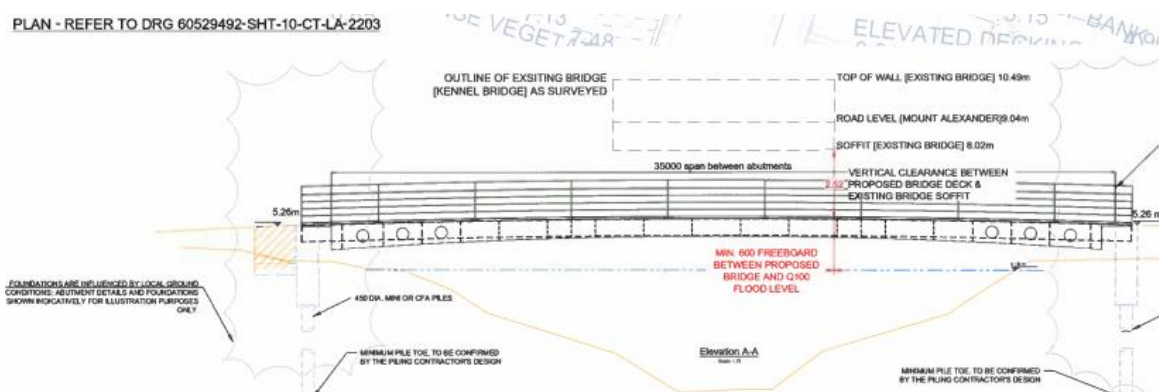


Figure 7 Proposed section of new pedestrian bridge (Bridge A). Drawing 65.

The proposed greenway path then travels alongside the Enler River crossing from the eastern to western bank on a new proposed bridge (Bridge B) – See Figures 8 and 9 below.

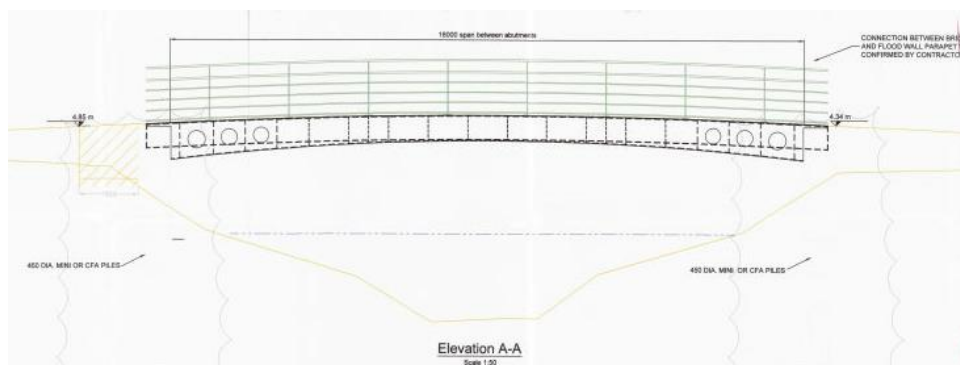


Figure 8 Proposed bridge (Bridge B). Drawing 66A.

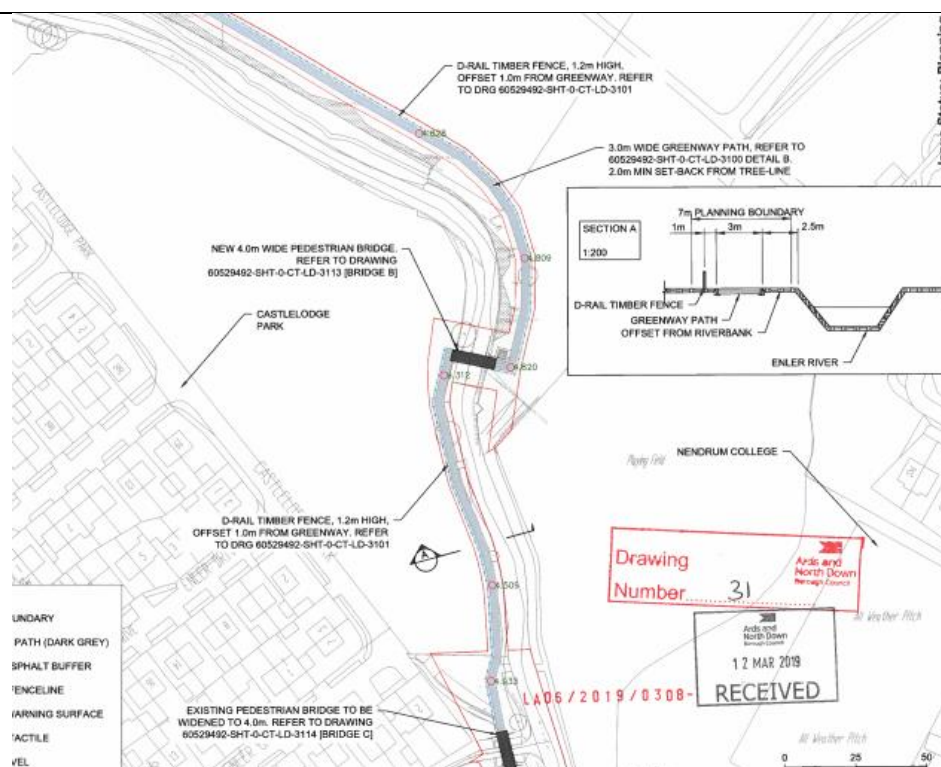


Figure 9 Proposed bridge (Bridge B) first, then extension to existing bridge (Bridge C). Drawing 31.

An existing pedestrian bridge over the Enler River known as Bridge C on the plans, will be widened to 4.0m. A new pedestrian and cycle bridge to go back across Enler River, known as Bridge D on the plans, is proposed adjacent to Comber Primary School. The proposed greenway path then approaches Bridge Street and a new bridge, known as Bridge E on the plans, is proposed adjacent to the existing road bridge. A pedestrian crossing is proposed for users to safely cross Bridge Street to continue along the river towards the by-pass.

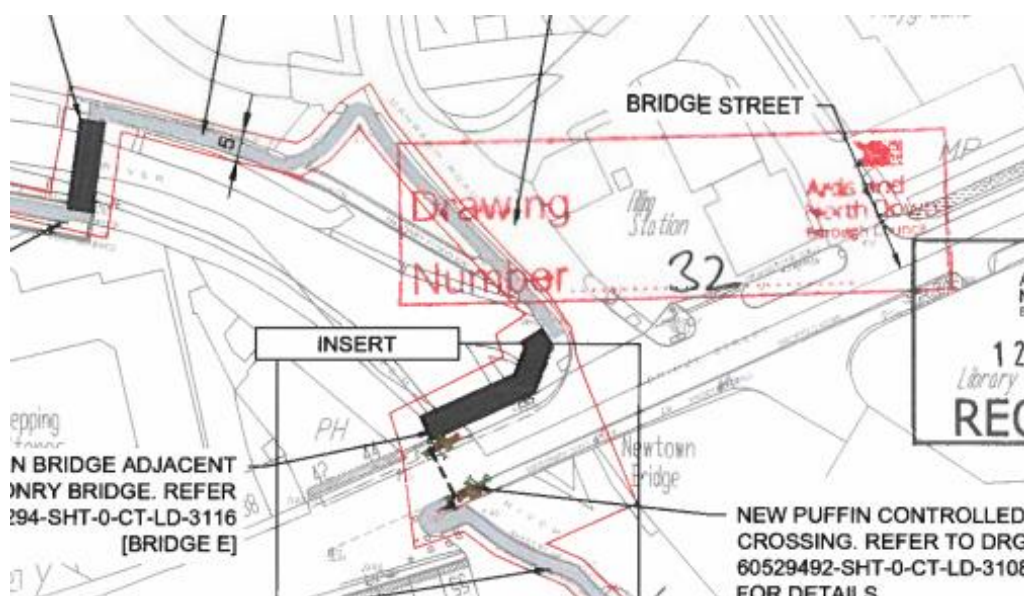


Figure 10 Proposed section at Bridge Street. Shows new bridge (Bridge D) first, then new bridge adjacent to Bridge Street (Bridge E). Drawing 32.



Figure 11 Proposed upgraded existing pedestrian and cycle bridge, 4m wide. (known as Bridge F). Drawing 70.

The greenway then passes back across the river to lands known as Muckers Field via a new/upgraded existing bridge known as Bridge G – see Figure 12 below.

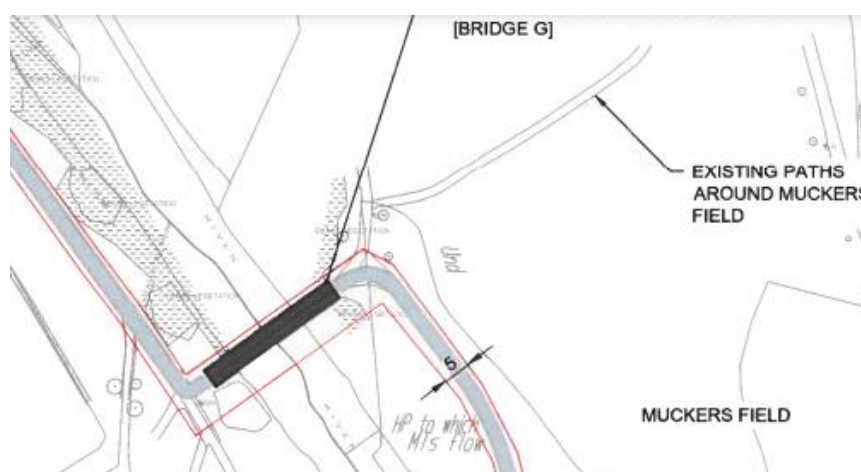


Figure 12 Proposed upgraded existing bridge known as Bridge G. Drawing 71.

The greenway route then reaches the A21 Comber by-pass. In order to cross the by-pass, it is proposed to re-open an existing under-pass – see Figures 13 and 14 below.

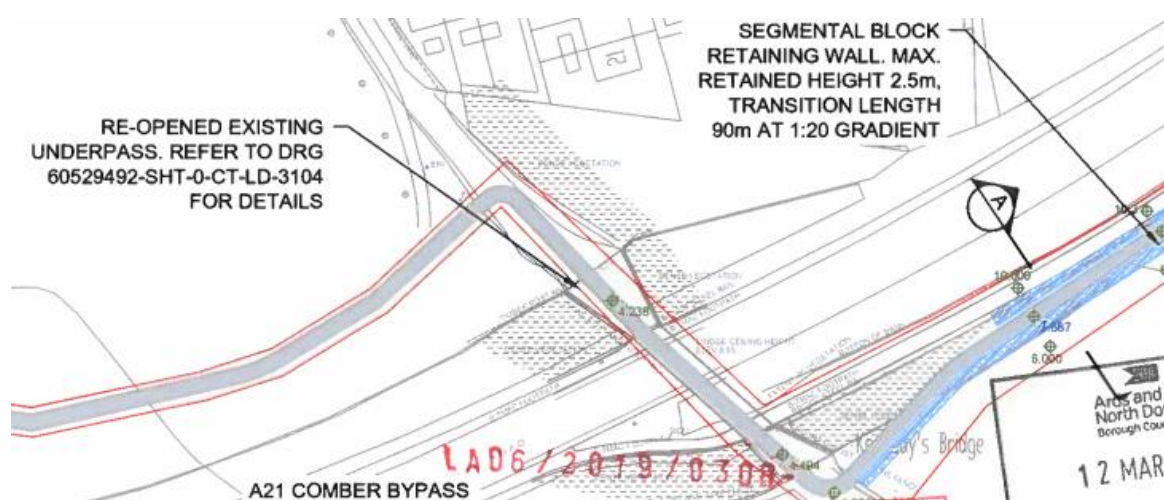


Figure 13 Proposed underpass to be re-opened. Drawing 34.

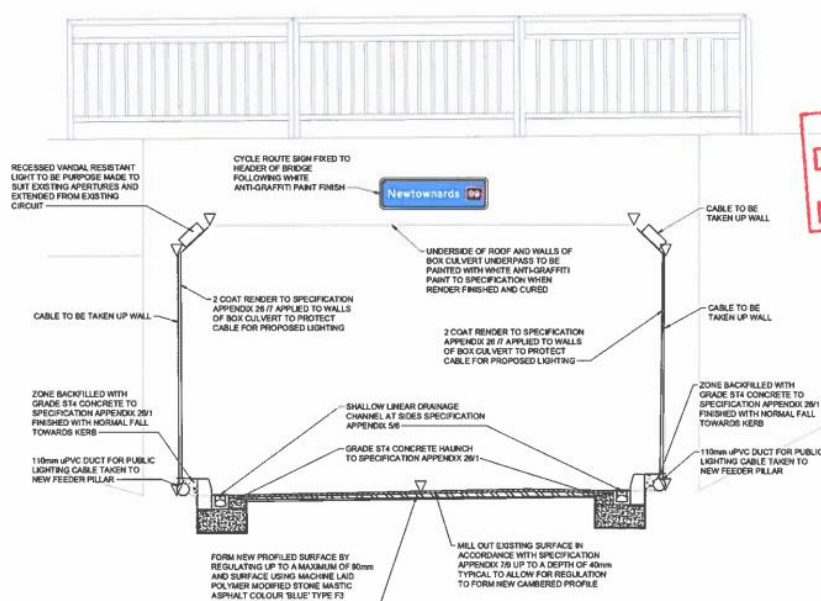


Figure 14 Proposed re-opening of underpass under A21. Drawing 58.

The greenway path follows the A21 by-pass and joins the existing shared use path that leads to the next roundabout at Enler Village. The existing shared use path will be widened to 3m – See Figure 15 below.

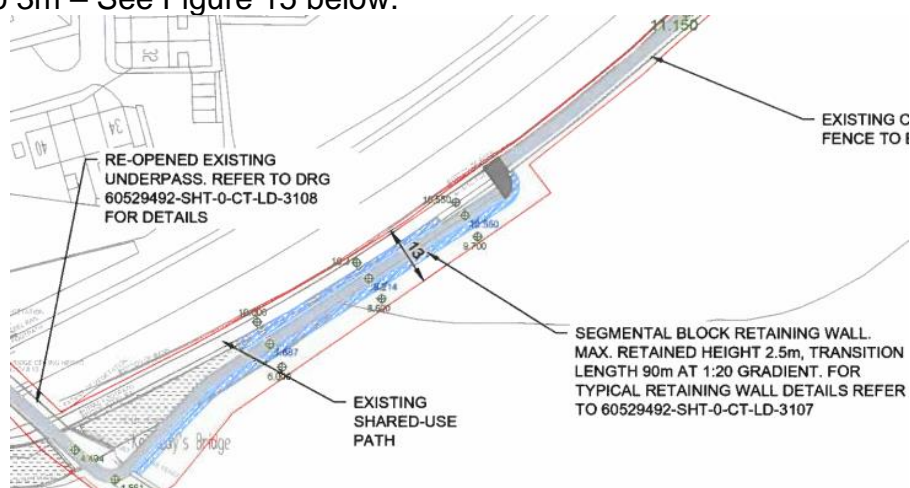


Figure 15 Proposed new greenway path will join existing path along the Comber by-pass A21. Drawing 35.

The greenway route will then reach a roundabout at the housing development known as Enler Village.

The proposal for the greenway initially included plans to show the route of the greenway crossing the main access road into the housing development and continuing alongside the A21 dual carriageway towards Ballyrickard WwTW. However as outlined previously in this report, DfI Roads consider that it is unlikely that an acceptable solution can be provided within the current application red line for this section. It was agreed works along this section would be removed from this current application which would enable the application to proceed to a decision where broad agreement had been reached.

The site outlined in red has been amended to show no works will occur along the dual carriageway A21 section between the Enler Village roundabout and Ballyrickard WwTW – see Figure 16 below. The proposed car park at Ballyrickard WwTW has been removed from the scheme. Signs are proposed stating ‘End of Greenway’.

DfI Roads was re-consulted and finds this solution acceptable subject to conditions. The Council has indicated that a separate application will be submitted for this middle section of the route in due course.

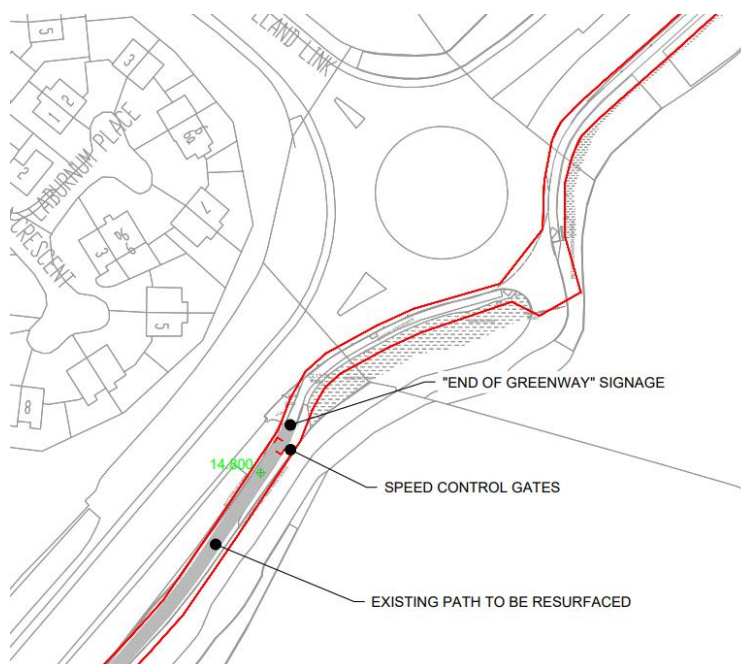


Figure 16 Amended plan showing no works to take place within agreed section of the route. Drawing 36C.

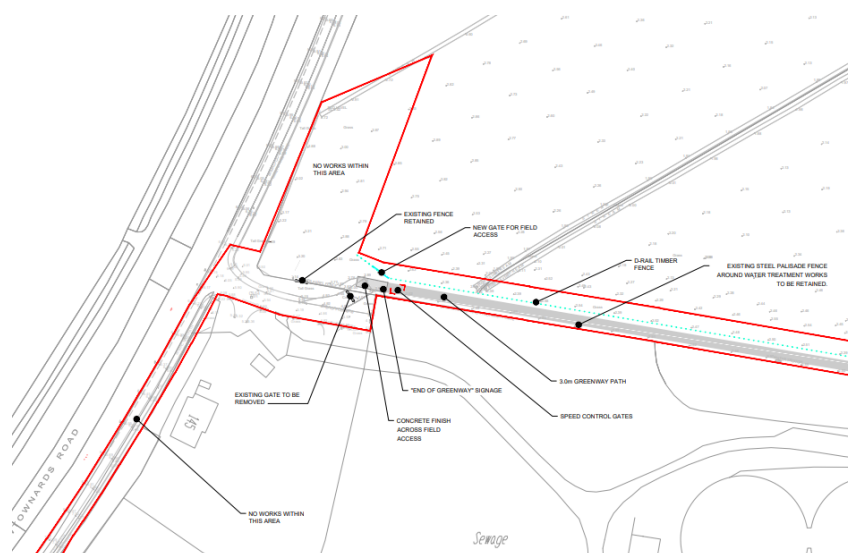


Figure 17 Amended plan showing the proposed start of the Newtownards section of the route. Drawing 80B.

The proposed greenway will recommence at Ballyrickard WwTW – see Figure 17 above. The proposed greenway leaves the main road at this point and travels east towards the coastline with Strangford Lough.

The first section of this part of the route will comprise a new 3m wide greenway path constructed through a field, which will run along an existing boundary to the point where it meets the existing coastal path – see Figure 17 above. The proposed greenway will be defined by the existing boundary fence and belt of mature trees along the WwTW works and a D-rail timber fence to the new boundary – see Figure 18 below.

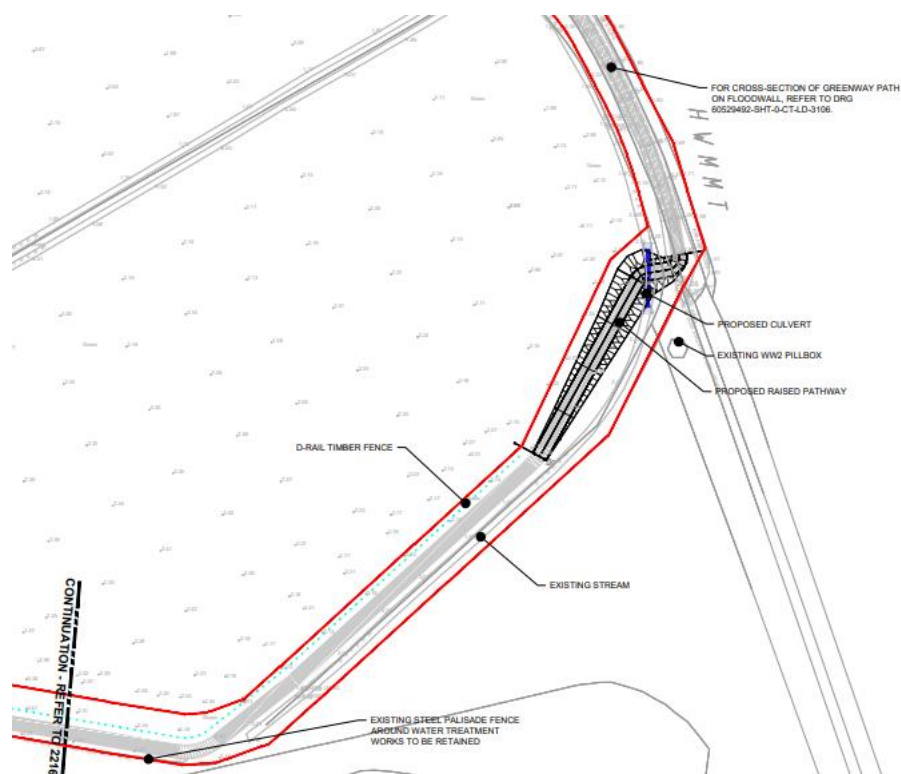


Figure 18 Proposed plan showing the greenway joining the existing coastal path.
Drawing 81.



The proposed greenway then continues along the existing coastal path to the Floodgates at Portaferry Road in Newtownards. The proposed greenway will be 3m wide and will run along the top of the existing flood wall – see Figure 19 below.

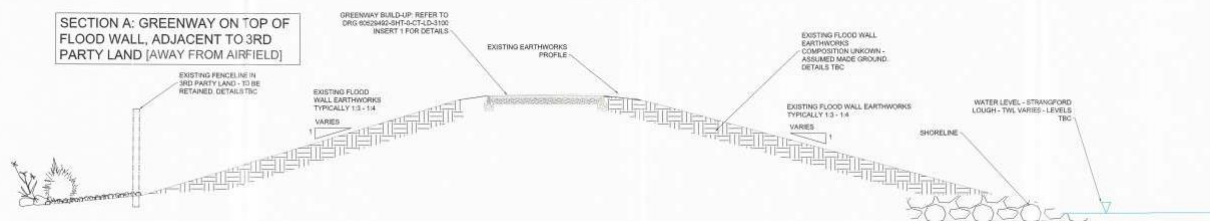


Figure 19 – section plan of the proposed greenway along the existing path at the top of the flood wall. Drawing 59B.

The route continues along the existing path until it reaches the Portaferry Road, at which point it works its way along the left-hand side of the road and then crosses the road to meet the existing path into Londonderry Park – see Figure 21 below. The existing path is only 2m wide at present however is proposed to be widened to 3m. The crossing point will comprise an uncontrolled crossing point with an illuminated bollard – see Figure 20 Below.

