

June 4th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Tuesday, 10th June 2025 at 7:00 pm** in **Hybrid - Council Chamber, Church Street, Newtownards and via Zoom.**

Agenda

Agenda

📎 *Agenda PC.10.06.25.pdf*

Page 1

1. **Apologies**
2. **Declarations of interest**
3. **Matters arising from the Planning Committee minutes of 6th May 2025**

Copy attached

📎 *PC 06.05.25 Minutes.pdf*

Not included

📎 *PC 06.05.25 Minutes PM.pdf*

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4. Planning Applications

4.1 LA06/2023/2005/F - Spar, 102-104 Moat Street, Donaghadee

New lobby and extensions to retail unit (side and rear), alterations to façade, new fuel pump, alterations to parking layout including extension of site, ground works, canopy extension

Report attached

📎 *Item 4.1 - LA06 2023 2005 F Moat Street Spar.pdf*

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4.2 LA06/2022/0563/F - Lands approx. 15m NE of 5 Creighton's Green Road Holywood

Detached garage and associated site works

Report attached

📎 *Item 4.2 - LA06 2022 0563 F - Creighton's Green Road Shed.pdf*


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4.3 LA06/2024/0384/F - Lands 100m south of 29E Carrowdore Road, Greyabbey

Proposed glamping site comprising 7No glamping pods, parking, open space and

associated landscaping

Report attached

 *Item 4.3- LA06 - 2024- 0384 Glamping pods.pdf*

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4.4 LA06/2023/2476/F - Lands 93m east of 47-55 Firmount Crescent, Hollywood

Community growing space with shed, polytunnel, fencing and associated works

Report attached

 *Item 4.4- LA06 2023 2476 Firmount Cres Community growing space.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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 *Item 5a - 2023_A0018 appeal decision.pdf*

Page 155

6. Q4 Service Unit Performance Update

Report attached

 *Item 6 - Q4 Service Unit Performance Update.pdf*

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7. Department of Infrastructure (DfI) - Public Consultation - Developer Contributions for Wastewater Infrastructure

Report attached

 *Item 7- DfI - Public Consultation- Developer Contributions for Wastewater Infrastructure.pdf*

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 *Item 7a - DfI Developer-contributions-wastewater-infrastructure-consultation.pdf*

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 *Item 7b - Response to DfI Consultation Questionnaire.pdf*

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8. Department for Infrastructure (DfI) - 'Transforming Planning - Appointed Persons, Independent Inspectors Project'

Report attached

 *Item 8 - Update on DFI Transformation of Planning.pdf*

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 *Item 8a Letter to CX- HoP -Transformation of Planning.pdf*

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9. Update on Tree Preservation Orders and Works

Report attached

 *Item 9 - Update on Tree Preservation Orders and Works.pdf*

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

Reports for Noting

10. Quartely update on Enforcement Matters

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

Report attached

 *Item 10 - Quarterly Update on Enforcement Matters.pdf*

Not included

 *Item 10a - Table of Planning Enforcement Proceedings.pdf*

Not included

ARDS AND NORTH DOWN BOROUGH COUNCIL

3 June 2025

Dear Sir/Madam

You are hereby invited to attend a hybrid meeting (in person and via Zoom) of the Planning Committee of Ards and North Down Borough Council which will be held in the Council Chamber, 2 Church Street, Newtownards, on **Tuesday 10 June 2025** 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 the Planning Committee minutes of 6th May 2025 (Copy attached)
- 4. Planning Applications (Reports attached)

4.1	LA06/2023/2005/F	New lobby and extensions to retail unit (side and rear), alterations to façade, new fuel pump, alterations to parking layout including extension of site, ground works, canopy extension Spar, 102-104 Moat Street, Donaghadee
4.2	LA06/2022/0563/F	Detached garage and associated site works Lands approx. 15m NE of 5 Creighton's Green Road Holywood
4.3	LA06/2024/0384/F	Proposed glamping site comprising 7No glamping pods, parking, open space and associated landscaping Lands 100m south of 29E Carrowdore Road, Greyabbey

4.4	LA06/2023/2476/F	Community growing space with shed, polytunnel, fencing and associated works Lands 93m east of 47-55 Firmount Crescent, Hollywood
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Reports for Noting

- 5. Update on Planning appeals (report attached)
- 6. Q4 Service Unit Performance Update (report attached)
- 7. Department for Infrastructure (DFI) - Public Consultation- Developer Contributions for Wastewater Infrastructure (report attached)
- 8. Department for Infrastructure (DFI) - 'Transforming Planning - Appointed Persons, Independent Inspectors Project' (report attached)
- 9. Update on Tree Preservation Orders and Works (report attached)

IN CONFIDENCE

Reports for Noting

- 10. Quarterly update on Enforcement matters (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS) (To be added following Annual Meeting.

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 6th May 2025 commencing at 19:00.

PRESENT:

In the Chair: Alderman McIlveen

Aldermen: Graham
McDowell

Councillors:	Cathcart	McClean
	Harbinson	McKee (zoom)
	Hennessy	Morgan
	Kendall	Smart
	Kerr	Wray
	McCollum	

Officers: Interim Director of Place (B Dorrian), Head of Planning (Acting) (G Kerr), A Todd (Senior Professional and Technical Officer), Senior Professional and Technical Officer (C Rodgers), Principal Professional and Technical Officer (L Maginn) and Democratic Services Officer (S McCrea)

1. APOLOGIES

An apology for inability to attend was received from the Interim Director of Prosperity (A McCullough) and an apology for lateness was received from Councillor Hennessy.

2. DECLARATIONS OF INTEREST

Councillor Hennessy declared an interest in Item 4.1: LA06/2022/0265/F – 31a Sheridan Drive, Bangor and Item 4.5: A06/2023/2406/F - 5 Tarawood, Holywood

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES OF 01 APRIL 2025

PREVIOUSLY CIRCULATED:- Copy of the above minutes.

AGREED, on the proposal of Alderman Graham, seconded by Councillor Kerr, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 LA06/2022/0265/F - Demolition of existing garage workshop and erection of 1.5 storey dwelling with parking - 31a Sheridan Drive, Bangor

PREVIOUSLY CIRCULATED:- Case Officer's report, addendum report.

The Senior Professional and Technical Officer explained that the case had been presented to the Planning Committee at its last meeting in April. Members had deferred the application to allow the planning department an opportunity to explore issues raised by an objector speaking against the recommendation.

For clarity, the application sought full planning permission for a single dwelling to replace a commercial workshop building Located at 31A Sheridan Drive in the Ballyholme area of Bangor. The area comprised a wide range of densities and house types. The plot size was similar to that of other plots within the wider area.

Members were shown site images containing a commercial workshop, separate WC building and a small yard area.

It was important to highlight that whilst the premises were vacant at the time of writing, a recent certificate of lawfulness established the use of the site as a commercial workshop. The Premises had a commercial history that dated back over 40 years. The site was accessed via a private lane that connected Sheridan Drive with Lyle Road and the commercial workshop was not the only building that could be accessed via the laneway. The second image in the presentation showed a dwelling located immediately east of the site that solely fronted onto the lane and can only be accessed by it. The lane also provided rear vehicular access to a number of properties and garages that fronted onto Sheridan Drive, Groomsport Road and Sandhurst drive. An image was shown to example the informal parking along the land to the north of the site. Two in-curtilage car parking spaces had been proposed and given the former use of the site as a commercial workshop, he proposed one-bedroom dwelling would not result in any intensification of use of the existing access to the public road.