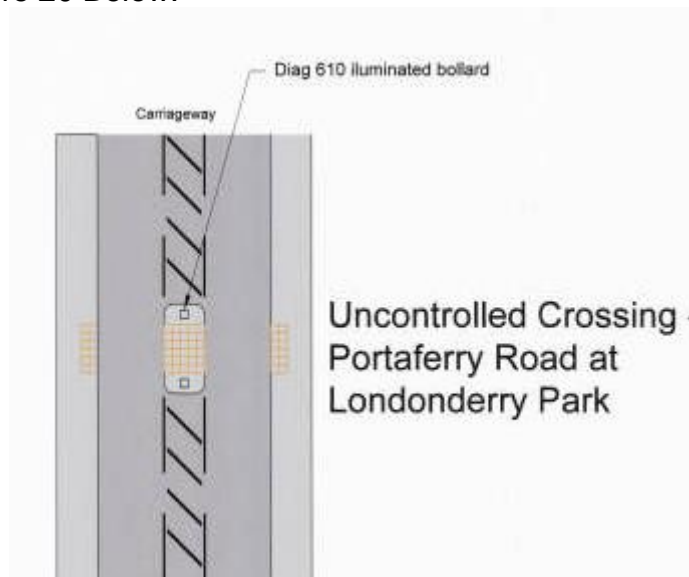


Figure 20 – Proposed crossing point

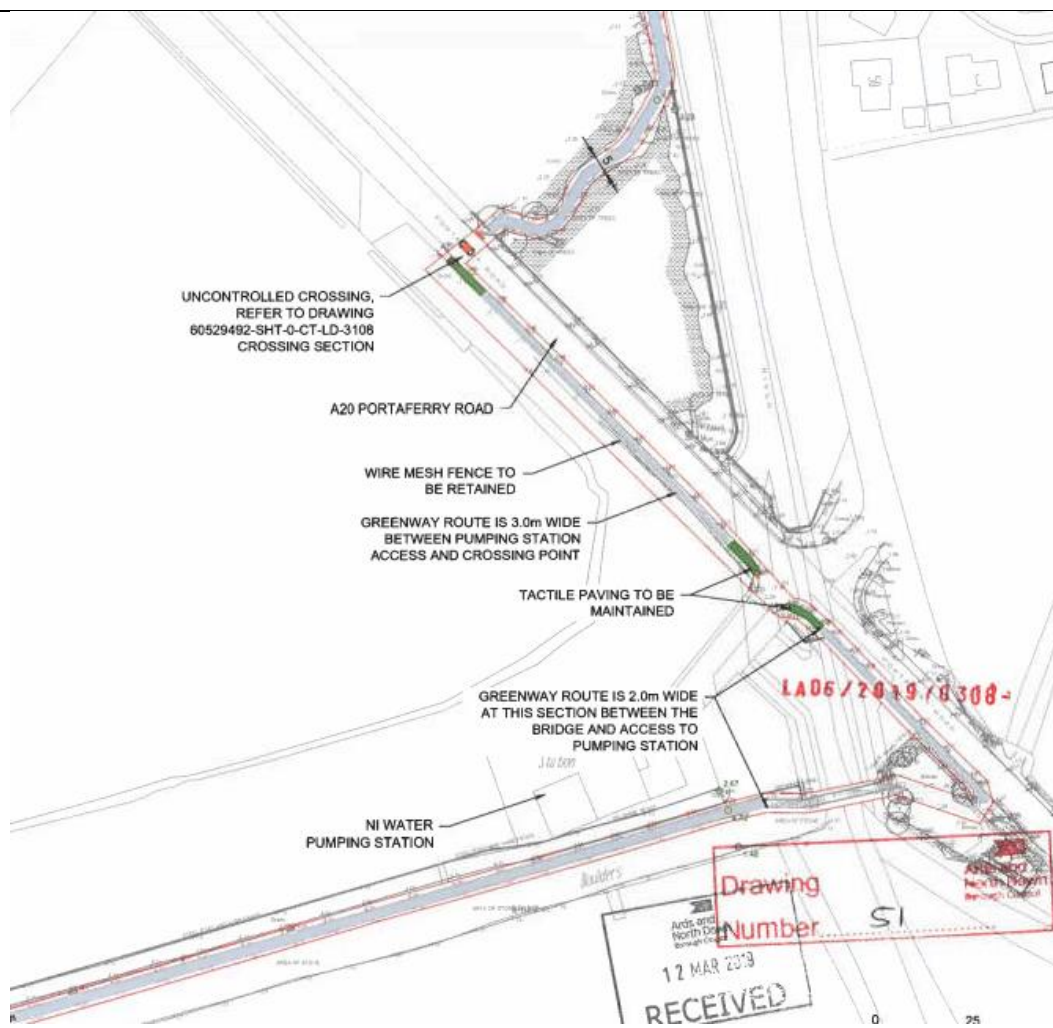


Figure 21 – Proposed route from the floodgates to Londonderry Park. Drawing 51.

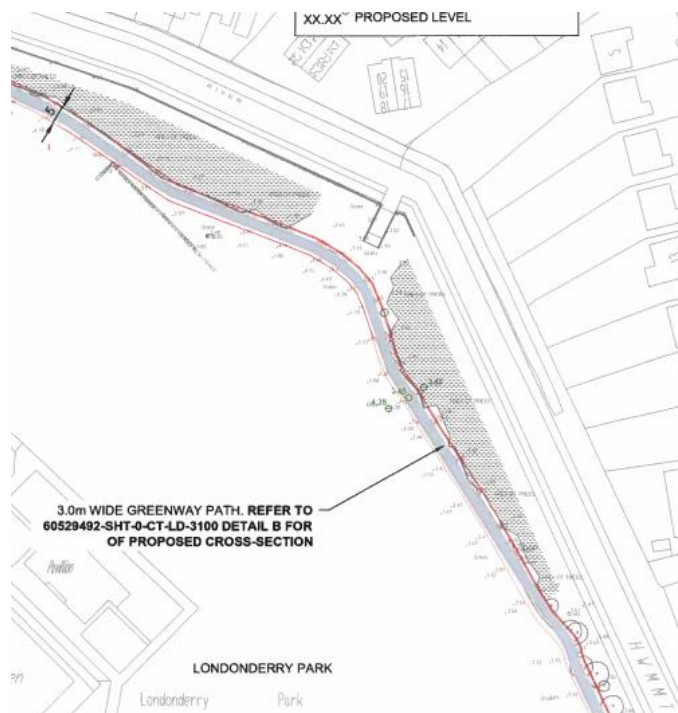


Figure 22 – Proposed route along the existing path in Londonderry Park alongside the canal

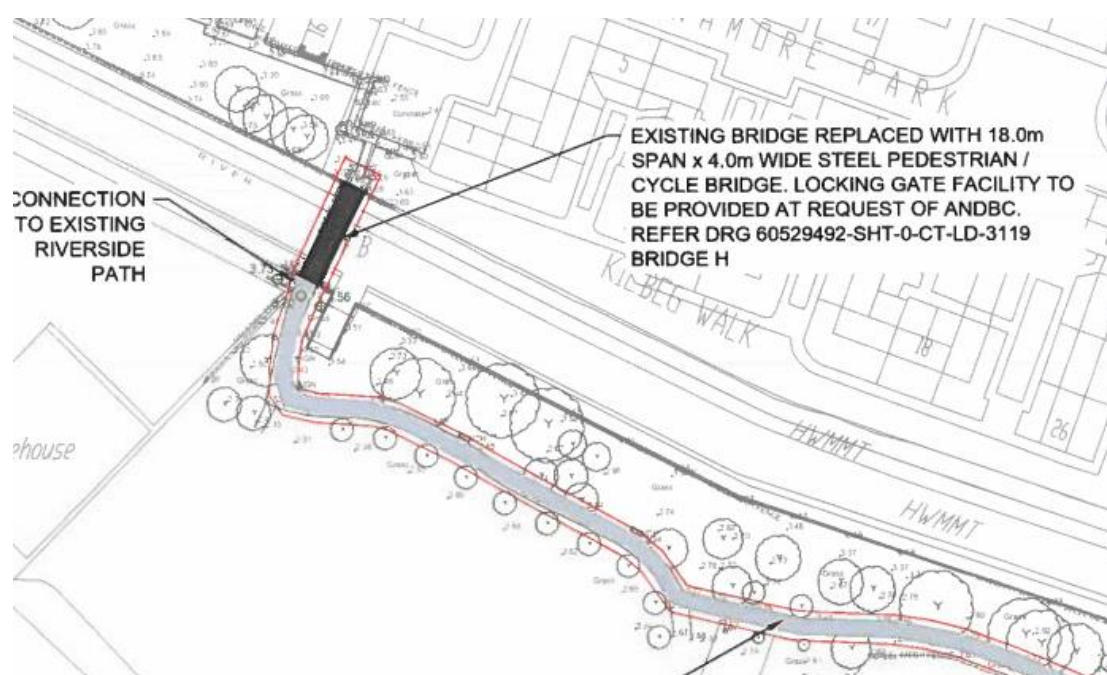


Figure 23 – Proposed end of the route for this application and includes a new replacement bridge (Bridge H). Drawing 53.

The proposed greenway ends at Bridge H. The users can then turn left and follow the existing path to join New Road / Georges Street / Upper Greenwell Street. The previously approved greenway begins further north at Belvedere Road.

NED has considered the details of the proposed greenway and is content. It is considered the proposed greenway has been designed to provide a high quality and sustainable facility which will not damage the environmental features and quality of the local area. On this basis, the proposed greenway is in line with the SPPS.

In terms of any unacceptable impact caused to residential amenity of adjacent dwellings, it is considered that there will be none. The proposed greenway will go along existing paths, roads and alongside river and canal banks as well as the flood wall bank. The proposed greenway will effectively become part of the public paths and roadways. It is not considered any property will be subjected to any unacceptable loss of privacy or disturbance as a direct result of the proposal due to adequate separation distances. As such it is considered that the proposal is consistent with the requirements of the SPPS.

Road safety

DfI Roads, in its latest consultation response dated 15 October 2024 states that – “The Department for Infrastructure remains committed to the Comber to Newtownards Greenway and confirms that it is working collaboratively with the ‘developer’, Ards and North Down Council, to see it delivered in its entirety.”

It goes on to state that it “has agreed with the principle to decouple the online section from the current planning application to facilitate progress and submission of a revised application which will allow for changes to the red line boundary which in turn should allow and facilitate design solutions to design standards for a complete all sections of

the Comber to Newtownards greenway.” It is content to agree to the proposed plans and requires conditions to be included to any permission granted. The conditions require no part of the scheme becoming operational until a safety audit has been submitted to and approved by DFI Roads, no part of the Belfast Road car park becoming operational until the vehicular access, including visibility splays and any forward sight distance, have been provided, and until surfacing has been completed in final wearing course. It further outlines that no part of the scheme to become operational until the pedestrian crossing has been fully completed in accordance with the approved plans.

In terms of the assessment against PPS3, each relevant policy is set out below.

Under the provisions of Policy AMP1 of PPS 3 – Creating an Accessible Environment, developers are encouraged to take account of the specific needs of people with disabilities and mobility issues. Where appropriate, the external layout of a development should incorporate a variety of measures which facilitates pedestrian movement between land uses, encourage the avoidance of unnecessary physical obstructions and facilitate ease of access to dedicated car parking and public transport links. This proposal gives pedestrian priority to facilitate pedestrian movement between land uses. It will provide walking and family friendly cycling which will suit the ability of a wide range of user groups, including people with disabilities and mobility issues. It is considered that the scheme is compliant with the requirements of Policy AMP 1.

Policy AMP 2 of PPS 3 - Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

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

The proposal involves one new vehicular access to serve the proposed car park at the existing greenway in Comber. The proposed access to the car park will be directly from Belfast Road and will provide 35no.spaces including 1no.disabled space for greenway users. Dfi Roads has been consulted and offered no objections to the proposal and on this basis, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic and is in line with Policy AMP 2 of PPS 3.

Belfast Road is a protected route and Policy AMP 3 of the Clarification of PPS 3 applies. This policy 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 in certain cases; in this case the proposal falls into part (d) Other Categories of Development. This states that approval may be justified for developments which would meet the criteria for development in the countryside where access cannot be reasonably obtained from an adjacent minor road.

Considering the proposal meets the relevant policies including PPS21 which redirects one to PPS 8 for outdoor sport and recreational uses and the SPPS, and therefore the principle of development is acceptable, and as there is no option to access the site from an adjacent minor road, I am content that the proposal can be justified against the policy tests under AMP 3.

In terms of the access itself, the proposal includes a new vehicular access allowing vehicles to enter and exit the site simultaneously and includes sufficient visibility splays in both directions.

In relation to parking provision, Policy AMP 7 of PPS 3 - Car parking and Servicing Arrangement applies. The proposal includes a car parking area providing 35no. car parking spaces including 1no. disabled space for disabled users. The Parking Standards document advises that for public open space, 4 spaces are required per hectare. The two parts of the application site are measured to be approximately 10ha. The proposed parking is therefore slightly below the published standards however as other areas for parking exist along the route including public car parks in both Comber and Newtownards, it is considered that the proposed parking provision is acceptable.

Policy AMP 9 of PPS 3 - Design of Car Parking states that a high standard of design, layout and landscaping is expected. It is considered that the proposed car parking area will respect the local landscape as it will be read with the existing row of houses on the opposite side of the road. A condition will be attached to any permission granted to ensure no development of the car park can commence until the landscaping details have been submitted and approved by the Council. In terms of security, it is considered appropriate to include a condition on any approval for the car park to be closed at night to deter any possible anti-social behavior. DfI Roads has been consulted and has no objections to the access and movement of pedestrians and cyclists within the site.

Designated Sites and Natural Heritage

The following information has been submitted as part of the application: an Invasive Species Report, Habitats, Report, Kingfisher Report, Habitats Regulations Assessment, Biodiversity Statement, Bat Preliminary Roost Potential Assessment Report, Wintering Bird Survey Report and a Outline Construction and Environmental Management Plan (CEMP).

Designated Sites

The proposed route of the greenway is adjacent to and hydrologically connected to Strangford Lough Part 1 Area of Special Scientific Interest (ASSI) and Strangford Lough Special area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site which are designated sites of international and national importance and are protected by the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. Due to the connection of the proposed greenway to these sites, there is potential for the proposed greenway to have likely significant effects on these sites.

Therefore, an HRA Stage 1 Screening was necessary to examine this potential, followed by an HRA Stage 2 Appropriate Assessment. Shared Environmental Service (SES) while not being responsible for the Habitats Regulations Assessment (HRA) undertaken for this project on behalf of the Council have no reason to disagree with its findings. SES consider that the Council in agreeing the HRA will have fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The HRA provided by the applicant concludes that following implementation of mitigation measures, it is considered that the proposed greenway will have no

adverse impact on the integrity of any European sites, either alone or in-combination with other plans or projects. While not being responsible for the HRA, SES has reviewed it and has no reason to disagree with the assessment and conclusions.

DAERA's NED has reviewed the documents submitted, NED are content that surface water drainage will primarily use the existing drainage pathways for the site and that the outline Construction Environmental Management Plan (oCEMP) (date stamped 12/03/19) details the measures to be put in place to prevent pollution or contamination of surface waters during construction of the development. A recommended condition in relation to the submission of a final Construction Environmental Management Plan (CEMP) is requested to be included on any permission granted. NED has considered the impacts of the proposal on designated sites and on the basis of the information provided is content subject to recommended condition.

Bats

NED notes from the PRA Assessment Report that a survey was carried out on the trees planned for removal for this development. All trees were found to be negligible-low bat roosting potential (BRP).

NED notes from the Amended site layout, date stamped 04/03/2022, that the PRA Assessment Report has surveyed all trees labelled for removal in the amended plans. Provided no further trees are planned for removal or arboricultural works necessary during the construction of the greenway, NED is content that additional surveys are not required.

Birds

NED has assessed the winter bird survey report and, provided all mitigation proposed is implemented, is content that any potential impacts to wintering bird populations can be minimised. NED recommends that the Ecological Clerk of Works (ECoW) assigned to supervise construction during path widening in sections that are within close proximity to the shoreline, carries out an additional check for any summer breeders that may be affected by the works prior to the commencement of the construction.

Otter/Badger

Given the presence of both species in close proximity to the proposed Greenway and the associated construction works, NED recommends the following construction safeguard measures are implemented to protect badgers, otters and other species:

- Any trenches or deep pits created within the development site that are left open overnight must have a means of escape should a badger enter. This could be through the use of rough wooden planks placed within them overnight or outside construction periods. All trenches/deep pits must be inspected each morning to ensure that badgers (or other wildlife) have not become trapped.
- Any pipes over 200mm in diameter should be capped off at night to prevent badgers and other animals from entering them and becoming trapped.
- All works should be limited to daylight hours to limit any potential disturbance to nocturnal species.
- Any construction lighting is to be directed away from waterways, site boundaries and retained habitats.

Given the presence of both species in close proximity to the proposed greenway during surveys carried out in 2020, NED recommend checks for badger and otter are carried out by the assigned ECoW prior to construction. Should any evidence of recent changes in badger or otter presence be found, further mitigation measures will be necessary. Details of the precautionary mitigation measures and additional surveys prior to construction should be included in the final CEMP.

Habitats and landscaping

The Enler River is a Northern Ireland Priority Habitat (NIPH), in close proximity to the site and culverted in sections of the proposed Greenway. NED has stated that it is content with mitigation and pollution prevention measures outlined in the oCEMP, such as directional lighting to avoid light spill on the riparian habitat.

The habitats to be lost to the proposed greenway are common with little special interest. There is a small woodland of some 30sqm on the embankment of the existing greenway in Comber which is to be lost to facilitate the proposed car park. The Habitats Report states that the area comprises of poor ground flora and only semi-mature trees. It also states that no notable or important habitats will be lost on a temporary or permanent basis in the construction of the proposed greenway.

NED is content with the amended scheme that includes the section labelled as 'no works within this area' as therefore the existing trees lining the dual carriageway are included within the areas that have no works proposed. NED is content the amendments are unlikely to significantly impact natural heritage features.

It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2.

Open Space Policy

As part of the site is zoned as existing amenity open space and recreation, Policy OS 1 of PPS 8 applies. It states that development will not be permitted that would result in the loss of existing open space or land zoned for the provision of open space. As the proposal is for an open space use in the form of a greenway, the proposal complies with this policy.

Flood risk

Policy FLD1 Development in Fluvial and Coastal Flood Plains in PPS 15 Planning and Flood Risk (revised), is applicable as the Flood Hazard Map (NI) indicates that the development lies within the 1 in 100 year fluvial flood plain, and 1 in 200 year coastal flood plain.

The Council confirmed that the proposed greenway is an exception under FLD1 of PPS15 under criteria (f) - The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.

Dfl Rivers has confirmed that the proposal has obtained (Reference nr 1N1-12-21077, letter dated 7/1/2022) Dfl Rivers Local Area Office engineers' consent to construct /amend each of the footbridges over the watercourses.

The Flood Technical Note by ACEOM Consultants dated 11/5/2021 concludes that the proposed footbridge does not alter the Flood Mechanism. Dfl Rivers recommends that the footpath either side of the River Enler is kept at existing ground levels. Dfl Rivers Area Office Engineers are satisfied with the bridge proposals as indicated: drawing No's 60529492-SHT-10- LD-3112 to drawing 60529492-SHT-10-LD-3119 inclusive.

Dfl Rivers has stated, that while not being responsible for the preparation of the submitted reports, accepts the logic and has no reason to disagree with its conclusions. Policy FLD 1 is now deemed to be accepted and following the flood risk mitigation measures included within the proposal, Dfl Rivers cannot sustain any objection.

Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure - Under 6.32 of this policy, it is essential that a working strip of minimum width 5m is retained to enable Dfl Rivers or the riparian landowners to fulfill their statutory obligations/responsibilities. An Operational Agreement has been reached between Council and Dfl Rivers Local Maintenance Office along the Newtownards Flood Defence. As such the proposals comply with Policy FLD 2.

Policy FLD3 - Development and Surface Water is applicable. Dfl Rivers have reviewed the Drainage Assessment Revision 2, dated 28/2/2020. Paragraph 2.8.3 of the Drainage Assessment proposes that there will be no additional direct surface water discharges to a watercourse and drainage is by soakaways/infiltration. The surface water is to infiltrate to sub soil drainage. The soakaways do not have a discharge point to a watercourse and infiltrate ground to the original appropriate catchment location. This is a matter for NIEA and is not an area of expertise for Dfl Rivers.

Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment report accepts its logic and cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. Policy FLD 3 is now deemed to be accepted.

Policy FLD4 - Artificial Modification of watercourses – The policy states that the artificial modification of a watercourse, including culverting or canalisation operations, will only be allowed in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Approval for any such culverting should have the prior consent of Dfl River's local area office prior to the Council permitting the proposed culverting.

Policy FLD5 - Development in Proximity to Reservoirs – Not applicable.

5. Representations

I have read the correspondence in full and the main points raised are summarised below.

Letters of support

Number of representations of support received – 2 in total.

Issues raised regarding promotion of active travel and sustainable tourism in the area.

Letters of objection

Number of objections received – 82 in total.

19 objections were received since September 2024 and the majority of the objections were in relation to a plan that showed the route incorrectly travelling through the Castlelodge housing development. In response to this error, the applicant issued letters to the objectors clarifying the route, (including a map showing the correct route) and also an apology for the error and inconvenience caused.

Issues raised as objections to the proposal are summarised below.

Issues raised were in relation to the original submission:

- a) *Proposed car park at Ballyrickard WwTW – loss of privacy as well as unacceptable noise and disturbance caused to adjacent dwellings in particular 145 Newtownards Road.*

This car park has now been removed from the scheme as per the amended plans submitted on 20 August 2024.

- b) *Proposed greenway at the Belfast Road end – loss of privacy to nearby dwellings, in particular nos.111-127 Belfast Road; visual intrusion, impact on visual amenity, disturbance and nuisance, concerns regarding security risks to homes.*

The proposed greenway does not abut nearby residential properties. The initial section of the proposed greenway from the proposed car park is approximately 185m to the north of the closest properties and approximately 40m to the east of the rear garden boundaries. These separation distances are considered adequate so as not to cause any adverse impact on residential amenity.

In terms of visual impact, it is considered that the proposed greenway will not cause unacceptable impacts to the visual appearance of the area. Whilst it will be visible from the public road however it will not be intrusive or cause harm in the landscape due to the nature of it being a pathway. The proposed car park will involve the removal of existing trees however they are only semi-mature and can be replaced – a condition will be included on any permission granted to ensure a landscaping scheme for this area is submitted prior to commencement of development on site.

It is the responsibility of property owners to make their property safe. It therefore falls to any property owner to erect a fence should it be deemed necessary to secure their own property.

- c) *Additional unauthorised parking along the roadside and private driveways at the Belfast Road end.*

The proposed new car park will remove any unauthorised parking that currently takes place from users of the existing greenway due to a lack of formal parking provision.

- d) *Landowners do not consent to the use of their land for the purposes of the greenway.*

This objection letter came in at the start of this application in 2019 and the appropriate notice was served on this landowner at the time of the submission. The applicant states that they have been in continuous contact with the family/landowner throughout this process. The applicant has informed the Planning Department that land acquisition discussions are continuing. However, this is a matter out with the planning process and the Planning Department's remit. Therefore, this objection from 2019 should not prohibit a recommendation of this planning application being brought to the Planning Committee for determination. It should be noted that planning permission does not confer title, and it is the responsibility of the developer to ensure they have the rights and permission to develop land should an approval be granted.

- e) *Kilbeg Walk end of route – additional parking problems added to an area already congested for parking, increased anti-social behaviour attracting more damage to properties and cars.*

It cannot be presumed that users will park their vehicles in or around Kilbeg Walk area as this is clearly a residential area with very little space for on-street parking as the roads are so narrow and could cause the roads to be impassable. There are signs which also state 'No Parking' which would also deter non-resident parking. It is more likely the greenway users will park in the car park at Londonderry Park accessed from Portaferry Road and join the route from here. Additionally, DfI Roads has not objected to the proposed parking provision within the proposal.

- f) *Concerns regarding security around properties.*

It is the responsibility of property owners to make their property safe. It therefore falls to the property owners to erect a fence if it is deemed necessary to secure their own property.

- g) *Flood defence bank owned by DFI Rivers – it is a bank and is not intended to be used for walking or cycling.*

The statement previously made concerning land ownership is a matter that will be dealt with outside of the planning process. Furthermore, DfI Rivers do not object to this proposed section of the Greenway.

- h) *Impact to Brent Geese and wintering birds*

Regarding the environmental concerns raised, it is important to note that this issue was raised before the completion of the relevant environmental surveys at the Habitats Regulations Assessment (HRA) Stage 2. The subsequent acceptance of these surveys

by the Northern Ireland Environment Agency (NIEA) should provide sufficient assurance that there are no significant environmental issues associated with the proposal. Any environmental issues identified have been accompanied by mitigation plans, such as measures to protect wintering birds. A winter bird survey report was submitted and NED is content that the proposed mitigation will minimise disturbance to winter bird species. A condition will be included on any permission granted to ensure a Final CEMP is submitted which must include additional surveys of protected/priority species and further mitigation measures, where necessary.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. No part of the scheme shall become operational until a Stage 3 Road Safety Audit has been completed by the developer, to the current version of GG119 and to the satisfaction of the DFI Roads.

Reason: In the interests of road safety for road and greenway users.

3. No part of the scheme, with the exception of the approved car park, shall become operational until details of appropriate signage to identify to users the end of each of the Greenway sections hereby approved, alongside appropriate barriers to demarcate those sections hereby approved, to be installed at locations identified on Drawings 36C and 80B, have been submitted to and approved by the Council in writing.

Reason: In the interests of road safety for road and greenway users.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 28C (60529492-SHT-0-CT-LA-2201) posted on 21/05/2024 prior to the commencement of the operation of the car park hereby approved.

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

5. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway 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.

6. The access gradient(s) to the car park hereby permitted shall not exceed 4% (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.

7. The carpark shall not become operational until surfacing has been completed in final wearing course.

Reason: To ensure the orderly development of the site and the roadworks necessary to provide satisfactory access to the Greenway

8. No development hereby permitted shall be commenced until the roadworks indicated on Drawing No 32A (0529492-SHT-0-CT-LA-2205) uploaded on 21/05/2024 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

9. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include the following:

- a. Construction methodology and timings of works, including construction of the proposed culvert and mitigation measures to protect the aquatic environment during its construction, such as works only during periods of low flow;
- b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refueling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site. Details of suitable buffers around the culvert site prior to the commencement of construction.
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Additional surveys of protected/priority species and further mitigation measures, where necessary;
- e. Water Quality Monitoring Plan;
- f. Environmental Emergency Plan;
- g. Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, and to prevent likely significant effects on the Strangford Lough Part 1 Area of Special Scientific Interest (ASSI) and Strangford Lough Special area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site.

10. No site works of any nature or development shall take place until a fence has been erected around the areas specified, on a line to be agreed with the Historic Environment Division: Historic Monuments. No works of any nature or development shall be carried out within the fenced areas. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fences shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

11. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: 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.

12. Construction activity shall not occur outside the following hours:
Monday to Friday – 07:00hrs – 18:00 hrs
Saturday – 08:00 – 13:00hrs
Sundays or Bank/Public Holidays – No activity.

Reason: In the interests of residential amenity.

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

Reason: To protect breeding birds.

14. A landscape management plan for the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, in addition to a plan showing all landscaping details, shall be submitted to and approved by the Council in writing prior to the use of any part of the development hereby permitted. The landscape management plan and landscape details shall be carried out as approved in perpetuity.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
Informative
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Photos

Start of proposed route at Belfast Road, Comber



Start of proposed route at Belfast Road, Comber



Kennel Bridge / Mount Alexander



Section 2

Flood wall to rear of Comber Leisure Centre, path to be widened to 3m



Existing path adjacent to Darragh Road to be widened to 3m



Existing access to Ballyrickard WwTW adjacent to proposed location of car park and route of Greenway to flood defence



Existing access to path at floodgates, proposed route to link around rear of pumping station



Section 6
Existing path within Londonderry Park to be widened to 3m



Existing pedestrian bridge from rear of Lenamore Park and Londonderry Park to be widened to 4m



Proposed plans

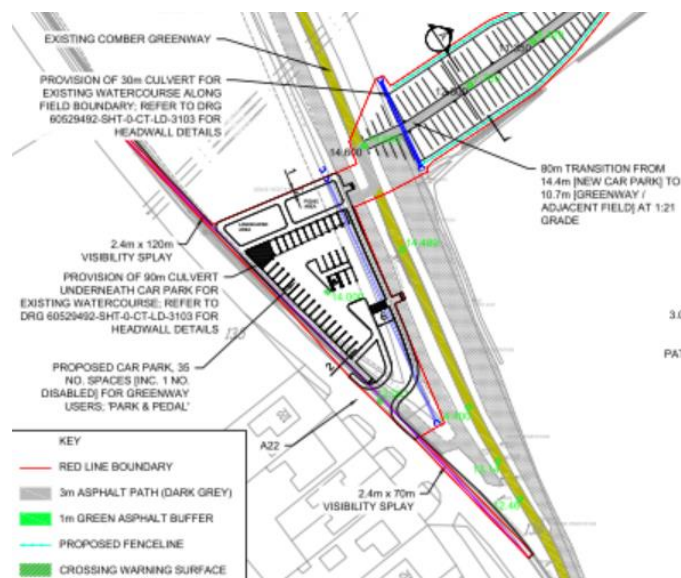


Figure 3. Proposed initial section of the greenway including the car park on Belfast Road (Drawing 28C).

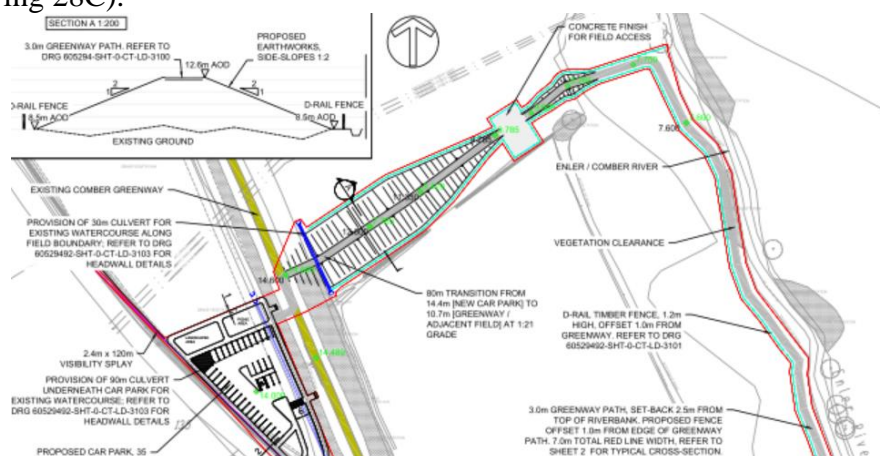


Figure 4. Proposed embankment between proposed car park and Enler River (Drawing 28C).

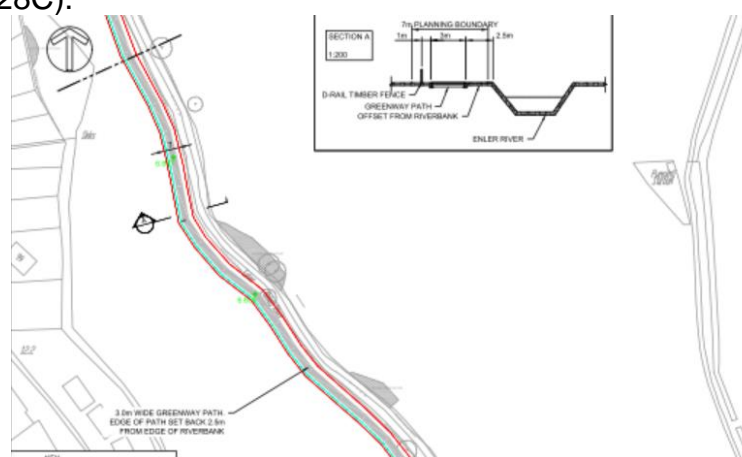


Figure 5. Proposed section of greenway path adjacent to Enler River. Drawing 29.

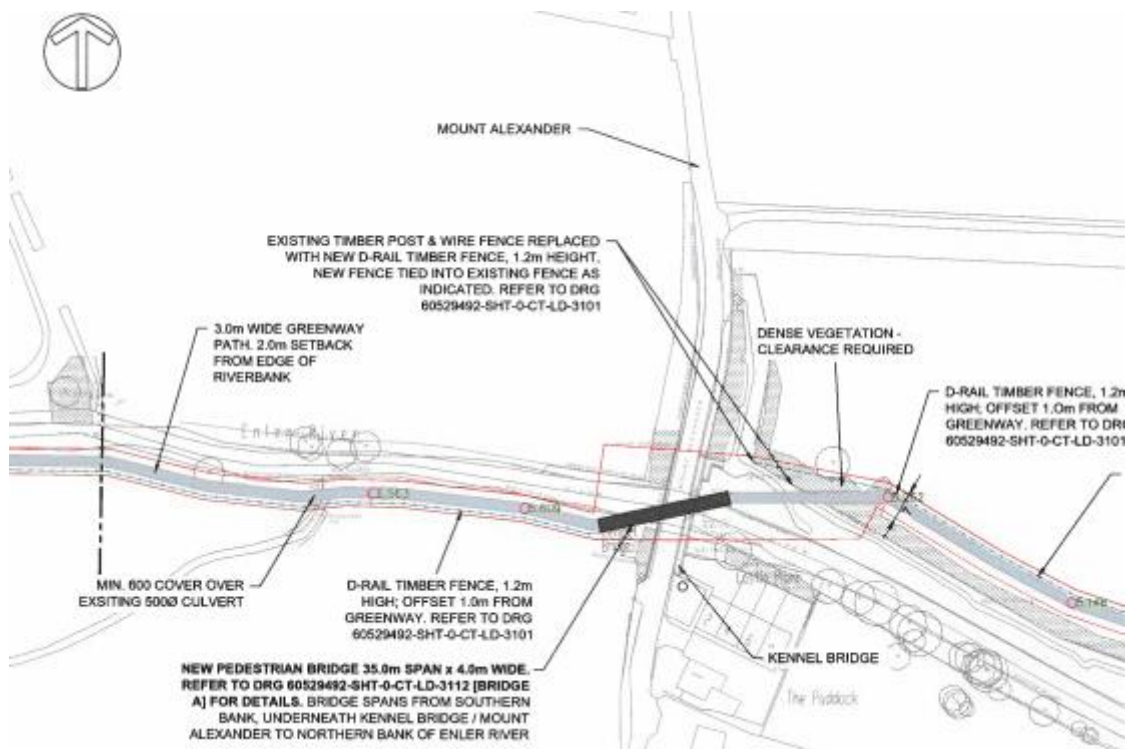


Figure 6. Proposed route over Enler River via a new bridge (Bridge A). Drawing 30.

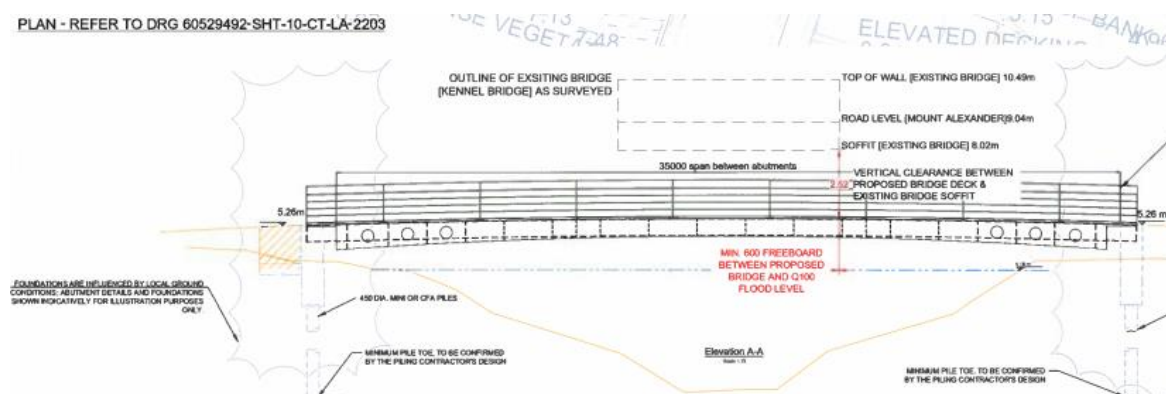


Figure 7. Proposed section of new pedestrian bridge (Bridge A). Drawing 65.

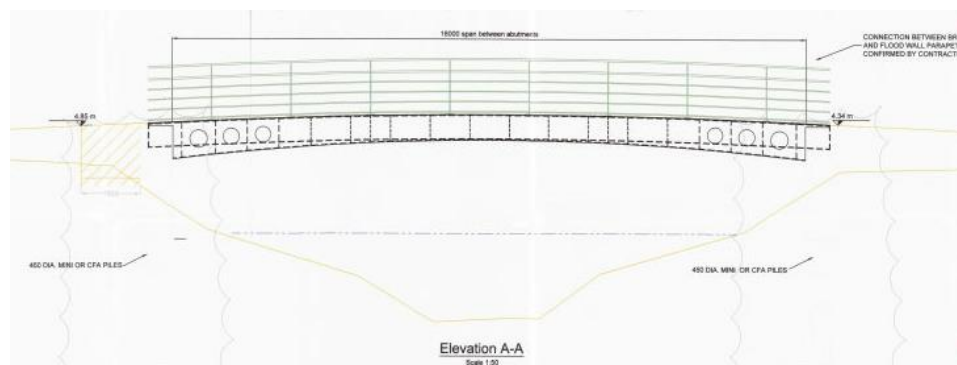


Figure 8. Proposed bridge (Bridge B). Drawing 66A.

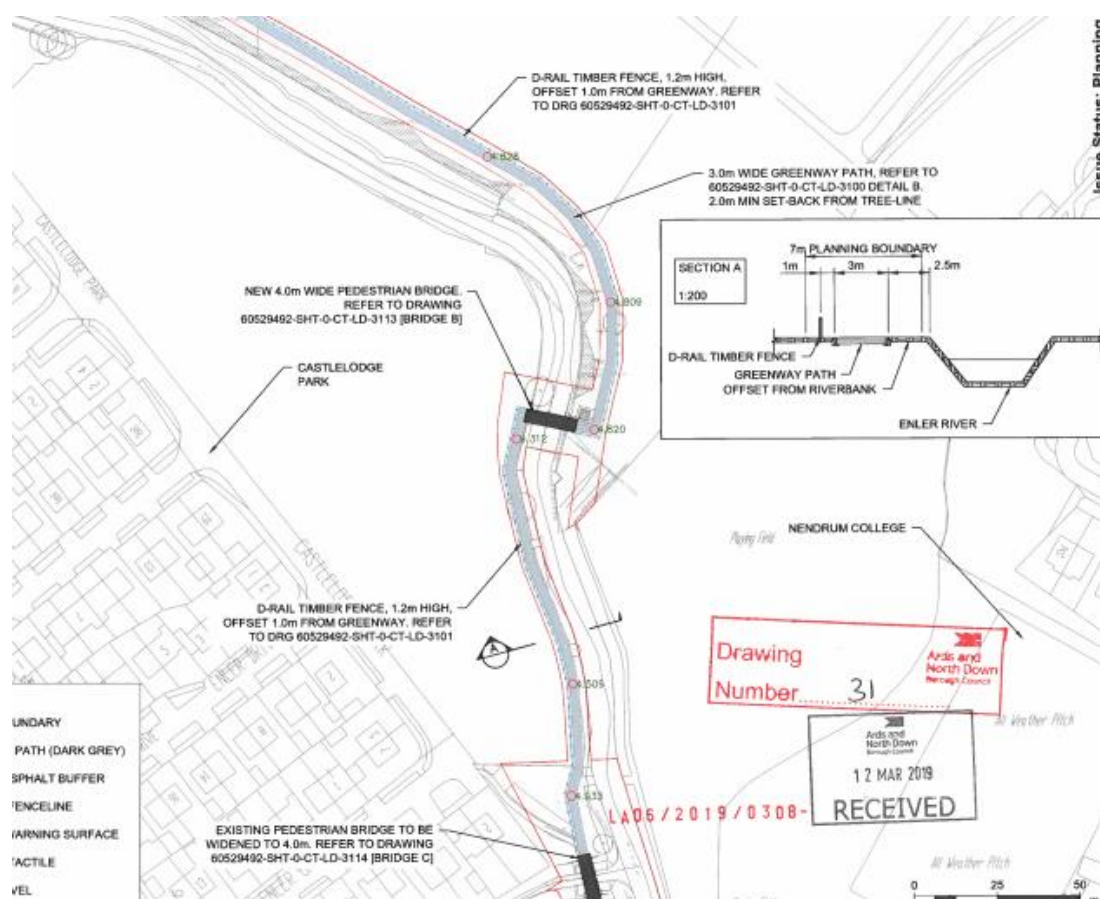


Figure 9. Proposed bridge (Bridge B) first, then extension to existing bridge (Bridge C). Drawing 31.

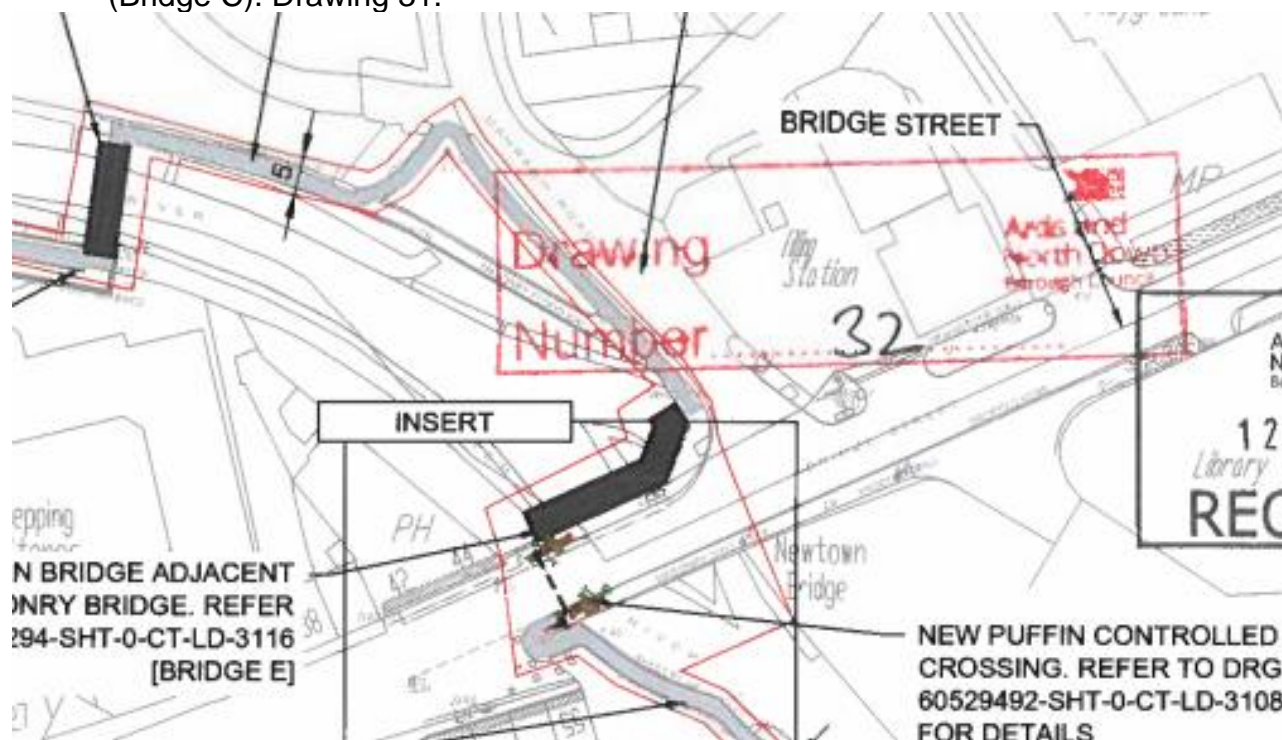


Figure 10. Proposed section at Bridge Street. Shows new bridge (Bridge D) first, then new bridge adjacent to Bridge Street (Bridge E). Drawing 32.

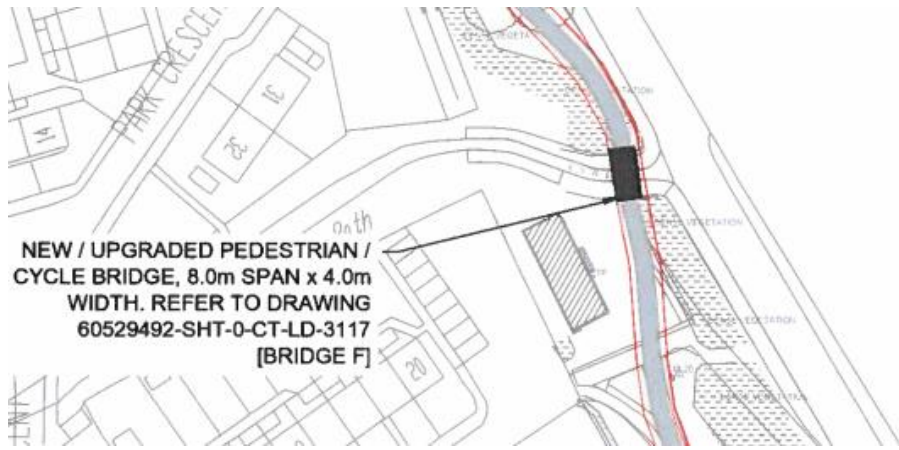


Figure 11. Proposed upgraded existing pedestrian and cycle bridge, 4m wide. (known as Bridge F). Drawing 70.

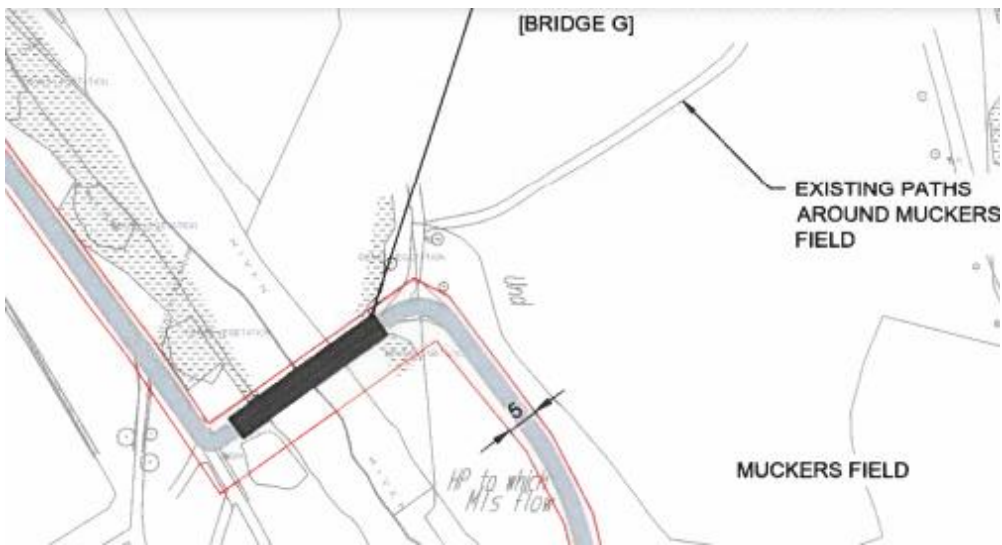


Figure 12. Proposed upgraded existing bridge known as Bridge G. Drawing 71.

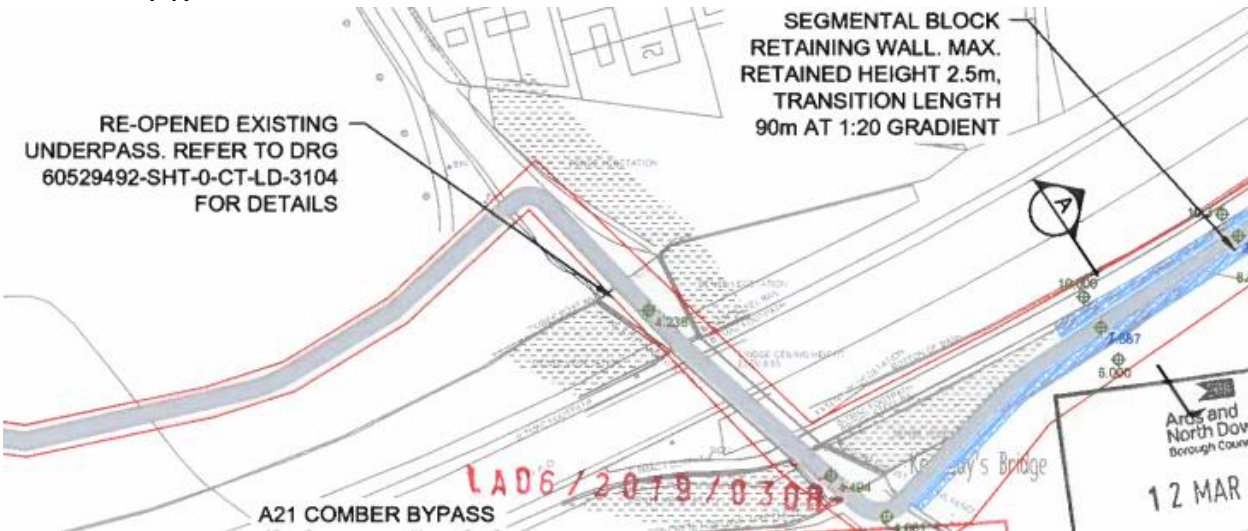


Figure 13. Proposed underpass to be re-opened. Drawing 34.