The proposed dwelling was modest with a low overall ridge height of 5.5 metres and was just 3 metres to the eaves. The footprint was smaller than the existing building and a modern vertical cladding finish was proposed. The design was significantly amended during the processing of the application to prevent harm to residential immunity with a reduction in scale and a removal of a balcony and first floor windows.

Objections had been received from eight separate addresses. The main issues raised included the potential impact on the character of the area, residential amenity, traffic and parking as well as impact on the existing sewage infrastructure. All material considerations raised in objection letters had been considered in detail in the case officer report and various addendums.

In regard to matters raised at the last committee meeting, the objector had queried the extent of the red line and ownership of a small triangular portion of land beyond the southwest boundary of the site. In subsequent correspondence, the objector did not claim ownership of this land but rather stated the area was used to manoeuvre into a

car parking space associated with the objector's property. The lease map for the existing commercial property was submitted to the Council with the map including an annotation that stated the land referred to by the objector was part of a right-of-way.

The area was highlighted in green on the site location plan and was located beyond the red line boundary of the site. The applicant's agent had confirmed that the certificate of ownership was correct and the applicant owned the lands within the red line boundary. A small discrepancy was identified between the site location plan and the original site layout plan in that a small corner of a parking space extended beyond the red line boundary. The site layout had been amended to ensure the parking space was contained entirely within the red line.

It was considered that any meaning dispute regarding a potential right of way was a civil matter to be resolved between interested parties outside of the planning process. The objector had stated that the scale of the parking spaces on the site layout were substandard and it was further suggested that land associated with the access to number 107 Groomsport Road on the opposite side of the lane may be required to manoeuvre vehicles into the parking spaces.

It was clear that the application site had historically been used for parking in association with the commercial vehicular repair business and it was considered that the application represented a realistic fallback at this site.

The layout showed that the small existing WC building to the rear of the parking area would be demolished which would further increase the depth of the area.

The objector had a parking space immediately west of the application site. And it was noteworthy that the combined depth of the objective parking space and the laneway was shorter than the combined depth of the proposed parking spaces and the lane. The two parking spaces each measured 4.8 metres long by 2.4 metres wide which meant that the basic parking space dimensions detailed within the published parking standards had been met with Dfi Roads having offered no objections to the application.

The Council's Planning Department asked DFI Roads to reconsider the application in the context of the objector's concerns in relation to the dimensions for parking and manoeuvring. DFI Roads referred to the previous use of the site and the traffic generated by the commercial garage and confirmed the proposal would not result in road safety issues.

DFI Roads confirmed that it had reviewed dimensions using the both the scale drawing and also GIS and that it appeared acceptable. The response from DFI Roads stated that anyone exiting the site could turn left or right either reversing or travelling in a forward direction and there should not be a manoeuvrability issue any more than the previous use had.

Subsequent objection had reiterated concerns relating to potential overlooking with particular reference being made to the velux window on the northern roof pane serving the loft bedroom. This velux window was small in scale. The terrace dwellings to the north of the site had long rear gardens. The small velux window was orientated towards the garages and access points at the end of the long gardens and it was therefore considered that no unacceptable degree of overlooking would occur.

In addition, the objector had expressed concern in relation to potential overlooking from the proposed ground floor window on the western elevation towards a first-floor window to the rear of their property at No. 31 Sheridan Drive. This window was already open to public views from the laneway itself. The windows would not be directly opposing and given the separation distance of 16 metres, it was considered that no unacceptable adverse overlooking would arise. The proposed ground floor window was in a similar location to the main opening of the existing commercial workshop.

Further comments were also made in relation to the level of useable amenity space. It was agreed that this would equate to approximately 22 square metres and it was considered that the amenity space provided was adequate to serve the needs of a small one-bedroom dwelling and therefore complied with planning policy requirements. The site was also in short walking distance to public amenities and facilities in the area including Ballyholme Beach.

In summary, this was a unique brownfield site which had recently benefited from a certificate of lawfulness for a commercial workshop. Objections had been received from 8 separate addresses and the Planning Department had considered, in detail all the material planning considerations raised.

The Applicant significantly amended the scale and design of the proposed dwelling to address concerns in relation to residential amenity. The proposal was for a modest one-bedroom dwelling and would not result any intensification of use of the existing access and no objection had been received from DFI Roads. Moreover, no objection had been received from NI Water in relation to wastewater capacity issues.

RECOMMENDED that permission is granted.

Mr Asman Khairuddin was invited to the chamber, speaking against the application. The Chair, Alderman McIlveen reminded Mr Khairuddin that he had three minutes to speak.

Mr Khairuddin believed Members had been looking at misleading drawings that haven't represented the application correctly. Referring to Slide 9, he advised that the garage next door had been represented as being three times larger than its actual size. He suggested that whenever anybody looks at a building in order to assess its size, they would look at a neighbouring building.

Mr Khairuddin explained that one of the objectors, Mr. Armstrong, who owned the house next door had a long garden with a very small garage. The garden was split into three sections with grown shrubbery, a lawn in the middle and the garage at the end. The centre section was that which was used most often by Mr Armstrong and it was that portion of the garden that could be seen from the velux window.

Mr. Robin Mulholland, who owned land directly opposite the two car parking spaces had explained that part of his driveway had been used in order to get in and out of spaces at the commercial garage. He would be declining future use of this part of his drive by third parties, especially the two cars parked directly opposite his driveway. The reversing space for the proposed spaces would be 3.7 metres; a smaller reversing space than would be available in shopping centre car parks. In conclusion, Mr Khairuddin believed that parking for a dwelling would mean users regularly arriving and leaving the premises for daily life which would lead to an intensification of traffic.

With no questions from Members, Mr Khairuddin returned to the public gallery and Mr Wilson, speaking in support of the application, entered the chamber to speak.

Mr Wilson explained that he had set up a practice in Bangor in 1993 for domestic and commercial projects in the town which had made up the majority of his work over 32 years.

Living within 100 metres from the application site in the terrace property, Mr Wilson had been involved in similar applications along Lyle Road. This application was made in late March 2022, running for three years to date. The existing commercial garage use generated the need for a contaminated land report which involved boreholes to a depth of five metres culminating in a lab analysis and a 91-page report at a cost of £5,500. Initially, NI water required a wastewater impact assessment and sewer requisition of approximately £2,500. As the workshop already had WC facilities, wastewater connections were already in existence. Mr Wilson thought it prudent to establish that the principle of the dwelling on the site was acceptable before commissioning reports and it had taken a few drafts to settle on a design the planning team considered appropriate. Apart from minor amendments to the boundary treatment, that design had not changed since November 2022. During the process, the contaminated land report concluded that there was no risk and NI water granted a waiver on single dwellings during consultation in January and they had no objections to the application.

Local residents had made objections to the scale and height of the original application, and it had been duly reduced twice in the early redrafts. With a recommendation to approve in January, objections concentrated on NI water and the status of the existing use as a garage workshop from which regular statistics were taken. The record for commercial rates existed back to the 1980s.

The certificate of lawful use was approved in February, so the analysis of traffic based on the garage workshop stood and had been accepted by DFI Roads as it had been previously. This had also been comprehensively covered in the case officer's first addendum. New additions were allowed to the objector's speaking notes at the meeting in April with objections to parking standards and overlooking. The roof windows were for light and escape and below eye level which would be very difficult to look out of unless one ducked.

Mr Wilson had rechecked all survey data and confirmed that the application had met the parking standards. He had used the existing parking spaces and amended one position to keep within the red site boundary. DFI Roads were consulted once again and had no concerns. This was also comprehensively covered in the Case Officer's second addendum with the report confirming that the proposal was compliant with all aspects of the local development plan, draft plan and regional planning policy. As it was a unique site, it would not cause precedent and there were no objections from any of the statutory consultees after repeated consultation.