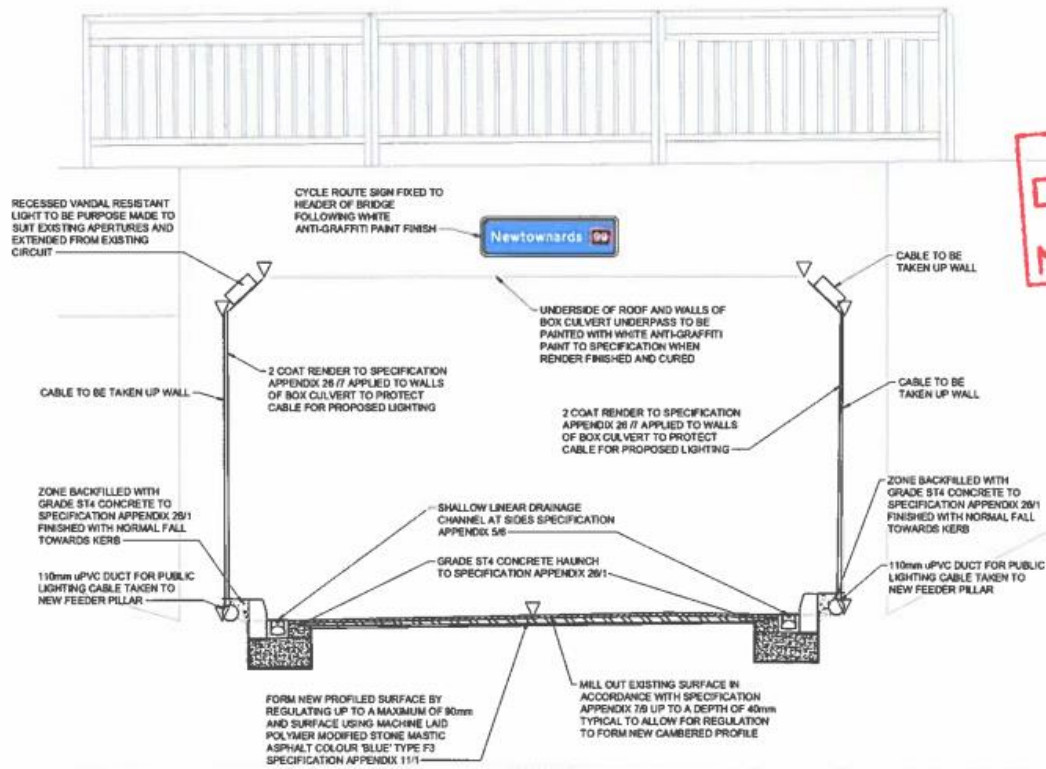


Figure 14. Proposed re-opening of underpass under A21. Drawing 58.

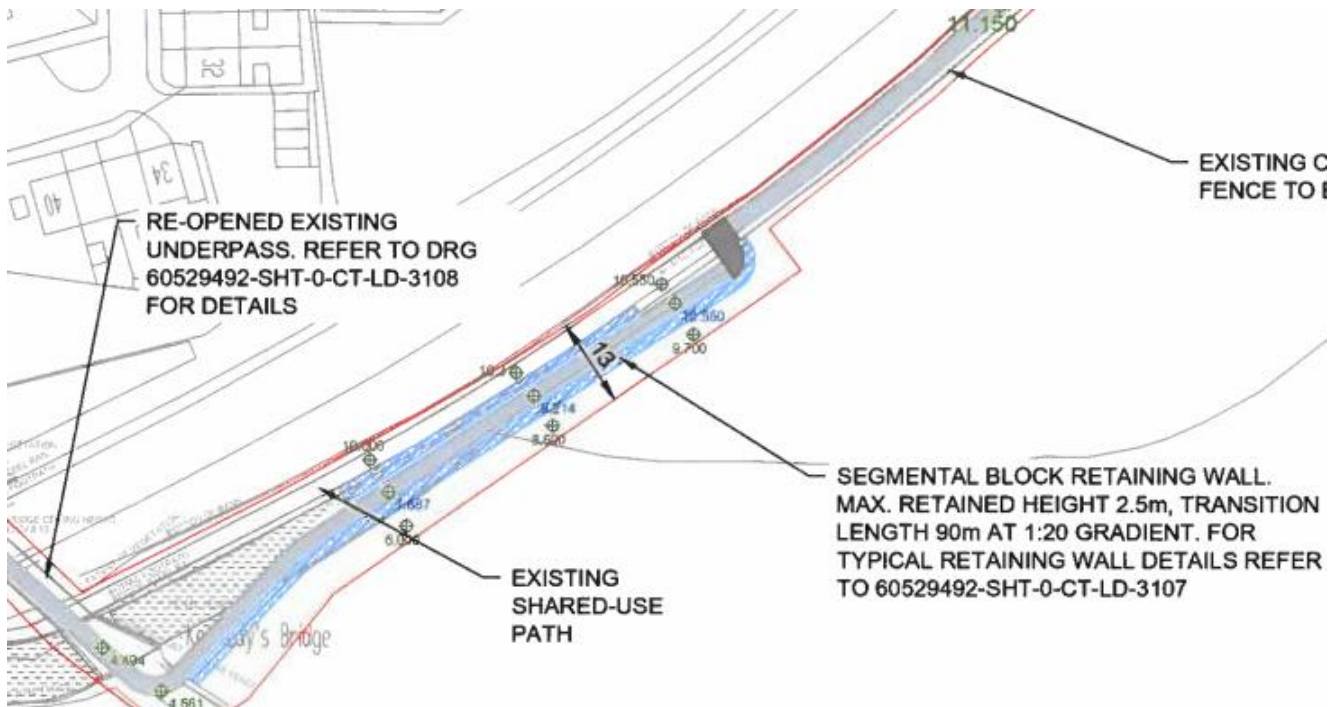


Figure 15 Proposed new greenway path will join existing path along the Comber bypass A21. Drawing 35.

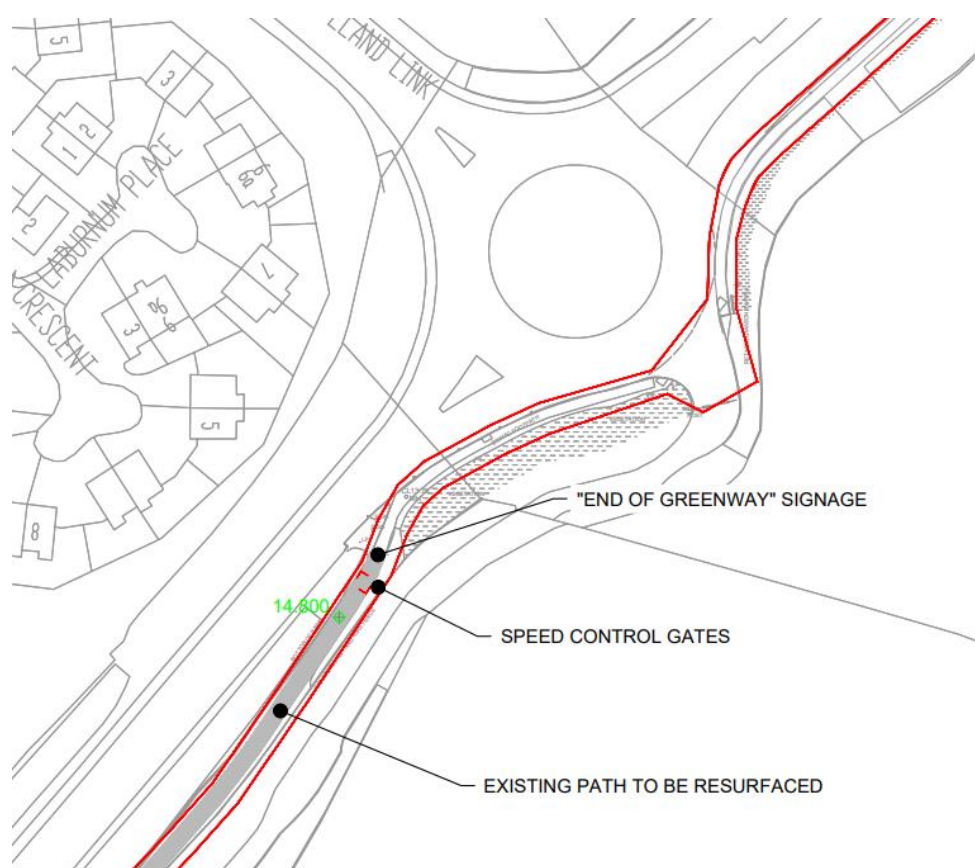


Figure 16 Amended plan showing no works to take place within agreed section of the route.
Drawing 36C

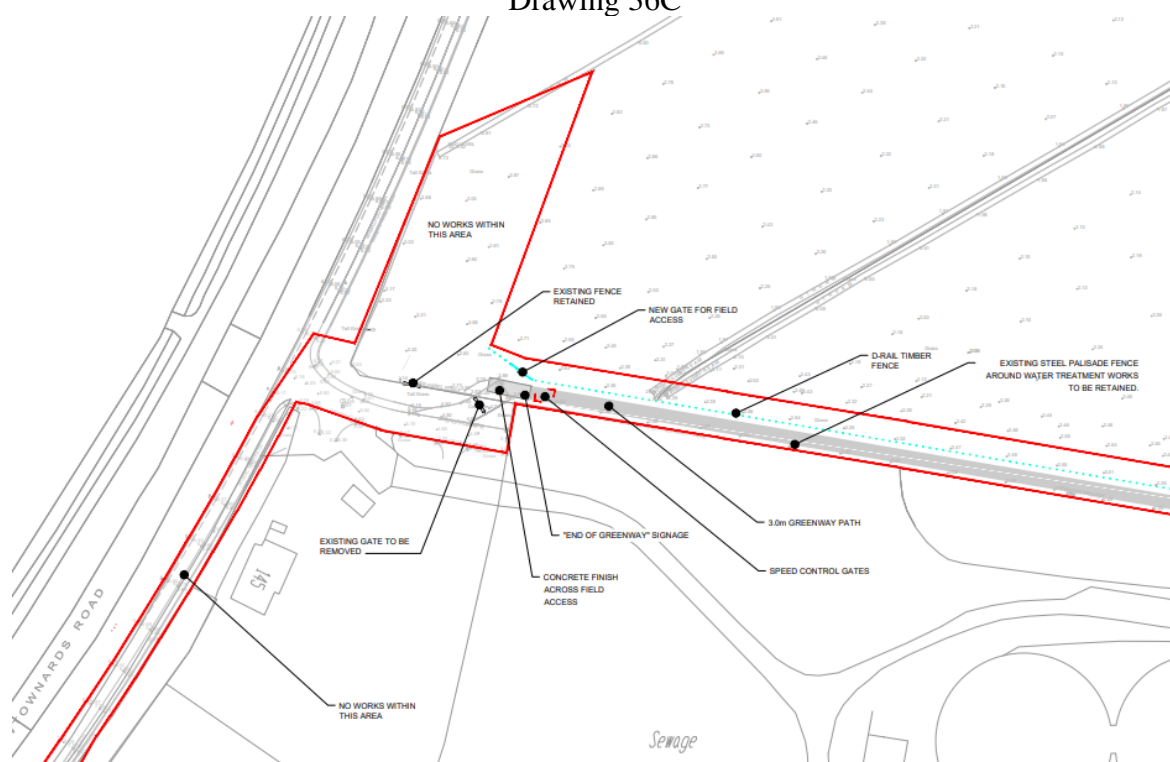


Figure 17 Amended plan showing the proposed start of the Newtownards section of the route. Drawing 80B.

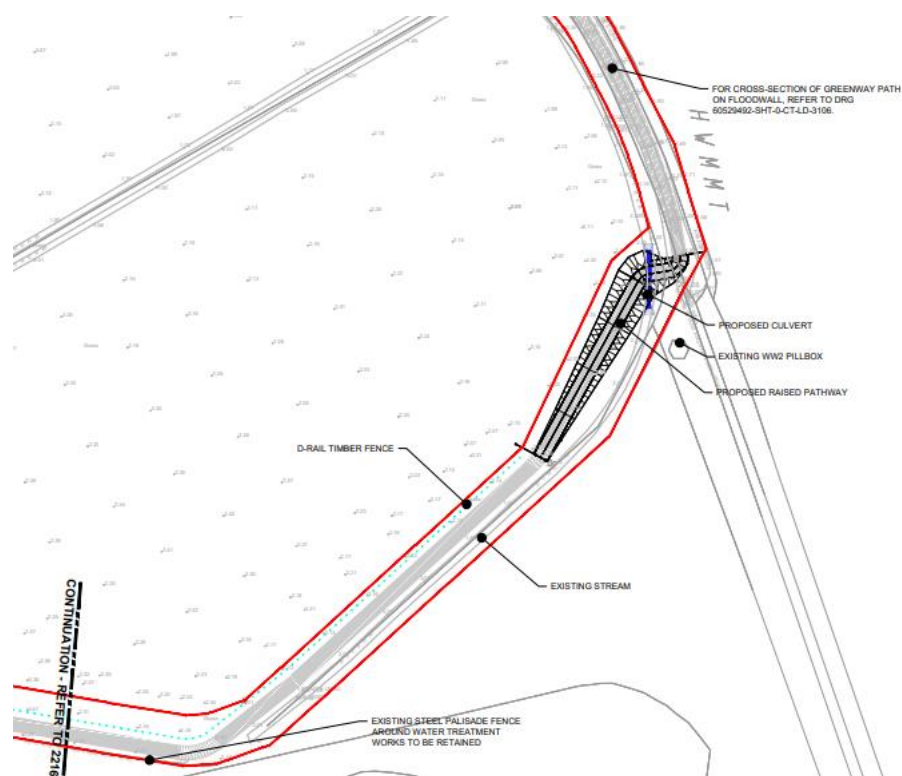


Figure 18 Proposed plan showing the greenway joining the existing coastal path. Drawing 81.

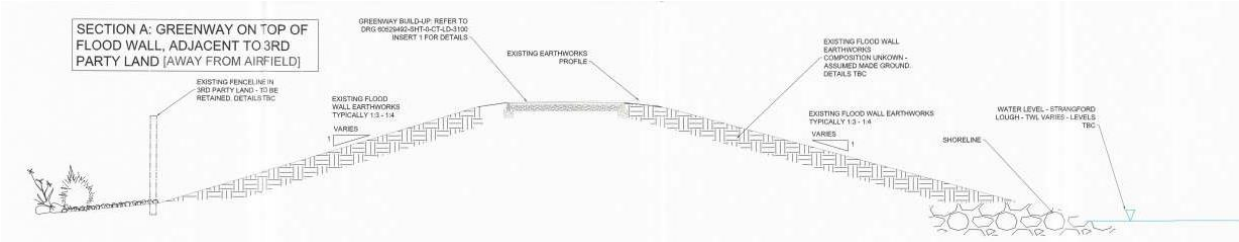



Figure 19 – section plan of the proposed greenway along the existing path at the top of the flood wall. Drawing 59B.

ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2023/2188/F & LA06/2023/2189/LBC
Proposal	Public realm improvements.
Location	The Moat, Moat Street, Donaghadee DEA: Bangor East & Donaghadee
Committee Interest	Council Application
Validated	14/11/2023
Summary	<ul style="list-style-type: none"> • No objections or letters of support received. • Works considered minor with no adverse impact on listed building (The Moat) and the surrounding character and appearance of the conservation area. • HED content in terms of both the historic buildings and monuments sections subject to a condition requiring specific materials/finishes. • Conservation Area Officer has no objections to the proposal. • No impact on coast or natural environment. • Development complies with Development Plan, the SPPS and PPS 6 'Planning & the Built Heritage'.
Recommendation	Grant Planning Permission & Listed Building Consent
Attachment	Item 4.4a – Case Officer Report LA06/2023/2188/F Item 4.4b – Case Officer Report LA06/2023/2189/LBC

<p align="center">Development Management Case Officer Report</p>				
Reference:	LA06/2023/2188/F	DEA: Bangor East & Donaghadee		
Proposal:	Public realm improvements.			
Location:	The Moat, Moat Street, Donaghadee			
Applicant:	Ards and North Down Borough Council			
Date valid:	14.11.2023	EIA Screening Required:	No	
Date last advertised:	30.11.2023	Date last neighbour notified:	16.11.2023	
Letters of Support : 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
Conservation Officer		No objection.		
Historic Environment Division		No objection, subject to conditions.		
<p>Summary of main issues considered:</p> <p>The main issues to consider in the determination of this application are:</p> <ul style="list-style-type: none"> • Principle of Development; • Design and appearance; • Impact on Character and Appearance of designated Conservation Area; • Impact on listed monuments, archaeological and built heritage; • Conflict with adjacent land uses; • Parking, Access and Road Safety; • Residential amenity; • Open space provision; • Impact on natural heritage and designated sites. 				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://submissions.planningsystemni.gov.uk/app/applications</p>				

1. Site and Surrounding Area

The application site is located at The Moat, within the settlement limit of Donaghadee, as per the Ards and Down Area Plan 2015.



Figure 1: The Moat access and building as viewed from Moat Street

The site is prominently located on an elevated piece of land to the north of Moat Street, on the northern side of Donaghadee town centre. The site was a 12th-13th century motte (scheduled monument DOW003:003). It is approx. 10m at its highest point and has an oval summit area of 25m x 14m, the longer axis being aligned parallel with the coastline. The castle tower on the mound was built in 1821 and was used as a gunpowder store during the construction of the nearby harbour. It is known locally as 'The Moat' and is a Grade B2 Listed Building (HB24/06/002). The building was recently sympathetically refurbished and renovated, with Camera Obscura inside. The building is accessed via spiral stepped pathways which curve around the motte. There are views across the town, harbour and towards the Copeland Islands.

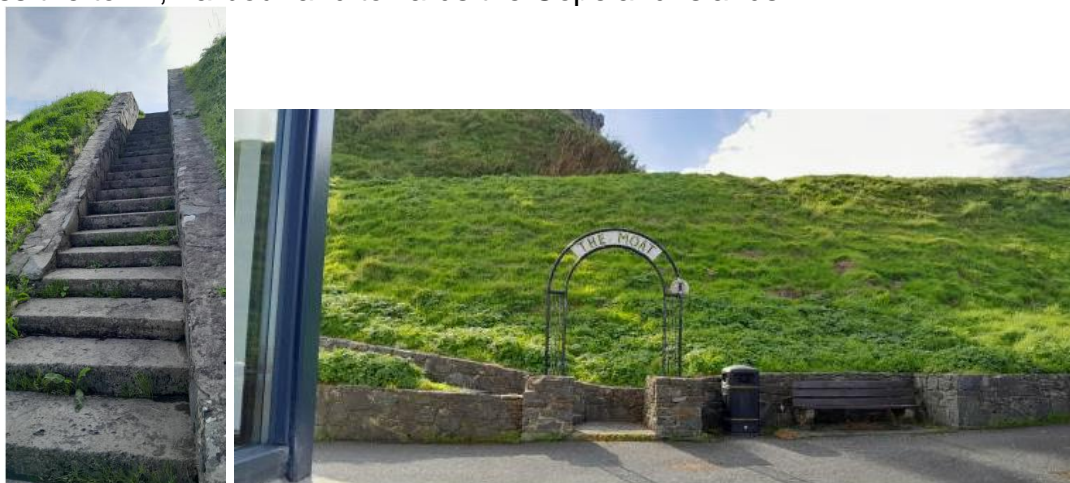


Figure 2: Steps to access building and view of The Moat access from Moat Entry side

The tower is approached along a path to the southwest via a footbridge spanning the ditch/moat from Moat Street with it leading up to the crest of the hill. There is also a path leading up from Moat Entry/Shore Street.

The character of the surrounding area is generally residential, interspersed with other elements typical of the coastal location such as slipway and boatyard opposite and public amenity areas with seating overlooking the sea. Works to extend the car park to

the northeast of the application site at Moat Entry have recently been approved under LA06/2024/0157/F.



Figure 3: View of the residential properties on both sides of the access path

2. Site Location

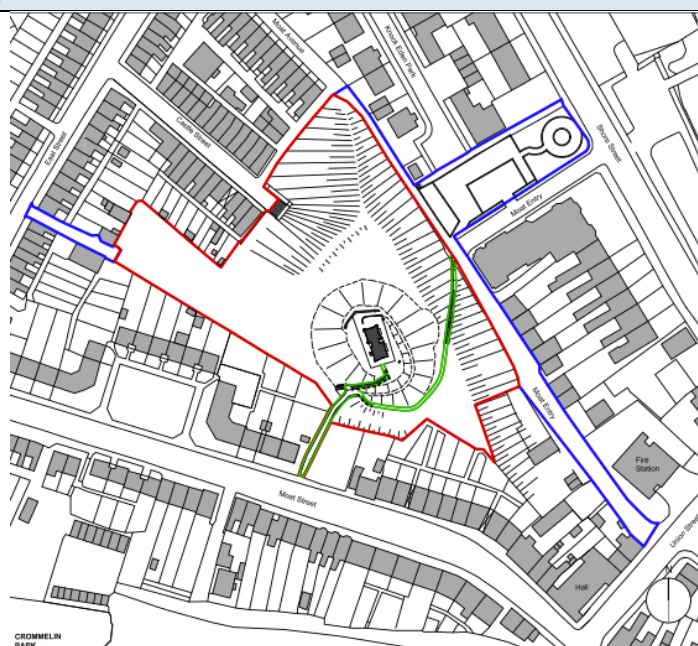


Figure 4: Drawing No. 01 - Site Location Plan

3. Relevant Planning History

There has been the submission of a Listed Building Consent application alongside the submission of the current application seeking to attain full planning approval:

Planning Ref: LA06/2023/2189/LBC

Site: The Moat, Moat Street, Donaghadee BT21 OED.

Proposal: Public realm improvements.

Decision: Pending.

The application site has an established planning history, with a number of full planning applications and Listed Building Consent applications having attained permission and consent in recent years to restore the listed building and improve the access and associated public realm of the wider site:

Planning Ref: LA06/2020/0574/LBC

Site: Donaghadee Gunpowder Store, 74 Moat Street, Donaghadee BT21 OED.

Proposal: External works and restoration of the Old Gunpowder Store.

Decision: Consent Granted (16th April 2021)

Planning Ref: LA06/2017/0636/F

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Permission Granted (4th October 2018)

Planning Ref: LA06/2017/0630/LBC

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Consent Granted (4th October 2018)

Planning Ref: X/1990/0200/F

Site: The Moat, Donaghadee.

Proposal: Environmental improvement scheme including car park at Moat entry.

Decision: Permission Granted (31st May 1990)

4. Planning Assessment

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

- Ards & Down Area Plan 2015,
- Strategic Planning Policy Statement for Northern Ireland,
- Planning Policy Statement 2: Natural Heritage,
- Planning Policy Statement 3: Access, Movement & Parking,
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage,
- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation,
- Planning Policy Statement 16: Tourism.

Supplementary Planning Guidance

- Donaghadee Conservation Area.

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 Plan unless material considerations indicate otherwise.

The application site is located inside the designated settlement limit of Donaghadee, within a designated Area of Archaeological Potential and within the designated Donaghadee Conservation Area as per the Ards and Down Area Plan 2015. The site is also identified as an area of Existing Open Space and Recreation (DE20), with the site a scheduled monument with the Old Gunpowder Store a Grade B2 Listed Building.