The dwelling was viewed as a betterment in terms of its visual impact. It is residential use in a residential area. The proposal was a cool, clean, compact dwelling and the alternative fallback was a commercial garage workshop.

Mr Wilson thanked the planning team for the continued work behind the report and respectfully asked the Committee to endorse and grant permission for the proposal that he believed could only improve the character of the area.

As the Chair (Alderman McIlveen) invited questions from Members, Councillor McCollum, in confirming Mr Wilson's proximity to the application site, asked of the current busy nature of the laneway, if Mr Wilson was or had been operator or manager of the garage, whether anything but anecdotal evidence existed for the garage's use of parking spaces. Mr Wilson lived on Ballyholme Esplanade within 100 metres of the site. Though parking occurred on the lane, traffic was still able to get by. Mr Wilson had never been part of the garage's commercial past but recalled its operation. Two signs still stood for the garage's visitor parking which inferenced the two-car limit. Whilst the in-curtilage parking was two as well, the garage would have generated more traffic with staff, vehicle visits and parts deliveries whilst the application was for a one bedroom building.

Mr Wilson returned to the gallery at 19:22.

Councillor McCollum raised several questions in relation to parking in the application, specifically in relation to size and manoeuvrability. The Senior Professional & Technical Officer explained that the spaces measured 2.48 by 2.4 metres which were the standard for parking. The commercial garage would by its very nature attract more traffic whether that be repair, services, deliveries or workers. Vehicular movement in the area would be dramatically reduced if the application site became residential. DfI had also been contacted on several occasions who also held the same view by way of GIS systems and expert knowledge on traffic, movement and different uses. In regard to the objector who had denied use of his driveway for manoeuvring, DfI had confirmed that the site layout and dimensions provided were considered acceptable and that there should be no issue.

Councillor Cathcart referred to PPS7, safeguarding the character of established residential areas, suggested this would be the only section of land in the area that had a house built onto Sheridan Drive as opposed to a house and how it could be approved with such a difference in mind. The Senior Professional & Technical Officer, whilst using slides as an example, showed one building with access off Sheridan Drive. The site was also standalone outside the curtilage of any dwelling. With concern amongst Members of a precedent being set for subdivision of plots, the Senior Professional & Technical Officer advised the application before Members did not set precedent as it did not involve subdivision and had been a long-standing commercial site.

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

Councillor Morgan believed a dwelling would be more appropriate in the area than a commercial garage and that vehicular movement would be reduced given the different use. Alderman Graham agreed, citing the many deliveries and vehicular visits that would occur for a commercial garage versus a small one to two person apartment. Councillor Cathcart also agreed, adding that the site should never have been approved for commercial use even though it now had an established use, but that a dwelling was a betterment of the two options.

On being put to the meeting, with 10 voting FOR, 3 AGAINST, 1 ABSTAINING and 2 ABSENT, the proposal was agreed. The vote resulted as follows:

FOR (10)	AGAINST (3)	ABSTAINED (1)	ABSENT (2)
Aldermen	Alderman	Alderman	Alderman
Graham			Smith
McDowell			
McIlveen			
Councillors	Councillors	Councillors	Councillors
Cathcart	Kendall	McKee	Hennessy
Harbinson	McClean		
Kerr	McCollum		
McBurney			
Morgan			
Smart			
Wray			

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor Morgan and by a vote of 10 FOR, 3 AGAINST, 1 ABSTENTION and 2 ABSENT, that the recommendation be adopted and planning permission be granted.

4.2 LA06/2023/2459/F - 2No. detached dwellings with detached garages and associated car parking and landscaping - Site immediately to the North of 134 Killinchy Road, Comber

PREVIOUSLY CIRCULATED:- Case Officer’s report.

The Acting Head of Planning advised that the application was for two detached dwellings with detached garages and associated car parking and landscaping at a site immediately north of 134 Killinchy Road Comber

The application was before members as it had been called in by the Mayor from the weekly delegation, week commencing 20 March 2025. The recommendation was to refuse planning permission

Members were shown google Earth imagery of the application site’s location in the countryside. The site lay within the Strangford and Lecale Area of Outstanding Natural Beauty as shown in the Ards and Down Area Plan 2015.

The roadside site was located lands between 126 and 134 Killinchy road Comber. Killinchy Road was a protected route.

The site sloped downwards from the road towards the rear boundary. There was a field entrance directly from the Killinchy Road. A laneway ran adjacent to the eastern boundary of the site serving 126 and 128 Killinchy Road. An opening on to this laneway had also been created from the application site allowing access.

The application site was part of a larger agricultural field. Hedging denoted the boundary with the road, a post and wire fence separated the proposed site from the remainder of the field and the side boundaries were also hedging, some of which was sparse. The surrounding area consisted of agricultural fields and isolated single or pairs of dwellings with varying plot sizes.

With regard to planning history on the site – at the time of writing there was an enforcement case open under reference: LA06/2024/0092/CA for an Alleged unauthorised entrance with stone walls and unauthorised hardstanding on which the decision was pending. The application had received one letter of objection to the proposal. Members were shown site imagery of the surrounding area and dwellings at 134 and 128 Killinchy Road.

The next slide showed policy CTY8 of PPS21 – which dealt with infill development which listed criteria to be met. The buildings within the substantially built-up frontage were considered to be when travelling in a southerly direction. With a dwelling and garage at number 126, the laneway, access and application site, a dwelling at 134, a dwelling and outbuilding at 136 Killinchy Road, the plots within which these buildings stood about the road therefore had frontage. Given there were a line of three or more buildings along this section of the Killinchy Road which all shared common frontage with the road, this part of the policy had been met

The second part of the assessment was to confirm an infill opportunity existed for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses. The amplification text stated that, for the purposes of the policy, the 'gap' was between buildings. It was considered that the gap between the built-up frontage at this location on Killinchy Road was too large and could accommodate more than the permitted maximum of two dwellings. As shown in slides, the frontage width of the proposed gap site was approximately 154.6m and the gap between the existing buildings at No. 126 and No. 134 Killinchy Road was approximately 154.2m. Given the gap between the buildings measured 154m it could effectively accommodate 2 dwellings with a frontage of 77.7m. This was close to 1.5 times the width of the average plot width of 54.1m.

A gap of 154m could accommodate close to three dwellings each with a plot width of just over 50m in line with the average. This demonstrated that the gap site was too large for two dwellings and three dwellings could fit within the gap that respected the existing pattern of development along the frontage. Members were asked to note that although this calculation was useful the assessment of whether a site was suitable for infill development, it was not purely a mathematical exercise but rather a matter of considering and balancing all the evidence, against policy requirements.

The gap between number 126 and 134 represented an important visual gap as could be seen in the slides, between two visually separate buildings. Guidance on the interpretation of CTY8 provided in a judicial judgement (Gordon Duff V Newry, Mourne and Down District Council (2022) NIQB 37) stated Justice Scofield KC held that whether a site offers a visual break of such importance or significance was *'a matter of planning judgement; but it is a matter of common sense, and consistent with the guidance ...that the larger the site, the more likely it is to offer an important visual break. ...however, the size of the gap alone will not be determinative.'*

CTY8 required that a proposal for infill development should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. With regard to a visual assessment, it was considered that the application site provided a significant visual gap between No 126 and No 134 Killinchy Road.

The existing dwellings along the frontage were intervisible at certain points along the road with the two dwellings on the opposite side of the road when travelling south, however the mature trees along the southern boundary of number 126 and the location of the dwelling towards the rear of the site, meant the existing were not visually linked when travelling north to south.