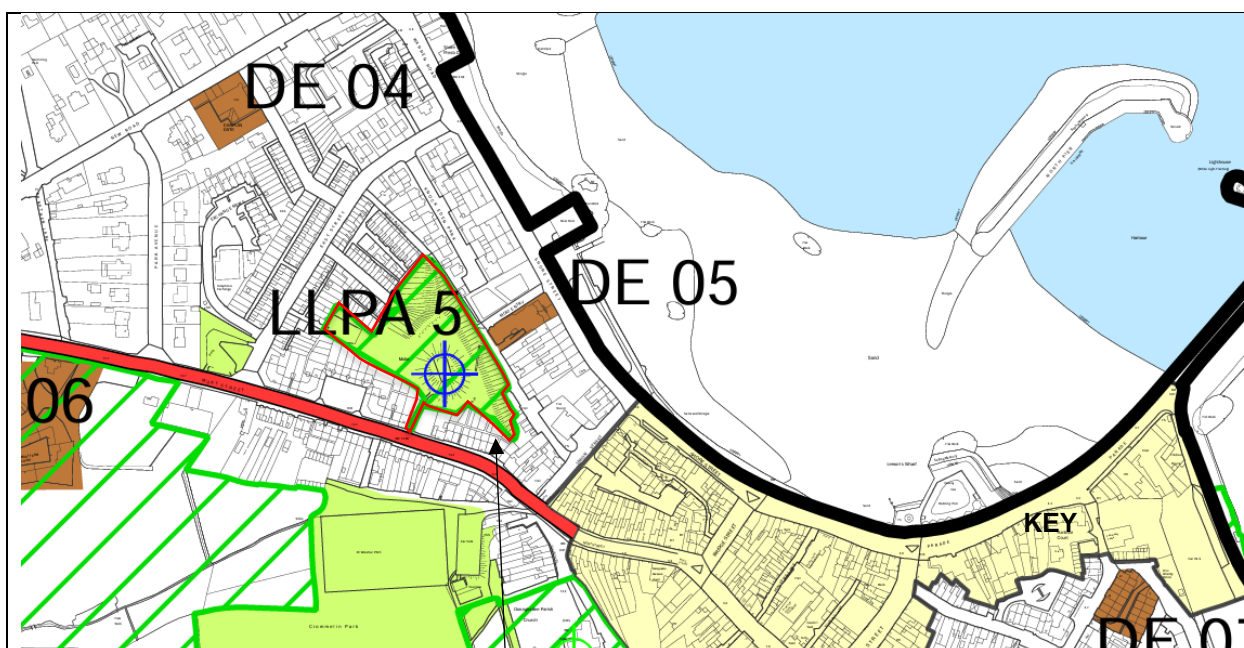


Figure 5: Application site - Ards and Down Area Plan 2015

The application seeks to attain permission for improvement works to the public realm with the aim of improving public safety, and encouraging public use of the site, entailing:

- Resurfacing works to improve drainage, appearance, and durability to steps and paths, with railings installed where risk of falling is greatest.
- Remove all areas of cementitious pointing to existing rubble stone walling between the Old Gunpowder Store and Moat Street and repoint with NHL 5 lime-based mortar.
- Planting of new hedge to enhance the appearance and security where there are weak boundaries with neighbouring properties.
- Proposed security fence to the underside of the bridge to deter anti-social behaviour.
- Informational and directional signage.

The SPPS articulates a presumption in favour of development so long as development is in the public interest and does not compromise environmental standards. Paragraph 6.8 of the SPPS states development which would adversely affect the sites of scheduled monuments or their integrity would only be permitted in exceptional circumstances, with Paragraph 6.10 stating that all adequate information should be requested to enable a well informed planning judgement to be made where it may impact scheduled monuments. Paragraph 6.13 of the SPPS states that works to a listed building may be permitted which would secure the ongoing viability and upkeep of a building, as long as the works respect the essential character and architectural interest of the building and its setting, and that features of special interest remain intact and unimpaired.

The proposal is considered to comply with the SPPS as the works are considered appropriate and sympathetic to the building and wider area, with the proposed materials traditional and in keeping with the building.

No conflict arises between the provisions of the SPPS and any retained policies. Within this context, the principal policy considerations are PPS 2: Natural Heritage, PPS 3:

Access, Movement & Parking, PPS 6: Planning, Archaeology & the Built Heritage, PPS 8: Open Space, Sport & Outdoor Recreation and PPS 16: Tourism.

Whilst the application site is within the boundaries of Donaghadee Conservation Area, it is acknowledged that the scale and nature of the development does not require the submission of a design and access statement in accordance with The Planning (General Development Procedure) Order (Northern Ireland) 2015.

Nevertheless, as per The Planning (Listed Buildings) Regulations (Northern Ireland) 2015, there is a requirement for the submission of a design and access statement in Para. 4 in this regard. This must take account of the design principles and concepts, which have been applied to the proposed works, how they have taken account of the special architectural or historic importance of the building, the physical features of the building that justify its designation as a listed building, the building's setting and how issues relating to access to the building have been addressed.

A design and access statement has been submitted in compliance with the legislative requirements.

Impact on Visual Amenity

The application seeks to attain permission for improvement works to the public realm with the aim of improving public safety, and encouraging public use of the site:

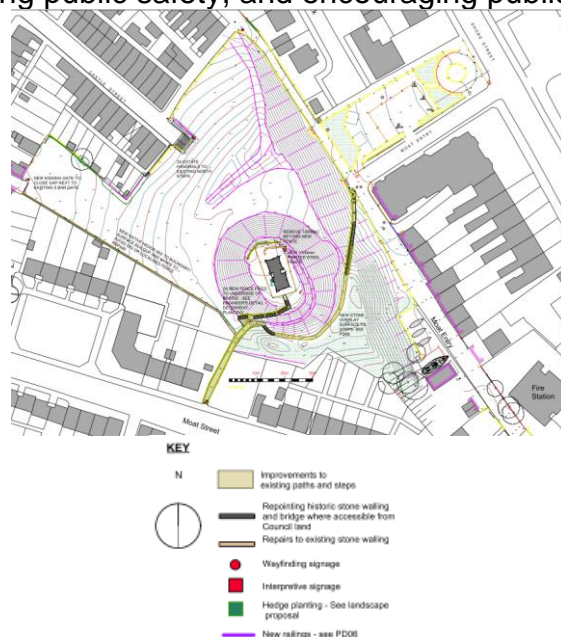


Figure 6: Proposed site plan

The proposal to improve the public realm includes five main elements:

1. Resurfacing works to improve drainage, appearance, and durability to steps and paths, with railings installed where risk of falling is greatest.

The proposal entails resurfacing works to the eastern and southern steps. A new stone overlay surface to steps, remove steps, regrade and resurface in textured cement to the south, new kissing gate to close the gap to existing five bar gate to the west of the site, estate handrails to the east and west, erect a 1.1m painted steel fence with the tarmac beyond the line of the fence removed with the paths to be cleaned.

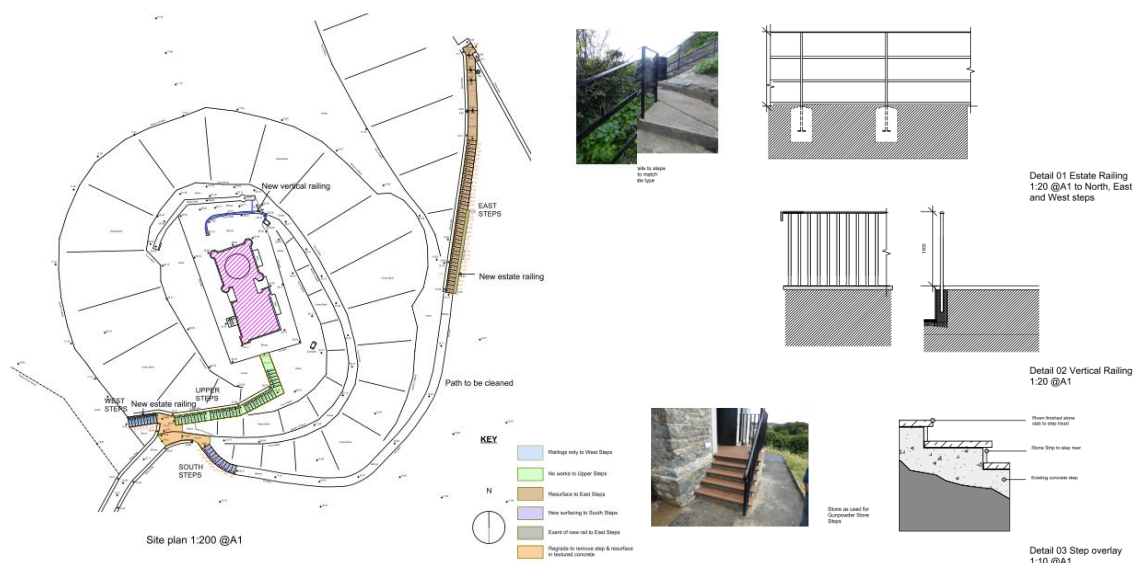


Figure 7: DRG No. 04: Details of step treatment and railings

The proposed estate handrails to facilitate access to the area and inhibit the risk of falling shall have no detrimental impact upon the visual appearance or character of the wider area.

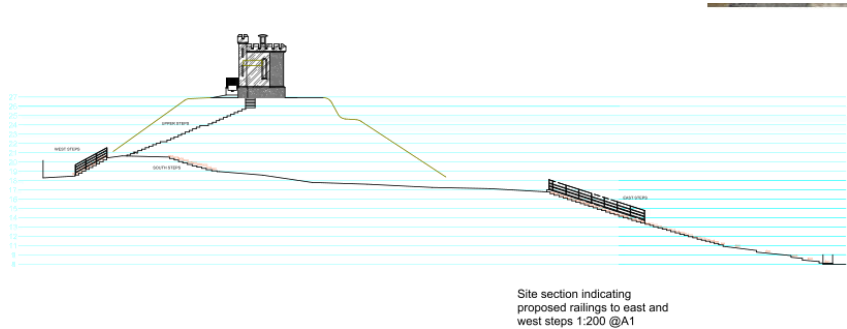


Figure 8: DRG No. 04: Cross section showing proposed railings

The proposed estate handrails shall be finished to match the estate type railings that are on site.



Figure 9: Photos of existing railings

There are no concerns associated with the proposed stainless steel gate to the north west of the application site. The proposed gate's do not detract from the visual appearance or character of the site.

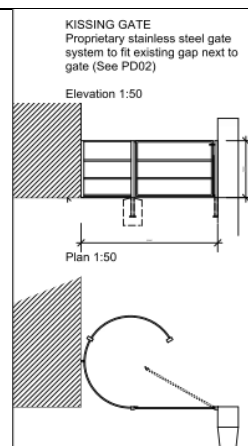


Figure 10: DRG No. 05: Details of kissing gate

2. Remove all areas of cementitious pointing to existing rubble stone walling between the Old Gunpowder Store and Moat Street and repoint with NHL 5 lime-based mortar.

The proposal entails the stone walls and bridge being repointed in lime, where it is agreed by HED to be necessary. The proposal shall have no detrimental impact upon the visual character and appearance of the wider area.

3. Planting of new hedge to enhance the appearance and security where there are weak boundaries with neighbouring properties.

Soft landscaping shall be utilised to enhance the security of the application site in a manner that does not detract from the appearance of the wider area along the boundaries with existing residential properties at Castle Street, East Street and Moat Street. The proposed hedge planting shall be sympathetic to the designated Area of Archaeological Potential that the site is located within, with the hedge to be planted in a raised berm of soil placed on the surface without digging into the existing ground.

Furthermore, the works associated with the application shall be conducted in a manner that protects the existing grass surface from unnecessary damage during the works. Due to level changes or other planned works that require new grass, the seed shall reflect existing grass with new and repaired grass areas protected from traffic until after the first cut, with any areas that have not been successfully established re-cultivated and re-sown.

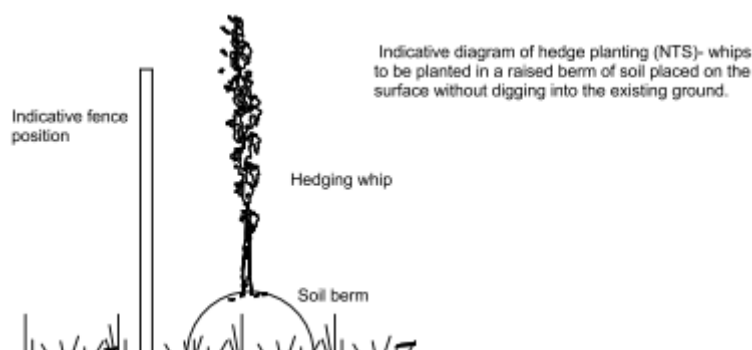


Figure 11: DRG No. 02A: Indicative diagram of hedge planting

4. Proposed security fence to the underside of the bridge.

The proposal shall entail the erection of railings/security fence to the masonry arch under the footbridge to prevent access and inhibit anti-social behaviour. The steelwork

railings to both sides of the bridge shall be galvanised and painted with a gate to facilitate any required maintenance. The proposal shall largely be inhibited from public views, with the works of a minimal scale so as not to visually detract from the site or the setting of the listed building.

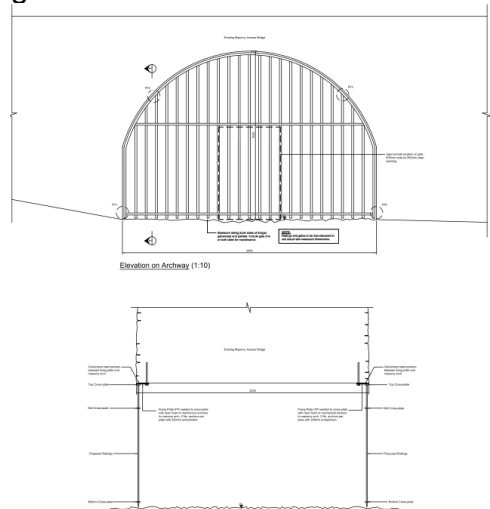


Figure 12: DRG No. 06: Railings at masonry arch

5. Information and directional signage.

The proposal shall also entail the erection of an interpretive lectern, mounted to the new railings, with four wayfinding bollards to the secondary entrances:

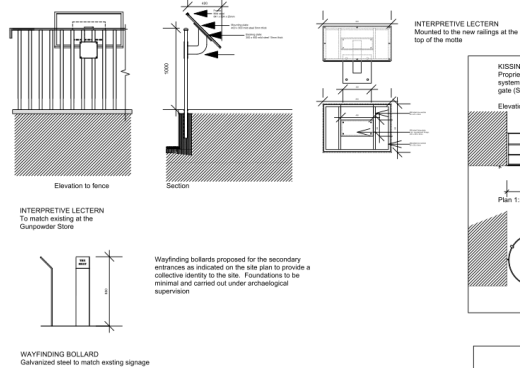
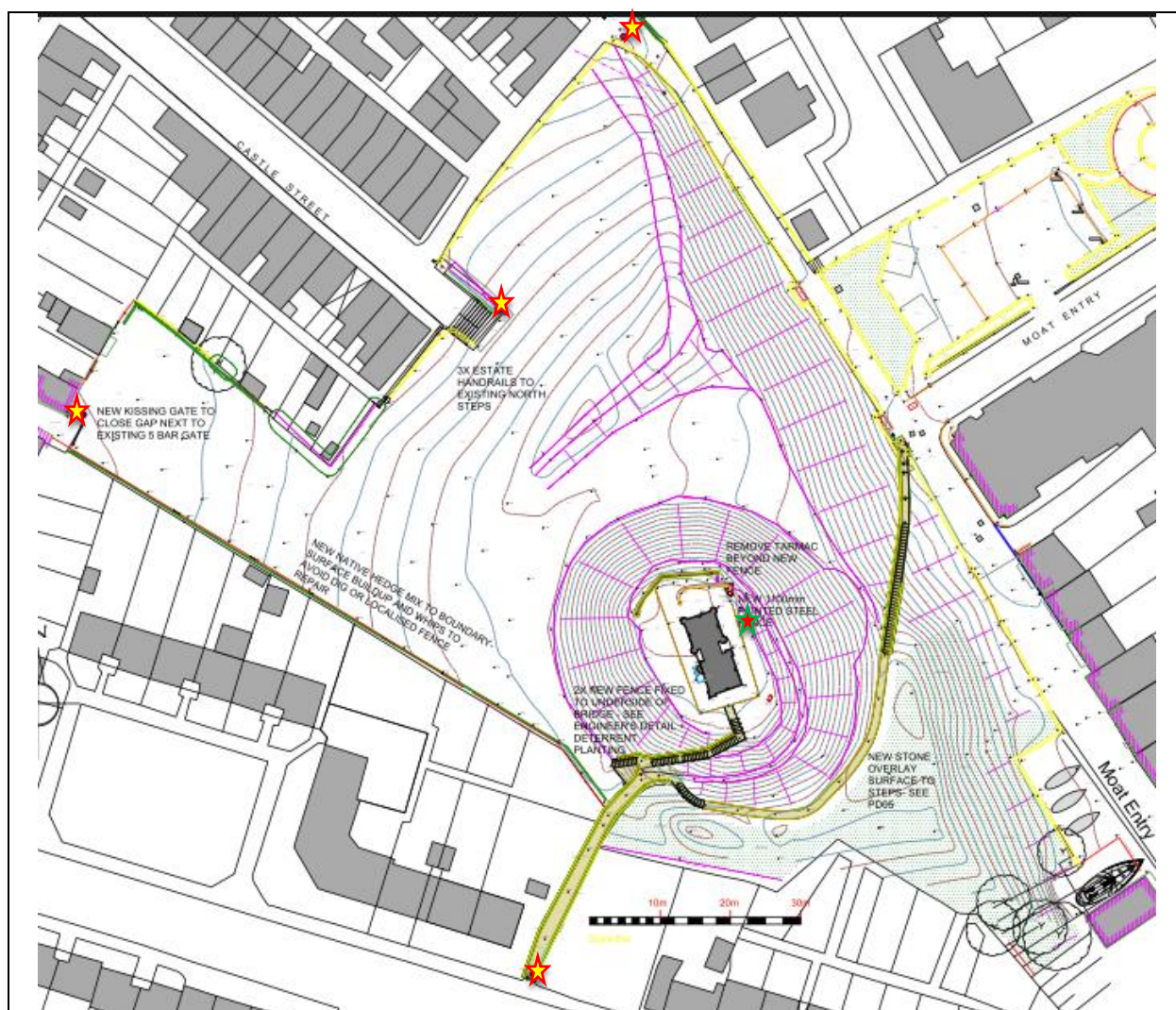


Figure 13: DRG No. 05: Proposed signage



Key

- ★ Siting of interpretive lectern
- ★ Siting of wayfaring signage

Figure 14: DRG No. 02A: Siting of signage

The proposed wayfaring signs and the interpretive lectern are accumulatively deemed to have no detrimental impact upon the appearance of character of the wider area. The proposed lectern shall match the existing lectern at the Gunpowder store, with the four elements of wayfaring signage matching the style of the existing at Moat Street.

The proposal is considered to enhance the security, access and use of the wider site with no detrimental visual impact.

Impact on Conservation Area

The proposed works are intended to improve overall access to the Motte and Gunpowder Store.

The previous renovation works undertaken under LA06/2017/0636/F and LA06/2017/0630/LBC were developed in a very sympathetic manner and with a conservation led approach. This proposal adopts the same principles in that the level of intervention is minimal, with improvements to the pathways made only in locations

where a safety risk is identified. All railings are to be fixed to the existing stone walls rather than requiring a break in the ground of the motte. The materials to be used are sympathetic to the existing buildings on site – black metal estate railing, riven finished slabs with a natural textured surface and lime render.

The alterations will enhance the character and appearance of the site and surrounding conservation area. The proposal is compliant with the SPPS and BH12: New Development in a Conservation Area of PPS 6. The Planning Department's Conservation Officer has no objections to the proposal.

Impact on Residential Amenity and Neighbouring Land Uses

Given the established use of the application site, the design and layout of the proposal and the de minimis nature of the works, there is no unacceptable adverse impact on neighbouring residential amenity or other existing uses.

Access, Movement and Parking

The proposal shall facilitate enhanced mobility through the site and has no impact upon parking provision.

Impact on archaeological and built heritage

The proposed works for this scheme are within the protected area for Donaghadee Motte, a regionally important archaeological monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 applies in this case. HED (Historic Monuments) notes that a Scheduled Monument Consent (SMC) application is underway for this scheme.

HED Historic Monuments reviewed the information submitted and are content that the proposal is compliant with SPPS paragraph 6.12 and of PPS 6: Planning, Archaeology and the Built Heritage, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

Designated Sites and Natural Heritage

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.

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 due to the limited scale of the proposal, it is not considered likely to have a significant effect on the features, conservation objectives or status of any of these sites.

6. Representations

One email pertaining to the proposed development was received, neither in support of or objecting to the development, *‘to query certain aspects of the proposed public realm works to The Moat site and environs.’*

- The principal focus of the query pertained to non-planning related matters associated with the maintenance of the proposed hedge installation.
- The representation also stated that the existing steps and ramp are in “extremely poor condition” and questioned whether the submitted application was value for money query also raised concerns that the proposal represents questionable value for money, given the route leads to a grassed area unsuitable for wheelchair or ambulant access. The proposed costing of the project by the applicant is not a material consideration and is not for the Planning Department to consider. The proposal meets the relevant planning policy and guidance.

7. Recommendation

Grant Planning Permission

8. Conditions

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

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

2. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 2.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be

undertaken in accordance with the programme of archaeological work approved under Condition 2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.

5. New railings, handrails and balustrades shall be metal, painted black.

Reason: To ensure that the materials and detailing used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and its setting.

6. All hard and soft landscape works shall be carried out in accordance with the approved Drawing No. 02A and the appropriate British Standard or other recognised Codes of Practice. The works shall be completed during the first available planting season after commencement of the hereby approved development and shall be permanently retained thereafter.