If the development was to go ahead, the result would be a suburban style of development with the visual gap lost thereby creating a ribbon of development and consequently failing the requirements of Policy CTY8 of PPS21 and the related provisions of the SPPS. In addition, the infilling of this gap and the creation of a ribbon of development would result in a suburban style build-up of development detrimental to the rural character of the area and contrary to Policy CTY14 which related to rural character.

Members were asked to note recent permission granted for the site to the south of the application site for outline planning permission. The image shown to Members illustrated that when the proposal was considered alongside the existing and approved dwellings, it would add to an existing ribbon of development which would span over a distance of approximately 750m from number 96 to the north and number 136 to the south.

Given the considerations set out in the presentation and detail within the case officer report the recommendation is to refuse outline planning permission

RECOMMENDED planning permission be refused.

Councillor Morgan asked for more information on what was meant by a, 'protected road,' and the policies that existed for it. The Acting Head of Planning explained that there were certain roads in Northern Ireland that were protected routes with policies stating that intensification or direct access onto such protected roads would not be allowed. The laneway was already in place upon which access had been created that had raised the enforcement case. There was a map online of all protected roads in Northern Ireland at ArcGIS via the Department for Communities.

Mr Liam Walsh and Dr Elaine Rusk were invited to the Chamber to speak in SUPPORT of the application for five minutes. Dr Elaine Rusk attended by Zoom.

Dr Rusk explained that the recommendation for refusal was based upon on the Case Officer's opinion that the gap site was too large for two dwellings due to the width of its frontage. This referred to CT 8 of PPS 21 which would allow development of a small gap site provided it was only wide enough for a maximum of two houses. The Case Officer's report was otherwise resoundingly positive in terms of the appropriateness of the proposed design and development. No consulted third parties raised any issues. And the one objection raised by a neighbour was deemed, '*not a material planning consideration.*' The case officer's report also acknowledged that the site met the criteria of CTY 8 for a substantial and built up frontage as it, '*includes a line of three or more buildings along a road frontage*'.

Dr Rusk advised that the only issue for the refusal was the plot size. The Case Officer's report suggested that three dwellings could fit on the site, meaning that in their view, this was not a small gap site for a maximum of two houses. Dr Rusk felt it had been demonstrated that the two plots proposed were commensurate in size with the existing plots along the frontage. They had proposed plot widths of 66 and 67 metres compared to an average of 56 metres. In the three nearest properties, others opposite and along the road were significantly wider. The depth of the proposed plots were the same as their neighbours, so there was no difference there and their area at 0.3 hectares each was only 0.05 hectares bigger than the average. It did not make them the largest plots in the row in terms of area. The others were 0.31, 0.28 and 0.17 hectares which meant that one property was skewing the average down. Plot width was therefore the only real issue being raised.

In order to argue the viability of three dwellings on the site, the Case Officer's report calculated a road frontage at the site of around 154 metres and a measurement also around 154 between the neighbouring buildings. Not between the boundaries but between the gables of the neighbouring buildings at number 126 and 134 to imply that the site could almost fit three dwellings stating that, given the gap between the buildings measured 154 metres, it could effectively accommodate two dwellings at the frontage of 77.7 metres, or close to three dwellings, each with a plot width of just over 50 metres. That would be true only if part of the gardens of numbers 126 and 134 and the shared laneway that accessed a house to the rear were incorporated into the new plot width, which was impossible

Dr Rusk suggested that figures were therefore misleading and that they failed to take into consideration the taper of the site which was significantly narrower further from the road where any houses would be built. They had measured in line with where the dwelling was proposed and existing dwellings would sit on the site and did not include the shared laneway or parts of the next door's gardens within their calculations. That, *'it is important that the overall average plot width is considered rather than picking individual plots as a comparison to the proposed development,'* and, *'we have demonstrated that squeezing three houses onto the site leads to a plot width and area which is not in keeping with the existing average plot width at 44 metres wide.'* These would be further than the current average plot width because they would have been 12 metres smaller than the proposed two plots, which were 10 and 11 metres greater than the average.