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

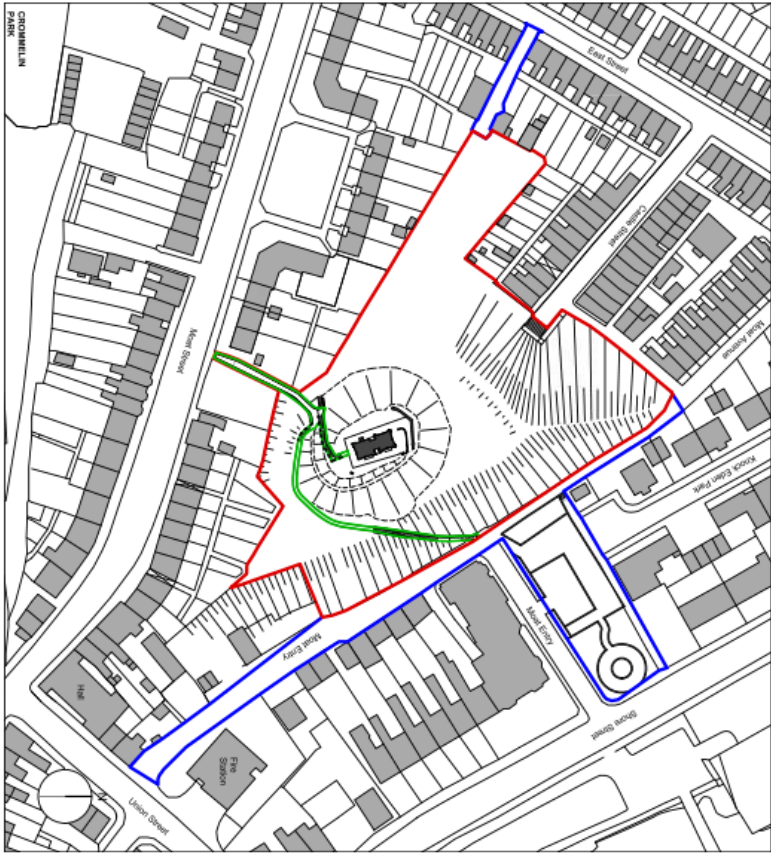
7. If any retained or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees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

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

Informative

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

Drawing No. 01: Site Location Plan



MOIST RESIDENT UPGRADE - 10/00/23
submitted by MARS
approved by AGC

Alastair Coey Architects
100/100 - 100/100 - 100/100
100/100 - 100/100 - 100/100

Public Realm Works at
THE MOAT DONAGHDEE for
ARDS AND NORTH DOWNS BOROUGH COUNCIL

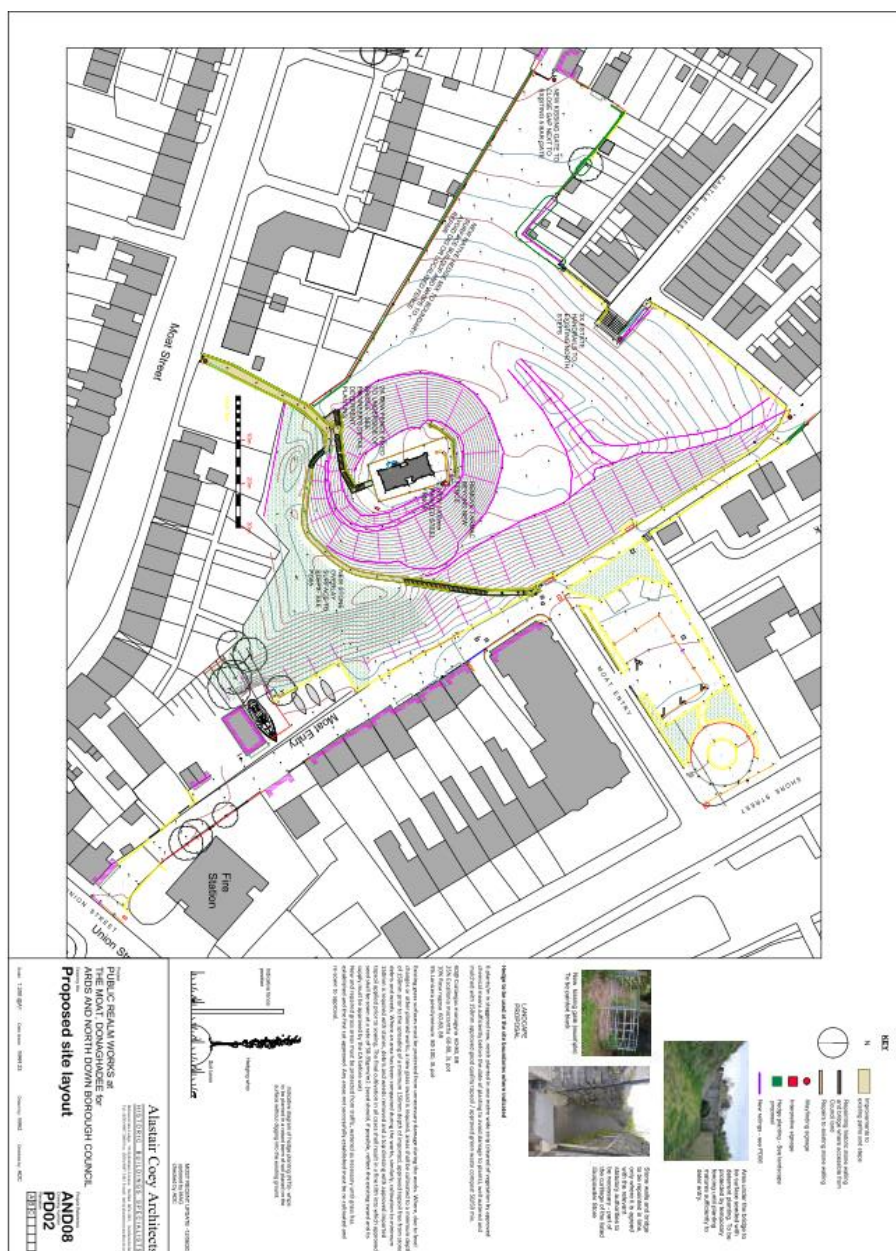
Site Location Plan

AND08
PD01

10/00/23

Drawing No. 02A: Proposed Site Layout

14

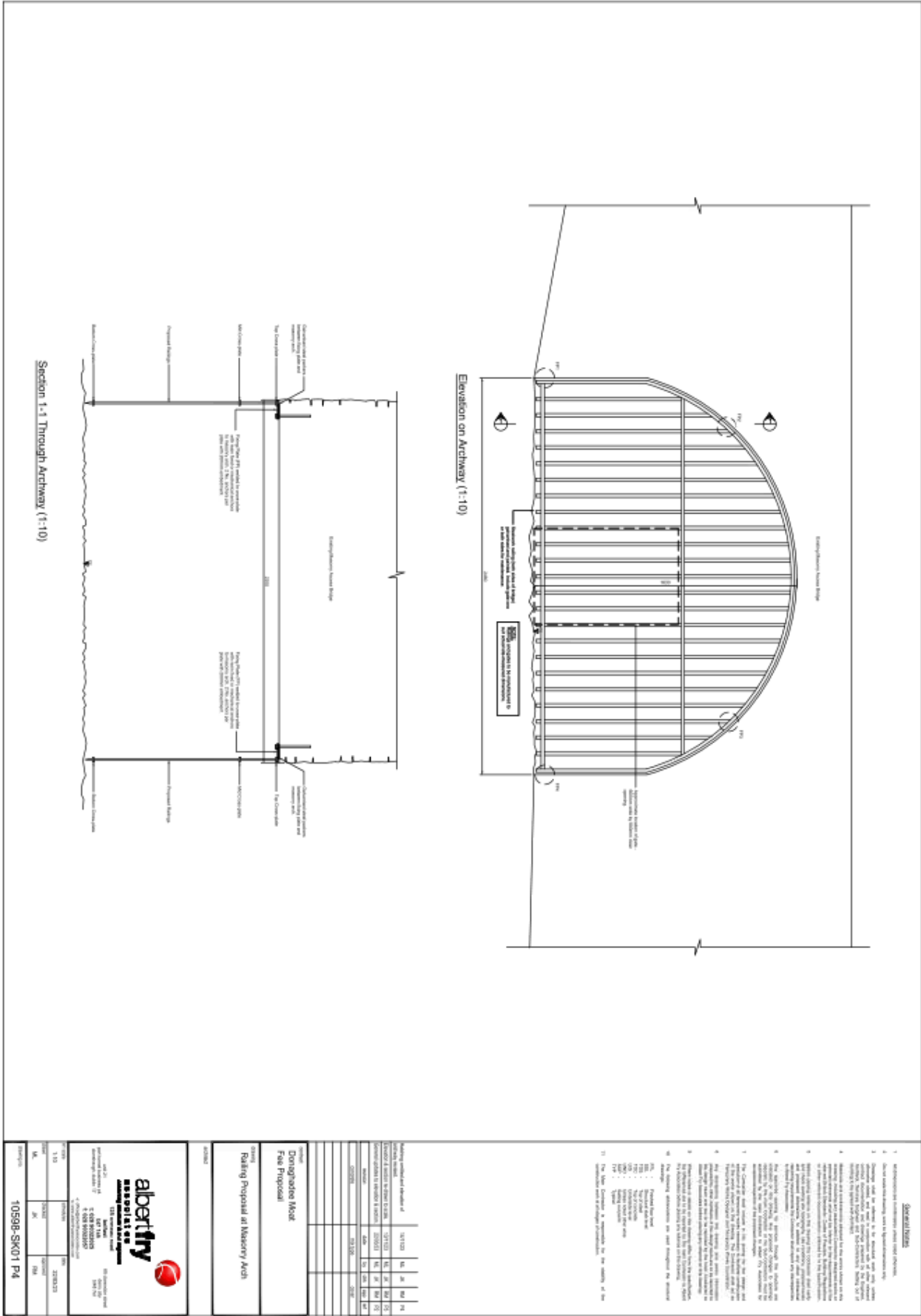


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Drawing No. 06: Masonry Archway




Site photos:







Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2023/2189/LBC	DEA: Bangor East & Donaghadee		
Proposal:	Public realm improvements.			
Location:	The Moat, Moat Street, Donaghadee BT21 OED			
Applicant:	Ards and North Down Borough Council			
Date valid:	14.11.2023	EIA Screening Required:	No	
Date last advertised:	30.11.2023	Date last neighbour notified:	N/A	
Letters of Support : 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
Historic Environment Division		No objection, subject to condition.		
Summary of main issues considered: <ul style="list-style-type: none"> • Impact of proposal on the listed building; • Impact of proposal on the setting of listed building; • Impact of proposal on the Conservation Area. 				
Recommendation: Grant Consent.				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://submissions.planningsystemni.gov.uk/app/applications				

1. Site and Surrounding Area

The application site is located at The Moat, within the settlement limit of Donaghadee, as per the Ards and Down Area Plan 2015.

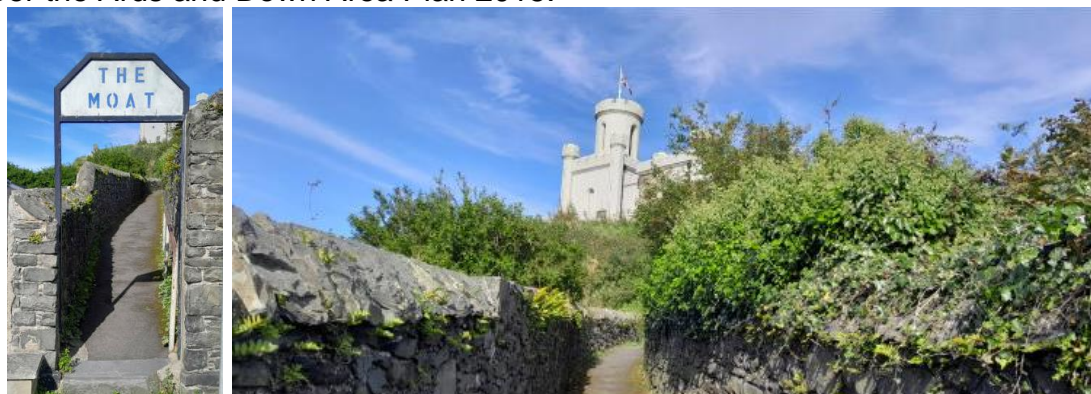


Figure 1: The Moat access and building as viewed from Moat Street

The site is prominently located on an elevated piece of land to the north of Moat Street, on the northern side of Donaghadee town centre. The site was a 12th-13th century motte (scheduled monument DOW003:003). It is approx. 10m at its highest point and has an oval summit area of 25m x 14m, the longer axis being aligned parallel with the coastline. The castle tower on the mound was built in 1821 and was used as a gunpowder store during the construction of the nearby harbour. It is known locally as 'The Moat' and is a Grade B2 Listed Building (HB24/06/002). The building was recently sympathetically refurbished and renovated, and a camera obscura was installed inside. The project was partly funded by the National Lottery under through the Townscape Heritage Initiative. The building is accessed via a number of spiral stepped pathways which curve around the motte, with the topography of the motte providing views across the town, harbour and Copeland Islands.

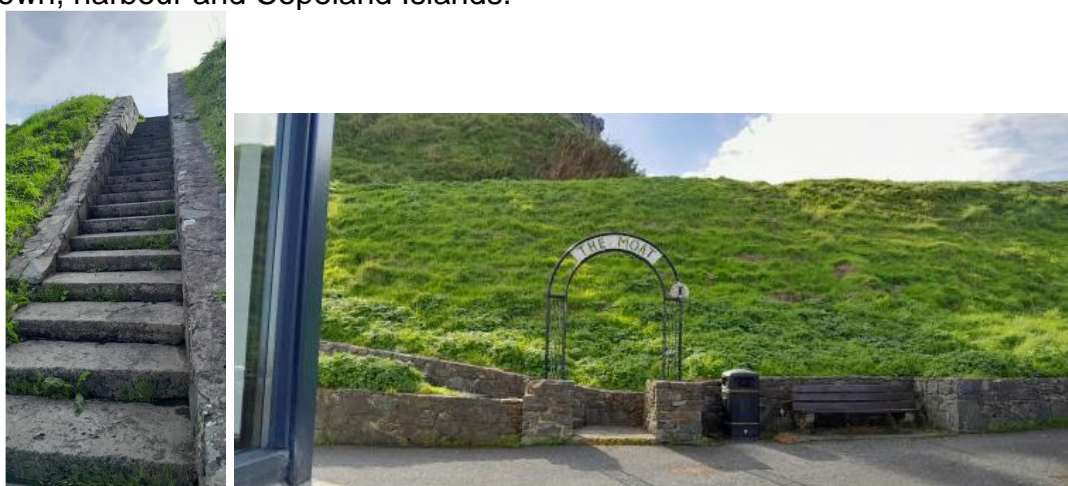


Figure 2: Steps to access building and view of The Moat access from Moat Entry side

The tower is approached along a path to the southwest via a footbridge spanning the ditch/moat from Moat Street with it leading up to the crest of the hill. There is also a path leading up from Moat Entry/Shore Street.

The character of the surrounding area is generally residential, interspersed with other elements typical of the coastal location such as slipway and boatyard opposite and public amenity areas with seating overlooking the sea. Works to extend the car park

to the northeast of the application site at Moat Entry have recently been approved under LA06/2024/0157/F under LA06/2024/0157/F.



Figure 3: View of the residential properties on both sides of the access path

2. Site Location

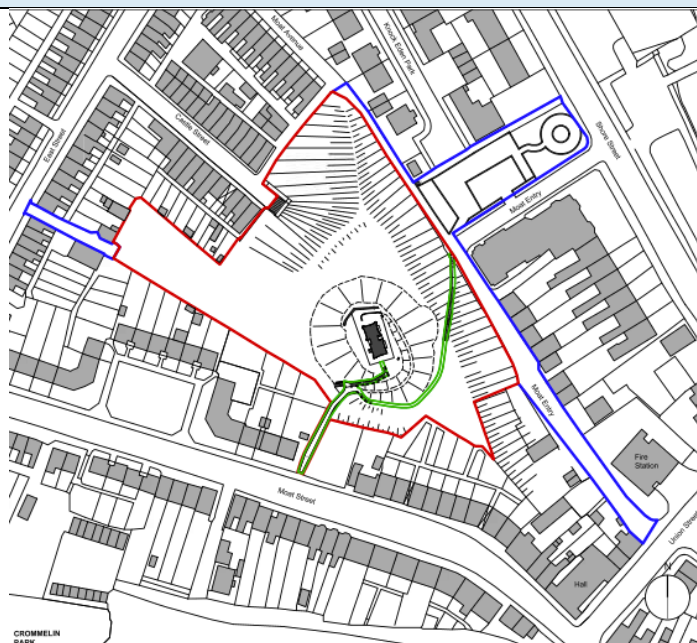


Figure 4: Drawing No. 01 - Site Location Plan

3. Relevant Planning History

There has been the submission of a full planning application alongside the submission of the current application seeking to attain Listed Building Consent:

Planning Ref: LA06/2023/2188/F
 Site: The Moat, Moat Street, Donaghadee BT21 OED.
 Proposal: Public realm improvements.
 Decision: Pending.

The application site has an established planning history, with a number of full planning applications and Listed Building Consent applications having attained permission and consent in recent years to restore the listed building and improve the access and associated public realm of the wider site:

Planning Ref: LA06/2020/0574/LBC
 Site: Donaghadee Gunpowder Store, 74 Moat Street, Donaghadee BT21 OED.
 Proposal: External works and restoration of the Old Gunpowder Store.

Decision: Consent Granted (16th April 2021)

Planning Ref: LA06/2017/0636/F

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Permission Granted (4th October 2018)

Planning Ref: LA06/2017/0630/LBC

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Consent Granted (4th October 2018)

Planning Ref: X/1990/0200/F

Site: The Moat, Donaghadee.

Proposal: Environmental improvement scheme including car park at Moat entry.

Decision: Permission Granted (31st May 1990)

4. Planning Assessment

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

- Ards & Down Area Plan 2015;
- Strategic Planning Policy Statement for Northern Ireland:
Paragraphs 6.12 (setting) and 6.13 (Listed Buildings);
- Planning Policy Statement 6: Planning, Archaeology & the Built Heritage:
Policy BH 8: Extension or Alteration of a Listed Building
Policy BH 11: Development affecting the Setting of a Listed Building;
Policy BH 12: New Development in a Conservation Area.

Supplementary Planning Guidance

- Donaghadee Conservation Area.

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 Plan unless material considerations indicate otherwise.

The application site is located within the designated settlement limit of Donaghadee, within a designated Area of Archaeological Potential and within the designated Donaghadee Conservation Area as per the Ards and Down Area Plan 2015, which sets out the designations, policies, proposals and zonings specific to the Ards and Down Area. The site is also identified as an area of Existing Open Space and Recreation

(DE20), with the site a scheduled monument with the Old Gunpowder Store a Grade B2 Listed Building.

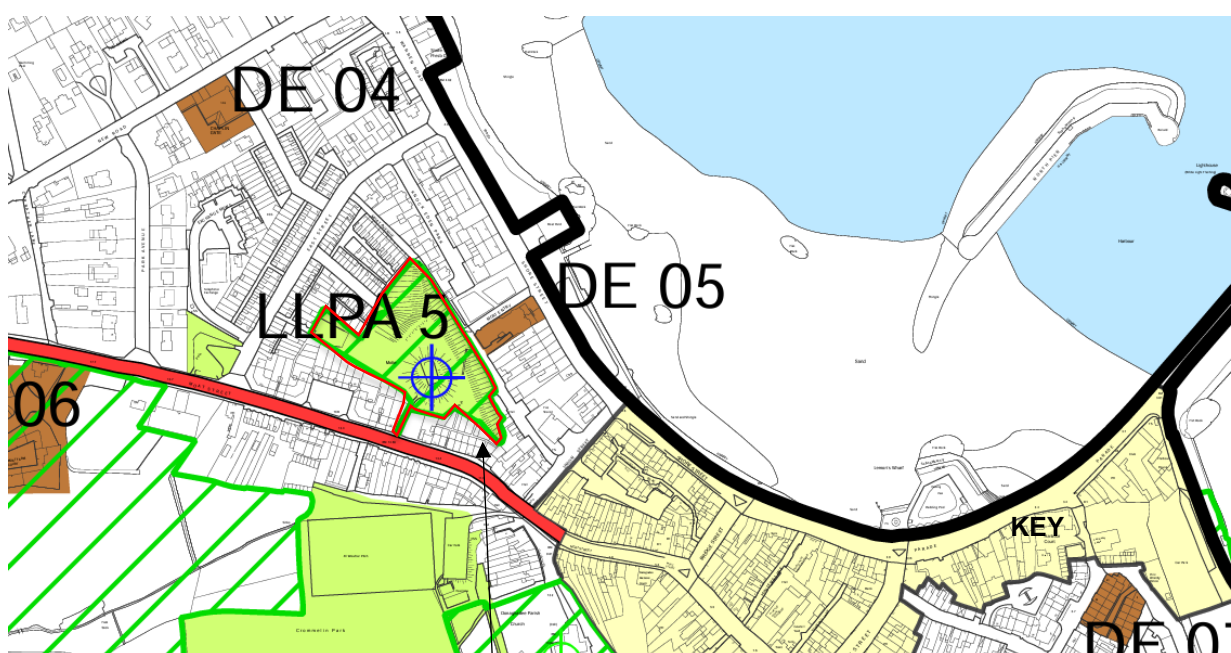


Figure 5: Application site - Ards and Down Area Plan 2015

The application seeks to attain permission for improvement works to the public realm with the aim of improving public safety, and encouraging public use of the site, entailing:

- Resurfacing works to improve drainage, appearance, and durability to steps and paths, with railings installed where risk of falling is greatest.
- Remove all areas of cementitious pointing to existing rubble stone walling between the Old Gunpowder Store and Moat Street and repoint with NHL 5 lime based mortar.
- Planting of new hedge to enhance the appearance and security where there are weak boundaries with neighbouring properties.
- Proposed security fence to the underside of the bridge to deter anti-social behaviour.
- Information and directional signage.

The SPPS articulates a presumption in favour of development so long as development is in the public interest and does not compromise environmental standards. Paragraph 6.8 of the SPPS states development which would adversely affect the sites of scheduled monuments or their integrity would only be permitted in exceptional circumstances, with Paragraph 6.10 stating that all adequate information should be requested to enable a well-informed planning judgement to be made where it may impact scheduled monuments. Paragraph 6.13 of the SPPS states that works to a listed building may be permitted which would secure the ongoing viability and upkeep of a building, as long as the works respect the essential character and architectural interest of the building and its setting, and that features of special interest remain intact and unimpaired.

The proposal is considered to comply with the SPPS as the works are considered appropriate and sympathetic to the building and wider area, with the proposed materials traditional and in keeping with the building.

No conflict arises between the provisions of the SPPS and any retained policies. Within this context, the principal policy consideration is PPS 6: Planning, Archaeology & the Built Heritage.

As per The Planning (Listed Buildings) Regulations (Northern Ireland) 2015, there is a requirement for the submission of a design and access statement in Para. 4 in this regard. This must take account of the design principles and concepts, which have been applied to the proposed works, how they have taken account of the special architectural or historic importance of the building, the physical features of the building that justify its designation as a listed building, the building’s setting and how issues relating to access to the building have been addressed.

A design and access statement has been submitted in compliance with the legislative requirements.

Impact on the Listed Building

The proposed works for this scheme are within the protected area for Donaghadee Motte, a regionally important archaeological monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 applies in this case. HED (Historic Monuments) notes that a Scheduled Monument Consent (SMC) application is underway for this scheme.

HED Historic Monuments reviewed the information submitted and are content that the proposal is compliant with SPPS paragraph 6.12 and of PPS 6: Planning, Archaeology and the Built Heritage, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

HED (Historic Buildings) have now assessed the revised information published to the planning portal on 25th June 2024 (Drawing No. DRG 02A). HED understand that the revisions are minor and consists of additional information in relation to planting methods and remain content with the proposals, as presented, subject to conditions. The works are sympathetic in nature and demonstrate minimal intervention using appropriate materials and detailing.

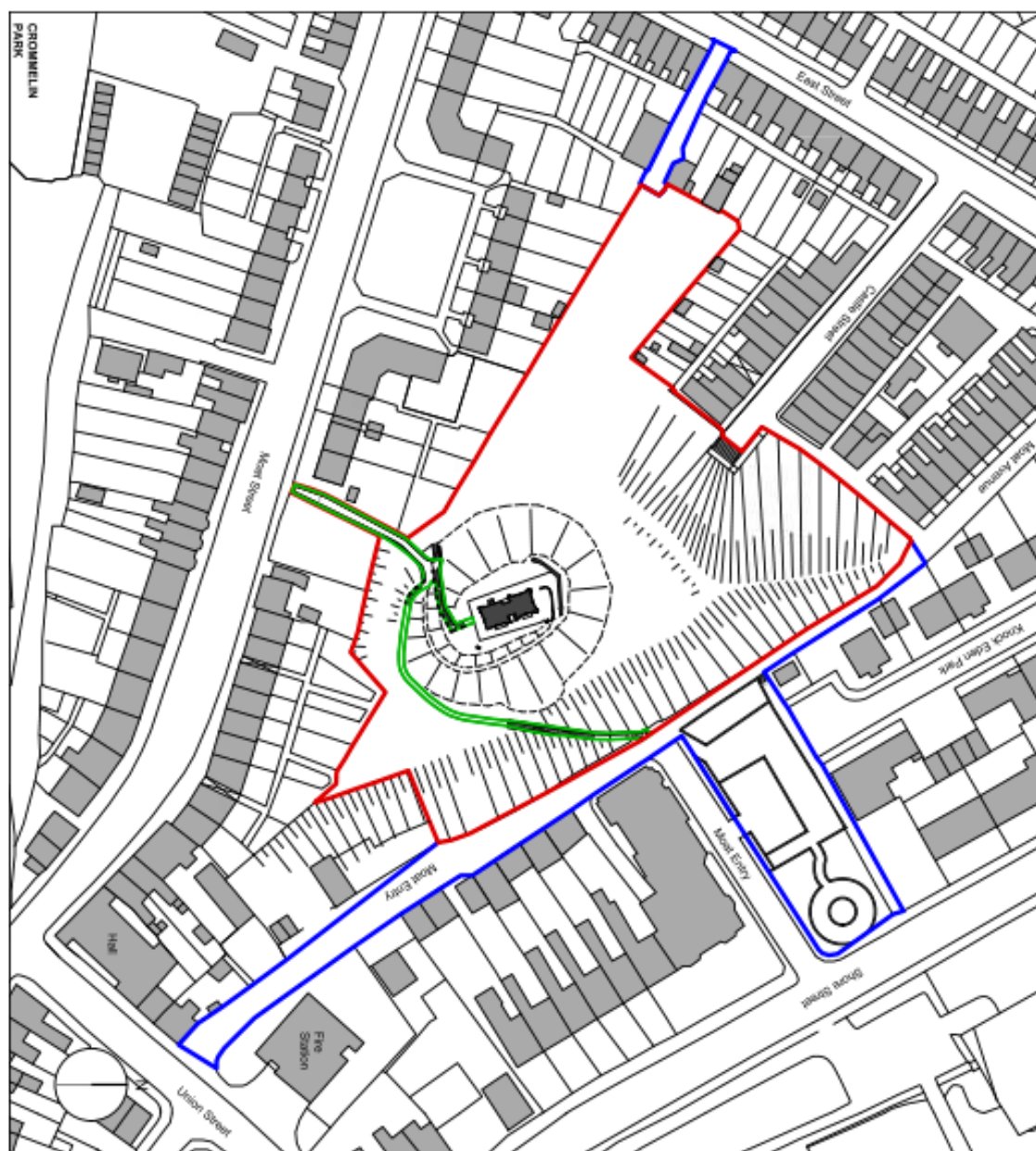
HED also acknowledged within the provided consultation response that the application site is located within the Donaghadee Conservation Area and defer to the conservation officer to comment on the impact of the proposal on the character and appearance of the same. Consequently, the Council’s Conservation Officer was consulted on the associated full planning application, LA06/2023/2188/F, which included minor alterations to the listed building, and responded with no objection to the proposal.

The proposal is considered acceptable.

5. Representations

No letters of representation pertaining to the Listed Building Consent application have been received.

6. Recommendation
Grant Consent
7. Conditions
<div>1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. As required by Section 94 of the Planning Act (Northern Ireland) 2011.</div> <div>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</div> <div>2. New railings, handrails and balustrades shall be metal, painted black.</div> <div>Reason: To ensure that the materials and detailing used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and its setting.</div>
<div>Informative</div> <div>This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.</div>



MOST RECENT UPDATE - STUDIOS
updated by MUG
checked by ACU

Alastair Cooy Architects
DESIGN BUILDING SPECIALISTS
 10000 160th Avenue, Suite 200, Golden, CO 80401
 303.279.0000 • FAX 303.279.0001 • WWW.ALASTAIRC.COY

**PUBLIC REALM WORKS at
 THE MOAT, DONAGHDEE for
 AEDS and NORTH DOWN BOROUGH COUNCIL**

Site Location Plan

AND08
Advertisement

Issue	T 1230	Case name	MMR 23	Created by	ITPM	Created by	MO
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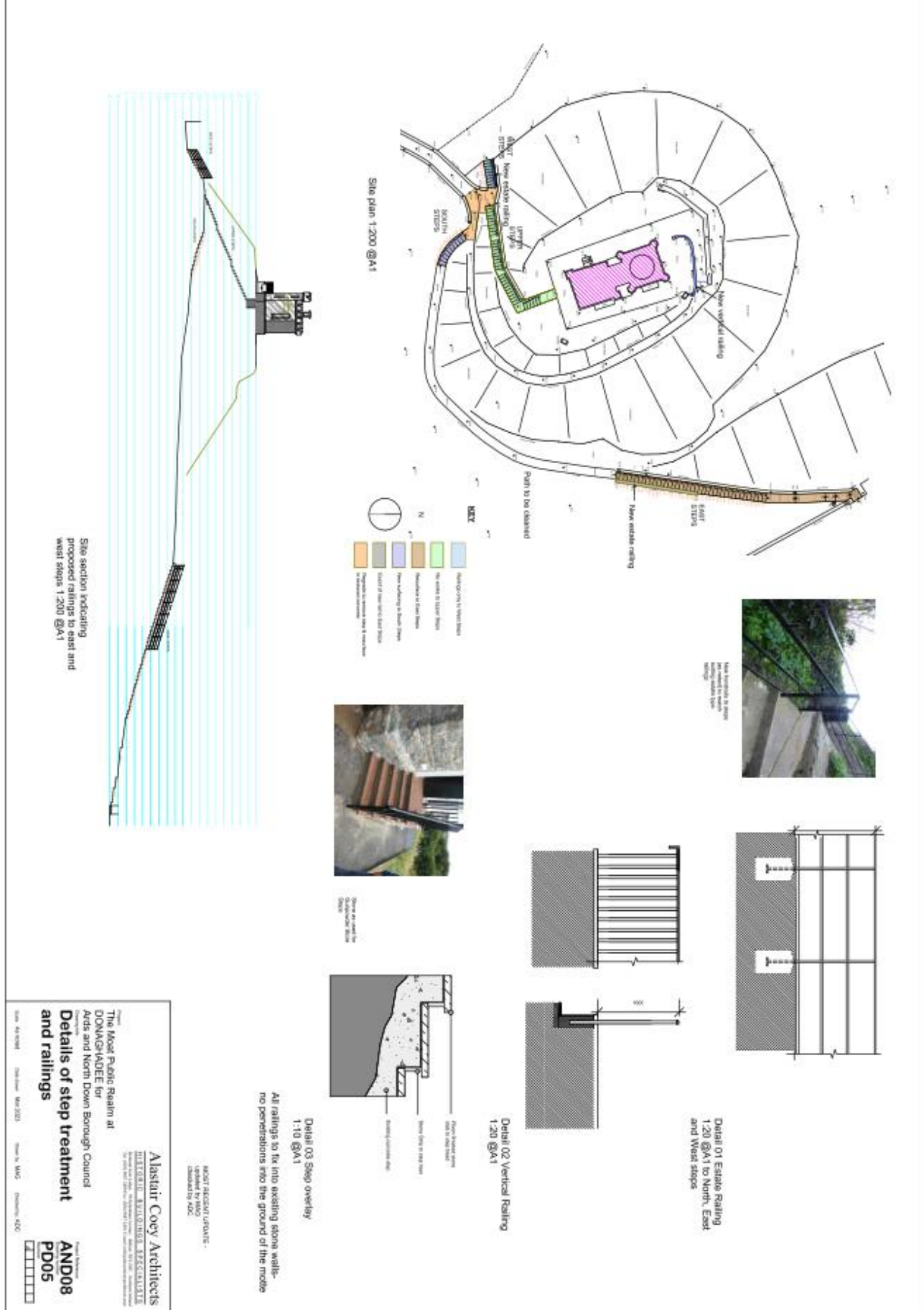
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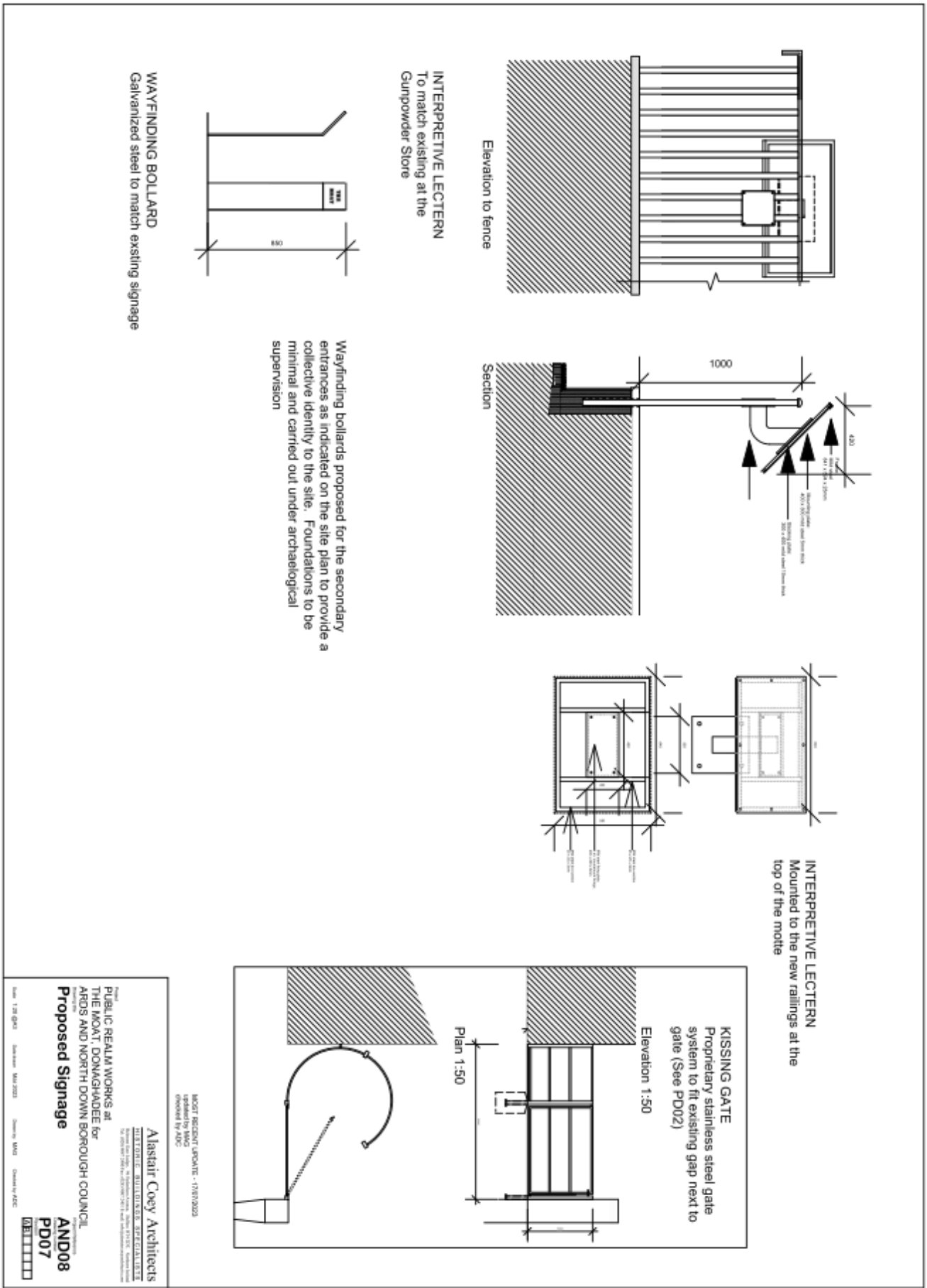
Drawing No. 03: Topographical Survey



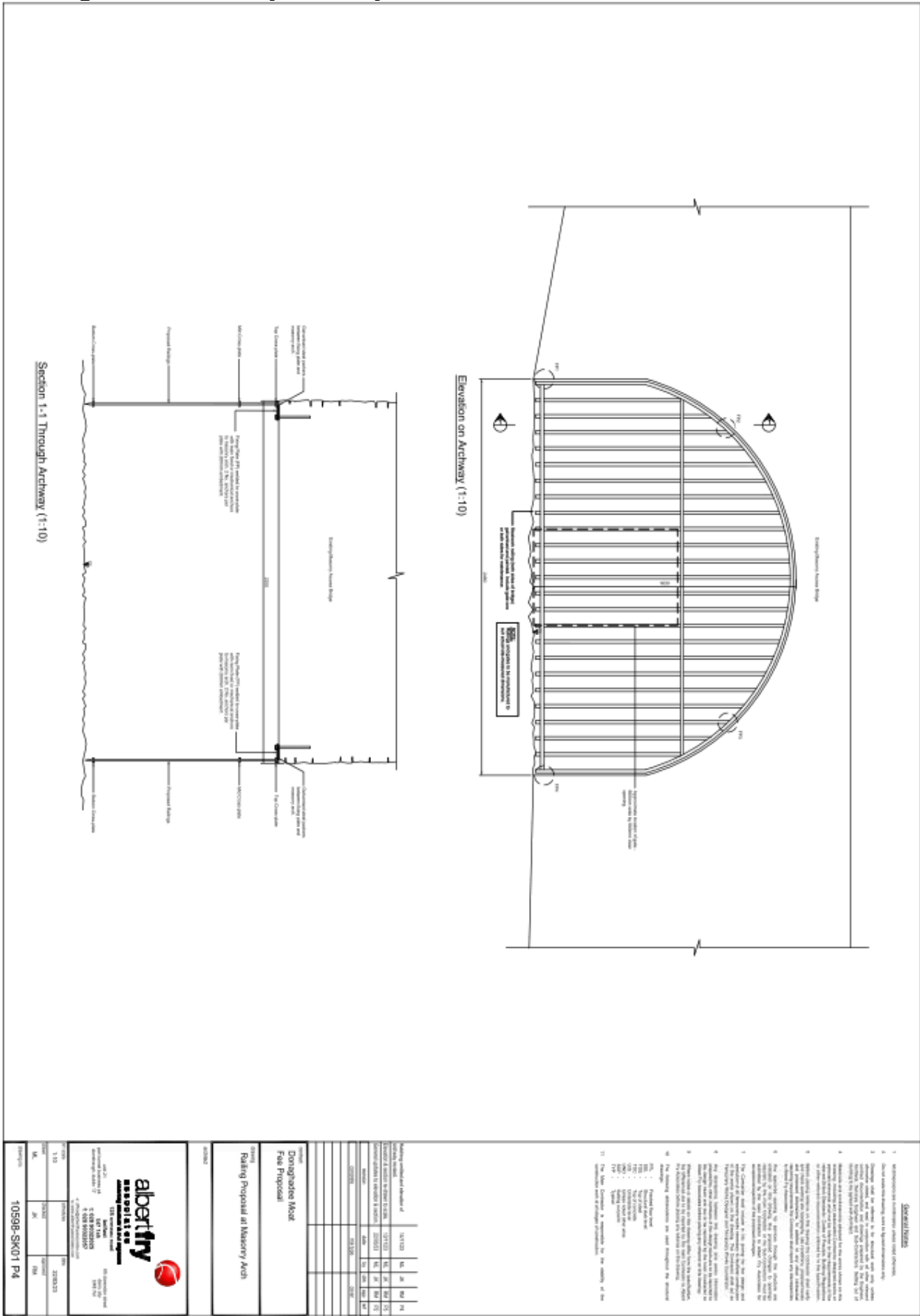
Drawing No. 04: Step proposals



Drawing No. 05: Signage



Drawing No. 06: Masonry Archway



Site photos:














ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2023/2189/LBC
Proposal	Public realm improvements.
Location	The Moat, Moat Street, Donaghadee DEA: Bangor East & Donaghadee
Committee Interest	Council Application
Validated	14/11/2023
Summary	<ul style="list-style-type: none"> • Listed building consent required along with associated Council application • Works considered minor with no adverse impact on listed building (The Moat) and the surrounding character and appearance of the conservation area. • HED content in terms of both the historic buildings and monuments sections subject to a condition requiring specific materials/finishes. • Conservation Area Officer has no objections to the proposal. • No impact on coast or natural environment. • Development complies with Development Plan, the SPPS and PPS 6 'Planning & the Built Heritage.
Recommendation	Consent
Attachment	Item 4.5a – Case Officer Report

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2023/2189/LBC	DEA: Bangor East & Donaghadee		
Proposal:	Public realm improvements.			
Location:	The Moat, Moat Street, Donaghadee BT21 OED			
Applicant:	Ards and North Down Borough Council			
Date valid:	14.11.2023	EIA Screening Required:	No	
Date last advertised:	30.11.2023	Date last neighbour notified:	N/A	
Letters of Support : 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
Historic Environment Division		No objection, subject to condition.		
Summary of main issues considered: <ul style="list-style-type: none"> • Impact of proposal on the listed building; • Impact of proposal on the setting of listed building; • Impact of proposal on the Conservation Area. 				
Recommendation: Grant Consent.				
Report Agreed by Authorised Officer				
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://submissions.planningsystemni.gov.uk/app/applications</p>				

1. Site and Surrounding Area

The application site is located at The Moat, within the settlement limit of Donaghadee. as per the Ards and Down Area Plan 2015.

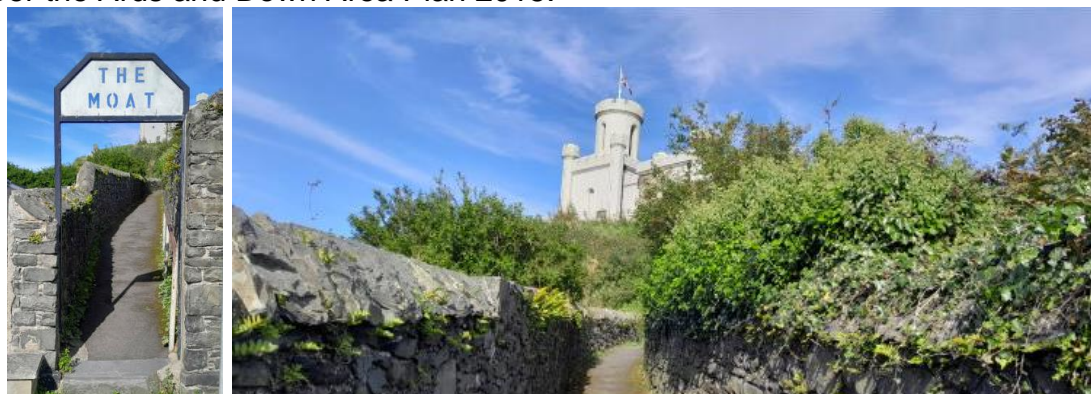


Figure 1: The Moat access and building as viewed from Moat Street

The site is prominently located on an elevated piece of land to the north of Moat Street, on the northern side of Donaghadee town centre. The site was a 12th-13th century motte (scheduled monument DOW003:003). It is approx. 10m at its highest point and has an oval summit area of 25m x 14m, the longer axis being aligned parallel with the coastline. The castle tower on the mound was built in 1821 and was used as a gunpowder store during the construction of the nearby harbour. It is known locally as '*The Moat*' and is a Grade B2 Listed Building (HB24/06/002). The building was recently sympathetically refurbished and renovated, and a camera obscura was installed inside. The project was partly funded by the National Lottery under through the Townscape Heritage Initiative. The building is accessed via a number of spiral stepped pathways which curve around the motte, with the topography of the motte providing views across the town, harbour and Copeland Islands.

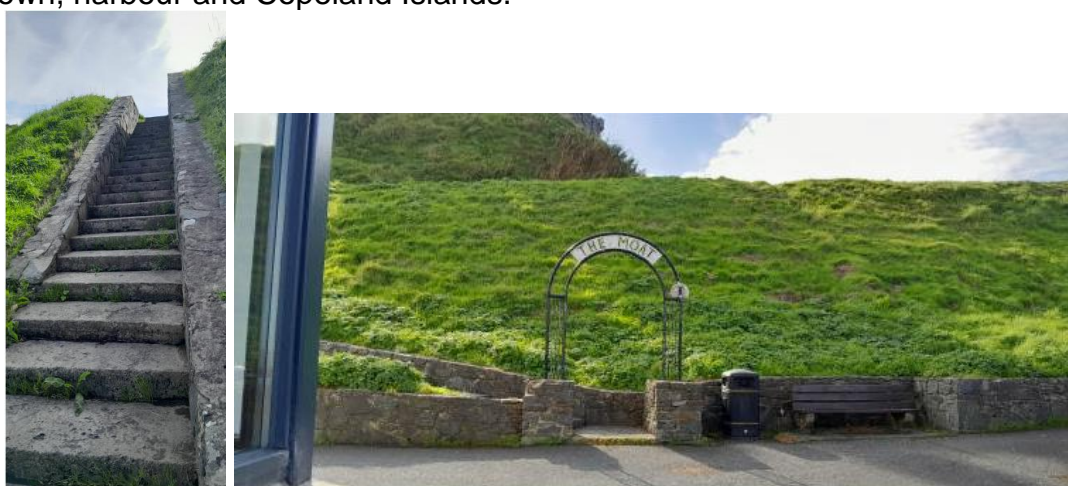


Figure 2: Steps to access building and view of The Moat access from Moat Entry side

The tower is approached along a path to the southwest via a footbridge spanning the ditch/moat from Moat Street with it leading up to the crest of the hill. There is also a path leading up from Moat Entry/Shore Street.

The character of the surrounding area is generally residential, interspersed with other elements typical of the coastal location such as slipway and boatyard opposite and public amenity areas with seating overlooking the sea. Works to extend the car park

to the northeast of the application site at Moat Entry have recently been approved under LA06/2024/0157/F under LA06/2024/0157/F.



Figure 3: View of the residential properties on both sides of the access path

2. Site Location

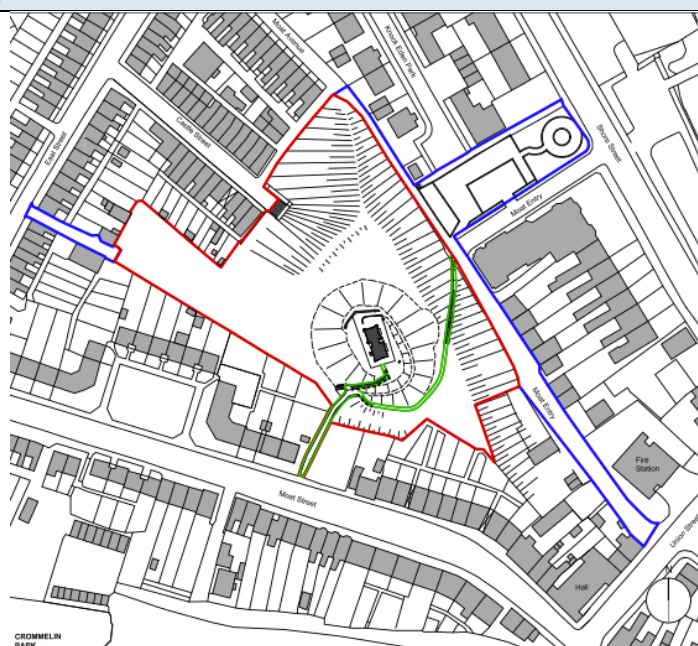


Figure 4: Drawing No. 01 - Site Location Plan

3. Relevant Planning History

There has been the submission of a full planning application alongside the submission of the current application seeking to attain Listed Building Consent:

Planning Ref: LA06/2023/2188/F
 Site: The Moat, Moat Street, Donaghadee BT21 OED.
 Proposal: Public realm improvements.
 Decision: Pending.

The application site has an established planning history, with a number of full planning applications and Listed Building Consent applications having attained permission and consent in recent years to restore the listed building and improve the access and associated public realm of the wider site:

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Decision: Consent Granted (16th April 2021)

Planning Ref: LA06/2017/0636/F

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Permission Granted (4th October 2018)

Planning Ref: LA06/2017/0630/LBC

Site: The Old Gunpowder Store, The Moat, Moat Street, Donaghadee, BT21 0EE.

Proposal: Repair, restoration and improvements to access to a Grade B2 listed building and scheduled monument. Installation of camera obscura to listed building as a visitor attraction.

Decision: Consent Granted (4th October 2018)

Planning Ref: X/1990/0200/F

Site: The Moat, Donaghadee.

Proposal: Environmental improvement scheme including car park at Moat entry.

Decision: Permission Granted (31st May 1990)

4. Planning Assessment

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Paragraphs 6.12 (setting) and 6.13 (Listed Buildings);
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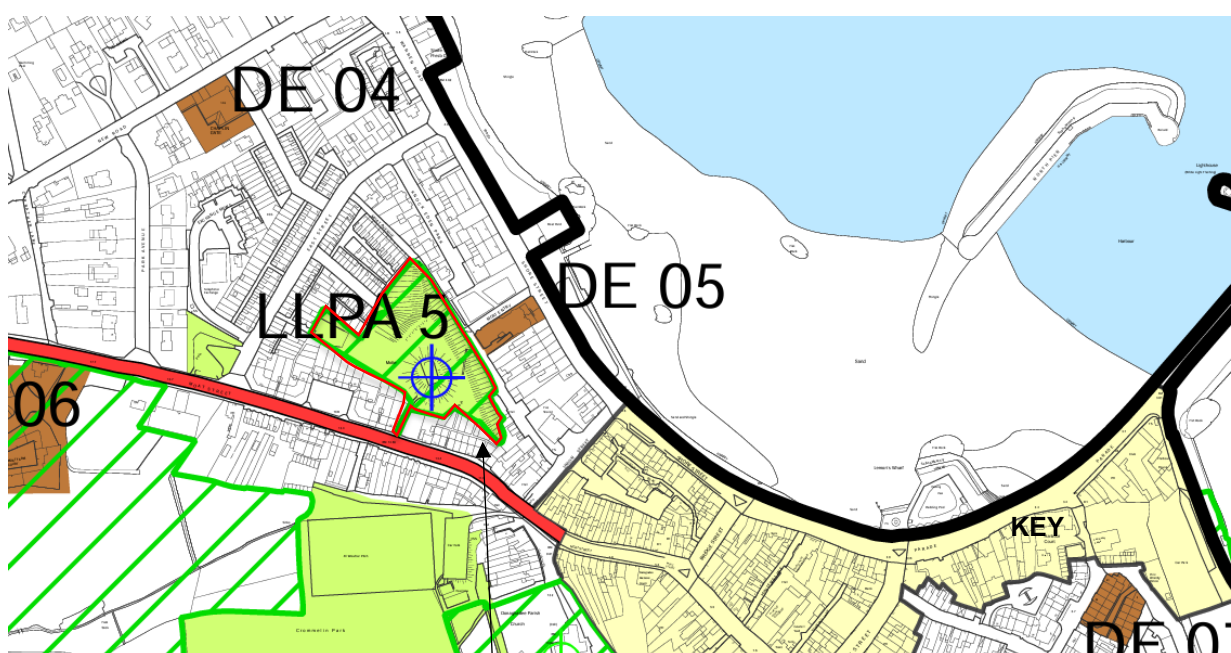


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The proposal is considered to comply with the SPPS as the works are considered appropriate and sympathetic to the building and wider area, with the proposed materials traditional and in keeping with the building.

No conflict arises between the provisions of the SPPS and any retained policies. Within this context, the principal policy consideration is PPS 6: Planning, Archaeology & the Built Heritage.

As per The Planning (Listed Buildings) Regulations (Northern Ireland) 2015, there is a requirement for the submission of a design and access statement in Para. 4 in this regard. This must take account of the design principles and concepts, which have been applied to the proposed works, how they have taken account of the special architectural or historic importance of the building, the physical features of the building that justify its designation as a listed building, the building's setting and how issues relating to access to the building have been addressed.

A design and access statement has been submitted in compliance with the legislative requirements.

Impact on the Listed Building

The proposed works for this scheme are within the protected area for Donaghadee Motte, a regionally important archaeological monument scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 applies in this case. HED (Historic Monuments) notes that a Scheduled Monument Consent (SMC) application is underway for this scheme.

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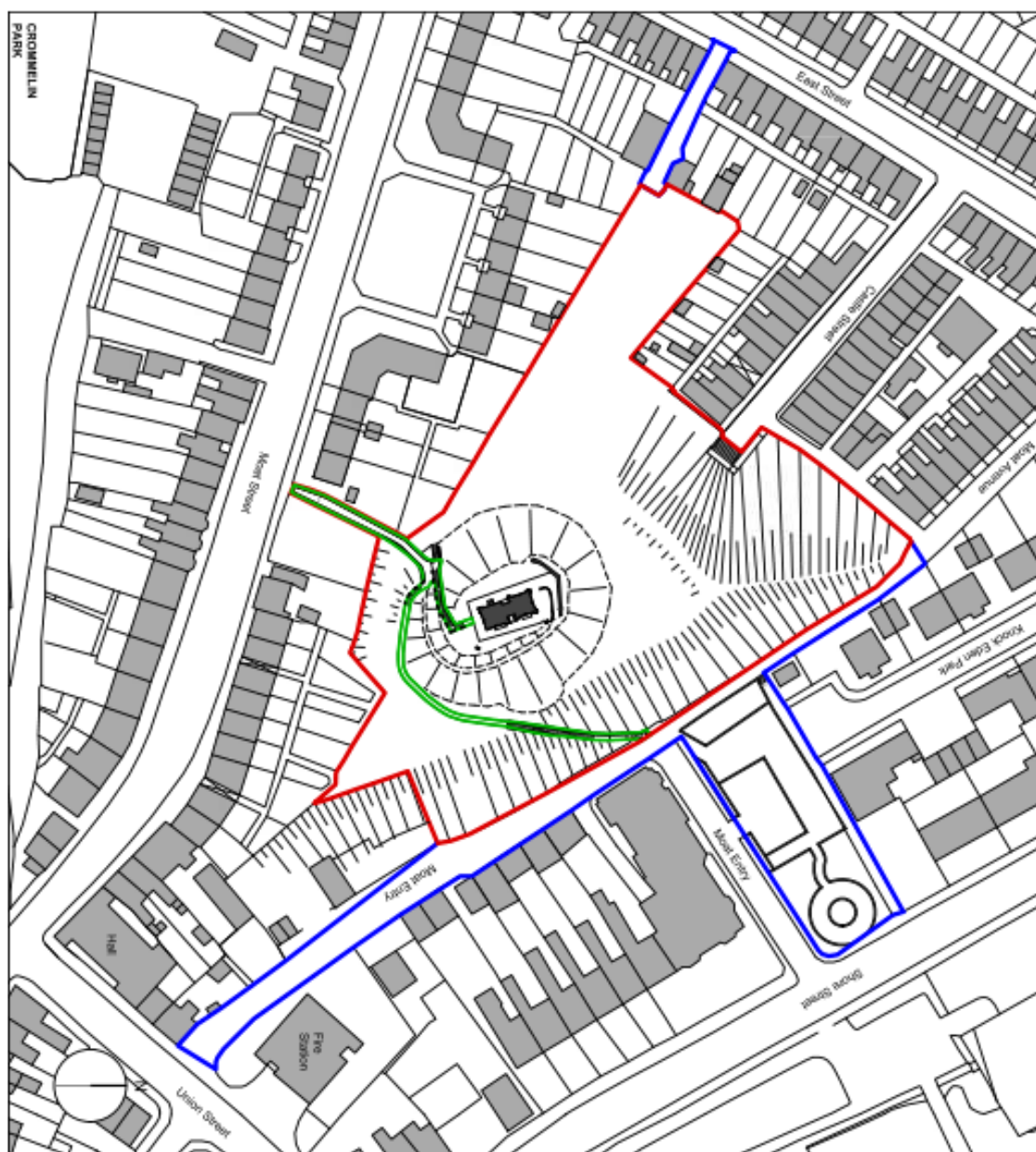
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The proposal is considered acceptable.

5. Representations

No letters of representation pertaining to the Listed Building Consent application have been received.

6. Recommendation
Grant Consent
7. Conditions
<div>1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. As required by Section 94 of the Planning Act (Northern Ireland) 2011. Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</div> <div>2. New railings, handrails and balustrades shall be metal, painted black. Reason: To ensure that the materials and detailing used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and its setting.</div>
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MOST RECENT UPDATE - STUDIOS
updated by MUG
checked by ACU

Alastair Cooy Architects
DESIGN BUILDING SPECIALISTS
 10000 120th Avenue, Suite 200, Richmond, BC V6V 2G9
 Tel: 604-273-2266 Fax: 604-273-2267
 www.alastaircooy.com

**PUBLIC REALM WORKS at
 THE MOAT, DONAGHDEE for
 ARDS and NORTH DOWN BOROUGH COUNCIL**

Site Location Plan

AND08
Advertisement

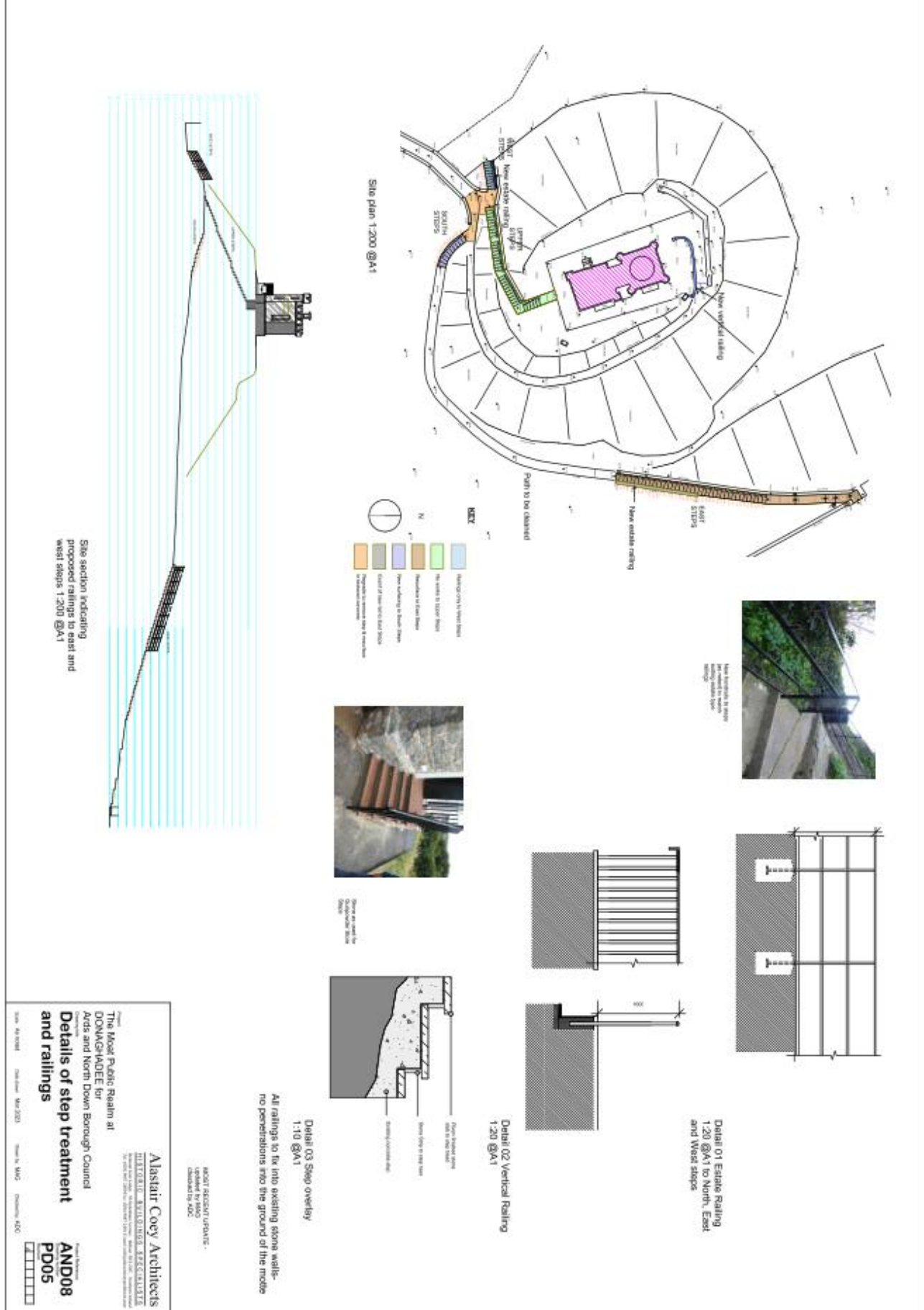
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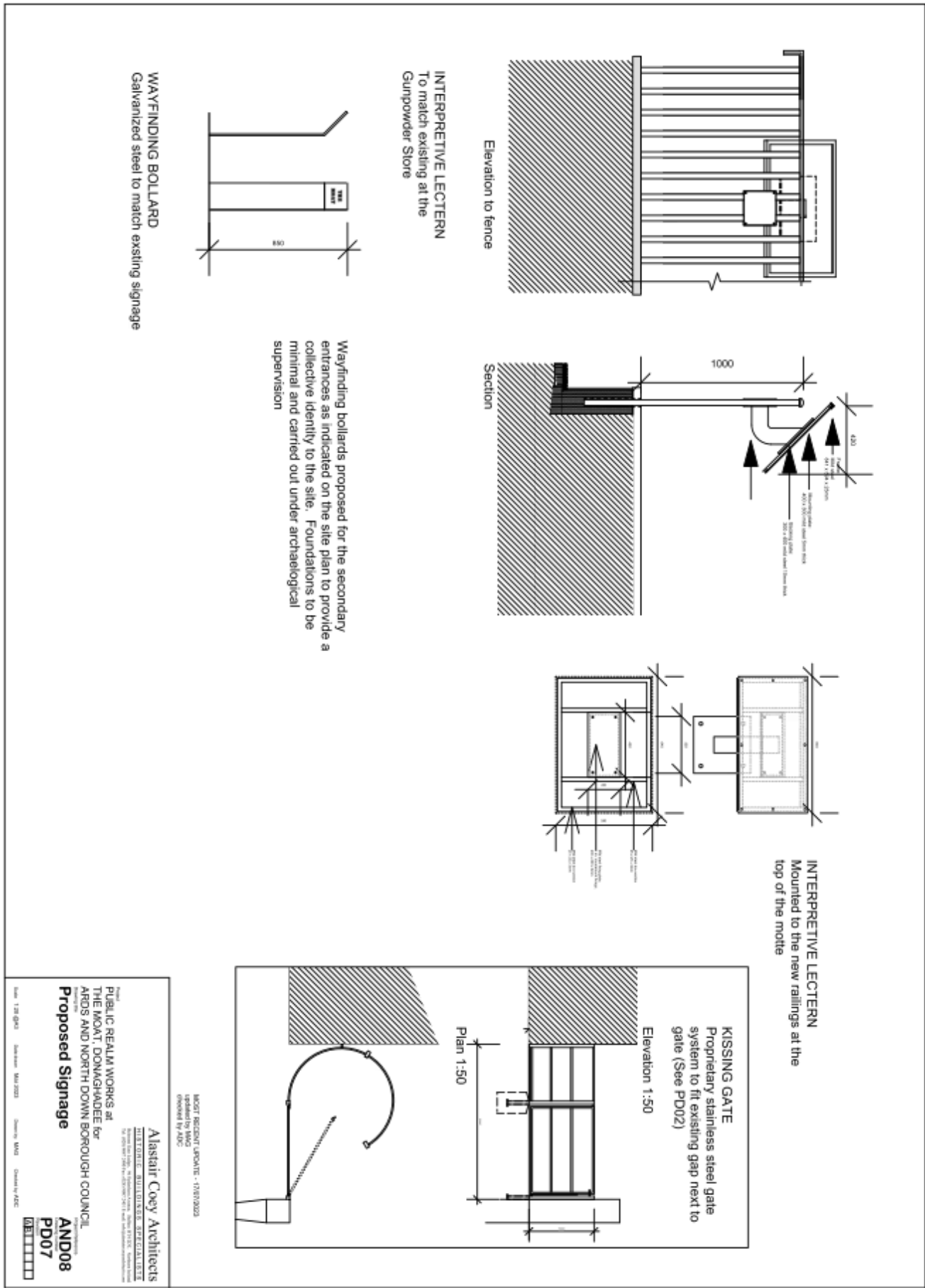




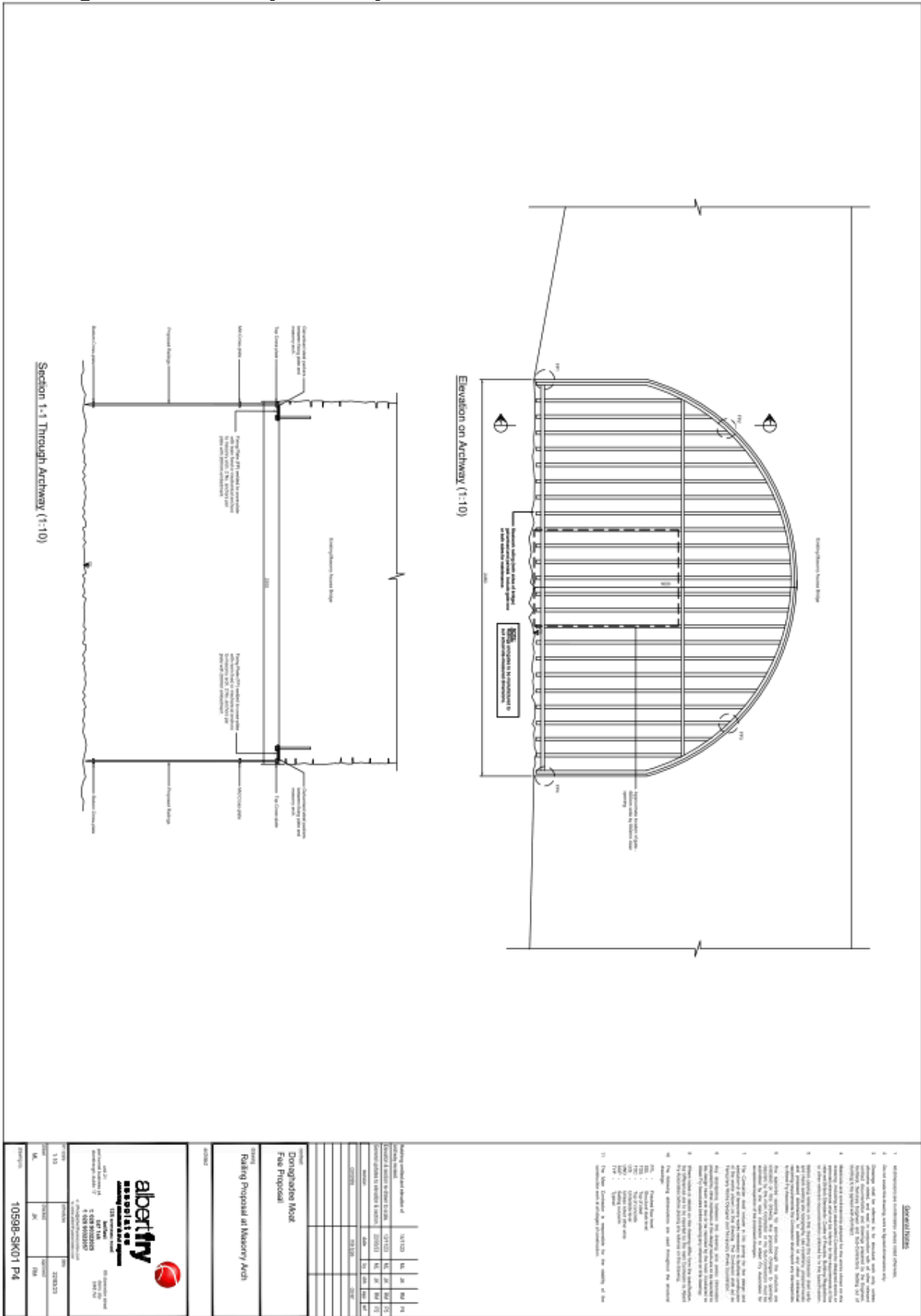
Drawing No. 04: Step proposals



Drawing No. 05: Signage



Drawing No. 06: Masonry Archway



Site photos:













Unclassified

207

Item 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 December 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 November 2024
File Reference	N/A
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: Not applicable
Subject	Update on Planning Appeals
Attachments	N/A

Appeal Decisions

1. There have been no appeal decisions received since the last report to Planning Committee.

New Appeals Lodged

2. There have been no new appeals lodged since the last report to Planning Committee.

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

RECOMMENDATION

It is recommended that Council notes this report.

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 December 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	20 November 2024
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	Q2 Service Unit Performance Update
Attachments	

Context

Members will be aware that Council is required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council has in place a Performance Management Policy and Handbook. The Performance Management Handbook outlines the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan 2024-2028)
- Performance Improvement Plan (PIP) – published annually in September
- Service Plan – developed annually (approved annually in March)

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

Reporting Approach

The Service Plans will be reported to relevant Committees on a half-yearly basis as undernoted:

Reference	Period	Reporting Month
Quarter 2 (Q2)	April – September	December
Quarter 4 (Q4)	October – March	June

The report for April – September 2024 is attached.

Key achievements:

- Further to achieving the 15 week processing time for Quarter 1, in respect of applications in the local category of development, YTD is recorded as 16.4 weeks (relating to 377 decisions issued).
- To date two applications in the major category of development were determined – with an average processing time of 81.2 weeks.
- There were 175 decisions issued in the householder category of applications, with 52% issuing within 8 weeks (the internal performance indicator), with 141 issuing within the 15 week target (81%)
- 5no. appeals against the Council's Refusal of Planning Permission were dismissed between 01 April and 30 September 2024. 3no. appeals against service of Enforcement Notices were considered by the Planning Appeals Commission and the Notices upheld.

Emerging issues:

As part of the commitment to continuous improvement the annual Service Plan is reviewed on a monthly basis. The Service Risk register has also been reviewed to identify emerging issues and agree any actions required detailed below:

- Delay in publication of draft Plan Strategy – whether by outcomes of parallel Sustainability Appraisal, DFI consideration and referral for Independent Examination (IE) and lack of resources within the Planning Appeals Commission for IE
- Managing statutory performance targets in context of stretched resources and fiscal challenges

Action to be taken:

- Implementation of the NI Planning Improvement Programme (PIP) – stemming from recommendations made by Public Accounts Committee in

March 2022 with regard to development plan, development management and enforcement functions – working on various workstreams to address processes and legislative change

Identified KPI at Risk	Reasons as to why KPI has not been met	Action to be taken	Designated Officer	Date for Review
EC 01 PL 04 (major applications)	Lack of resource within DM Team	Active recruitment for Service area – backfilling of posts	DM Principal Officer	6 months
EC 01 PL 05 (local applications)	Delay in consultee responses			
	Lack of quality submissions both in consultee responses and information submitted by applicants	Collaborative working with statutory consultees to identify blockages in processing and how can be addressed		
		Implementation of validation checklist in legislation to ensure frontloading of applications		

RECOMMENDATION

It is recommended that this report is noted.

Not Applicable

Half Yearly Performance Report - Planning

Generated on: 15 November 2024

Last Update H1 2024/25

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	Process major development applications with target performance time of 30 weeks	81.2	100
	Process local development applications with target performance time of 15 weeks	16.4	100
	Process householder development applications within 8 weeks	52%	75%
	% spend against budget	99.5%	>95%
	% staff attendance	87.08%	>95%
	% of completed Employee Appraisals in the period September 2023 to March 2025	80%	80%
	Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	53.9%	70%
	Publish consents for works to protected trees within a Conservation Area (CA) or Tree Preservation Order on the Planning Protected Tree and CA interactive map (target 100%)	100%	100%

Unclassified

ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 December 2024
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	18 November 2024
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	Update on Tree Preservation Orders & Works
Attachments	N/A

Background

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provides information from 16 August 2024 (date of previous report) to 14 November 2024.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that Council notes the content of this report.

Not Applicable

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Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
0		

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	6	0
Address	1) 10a Cultra Avenue, Holywood	
	2) 11 Downshire Lane, Bangor	
	3) 15 Clanbrassil Road, Holywood	
	4) Lands adjacent to 38 Cultra Avenue, Holywood	
	5) 4 Ardlee Avenue, Holywood	
	6) 27 and 29 New Road, Donaghadee	
Conservation Area	1	0
	1) 65 Victoria Road, Holywood	

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Detail

Works to Trees

Tree Preservation Order (TPO) Protection

1. **10a Cultra Avenue, Holywood** – carrying out works to two trees – these works were required for management and maintenance reasons.
2. **11 Downshire Lane, Bangor** – felling of two trees – the Council commissioned its own consultant to carry out a survey of both trees and concluded that both trees posed a safety risk due to the significant lean in the stem of both trees and increased likelihood of windthrow due to the lean, exposed positioning and their restricted root structure – Replanting was conditioned with 2 no. standard native trees at a height of 3-3.5m within the rear garden area of the property.

Not Applicable

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3. **15 Clanbrassil Road, Holywood** – felling of three trees – all three trees were elevated and located in close proximity to the rear elevation of the dwelling. Their locations resulted in restricted root structures which increased the likelihood of windthrow. One tree had a significant lean in its stem and a second had a low included union – Replanting was conditioned with 3 no. standard oak or birch at a height of 3-3.5m within the curtilage of the property.
4. **Lands adjacent to 38 Cultra Avenue, Holywood** – carrying out works to one tree - this work was required for management and maintenance reasons.
5. **4 Ardlee Avenue, Holywood** – carrying out works to one tree – this work was required for management and maintenance reasons.
6. **27 and 29 New Road, Donaghadee** – felling of three trees – one tree had outgrown its position due to its close proximity to the dwelling. It would be difficult to manage this tree through regular remedial works, it would result in a very poorly formed tree. The remaining two trees were both of ornamental form and showed a loss of vigour. Both had no public visual amenity due to their location and therefore there was no objection to removal – Replacement planting was not considered given the limited scope to replant.

Conservation Area Protection

1. **65 Victoria Road, Holywood** – felling of one tree – this tree was a conifer of approximately 3m in height. The tree had been maintained in ornamental form and provided very limited public visual amenity. This tree would not merit protection by virtue of a TPO for these reasons and therefore there was no objection to removal - Replacement planting cannot be conditioned in this case.