It is also important to consider the gaps between buildings. The existing measurement between numbers 136 and 134 was 24 metres in the proposal for two dwellings with the gap between buildings being at a range of 24 to 29 metres, whereas the illustration squeezing in three dwellings showed gaps of around 12 and 13 metres. This demonstrated in Dr Rusk's opinion that the proposal for two dwellings more accurately reflected the existing pattern of development along the road frontage. The Case Officer had cited PAC Decision 2021 A0014 where the commissioner concluded that the gap was too large to accommodate two infill dwellings at Ballycreeley Road. The fact that the Commissioner upheld the decision was in large part because the two infill dwellings proposed were not, *'wholly representative of the pattern of development,'* which must also include consideration of the disposition of those buildings relative to one another and the plots within which they lay. In paragraph 14, it was highlighted that in order to assess a site, one must

take account of the settlement pattern along the road frontage rather than making a comparison with decisions taken elsewhere. Just because the site at Ballycreeley Road was not deemed suitable where the surrounding plots were narrower did not mean that it followed that this proposal where the surrounding plot widths were wider would not be suitable for this context and therefore the decision was not relevant. Dr Rusk suggested that if Members concluded as they had, that this was a small infill site in accordance with CTY 8, then refusal reason 3, the integration of point CTY 14 would fall away because the small infill sites were an exception. If Members were convinced that the site was a small infill site, that would be sufficient grounds to overturn the recommendation for refusal because it was the only real argument being put forward against the development. Dr Rusk thanked the Chair and Members for their time.

After clarifying the site entrance location onto the laneway as opposed to the main road, Mr Walsh returned to the gallery and Dr Rusk returned to the zoom gallery.

In response to Councillor Cathcart's query on plot size clarification, The Acting Head of Planning advised that the measurement was between buildings and there was no indication of what size sites were, whether there were laneways or other elements, The measurement had been between buildings as it had been for previous assessments either for refusals or approvals for infill development. This was called in regarding the size of the gap and also it had been noted that there was previous approval further along the site. Slides were shown to explain that the gap site of a previous outline approval from 2021 was smaller than the site in this evening's application. That particular site was in last week's delegated list which had since been approved. By the very virtue of that approval, if this application were to go ahead, it would create a continuous line of development along the stretch of road. On one slide, the proposition of two dwellings could be seen but it was shown that three could be placed which showed a clear demonstration that the site was too large.

Proposed by Councillor Wray, seconded by Councillor Morgan, that the recommendation be adopted and planning permission be refused.

Councillor Wray agreed that a ribbon of development would be created, as did Councillor Morgan.

On being put to the meeting, with 12 voting FOR, 2 AGAINST, 1 ABSTAINING and 1 ABSENT, the proposal was agreed. The vote resulted as follows:

FOR (12)
Aldermen
 McDowell
 McIlveen
Councillors
 Harbinson
 Hennessy
 Kendall
 McBurney
 McClean

AGAINST (2)
Alderman

Councillors
 Cathcart
 Kerr

ABSTAINED (1)
Alderman
 Graham

Councillors

ABSENT (1)
Alderman
 Smith

Councillors

McCollum
McKee
Morgan
Smart
Wray

RESOLVED, on the proposal of Councillor Wray, seconded by Councillor Morgan and by a vote of 12 FOR, 2 AGAINST, 1 ABSTENTION and 1 ABSENT, That the recommendation be adopted and planning permission be refused.

4.3 LA06/2024/0230/F - Change of use from agricultural building to dwelling to include extension, detached garage and relocation of access - Land 55m NE of 56 Portaferry Road, Cloughey

PREVIOUSLY CIRCULATED:- Case Officer's report, addendum report.

The Acting Head of Planning advised that the application was for a Change of use from agricultural building to dwelling to include extension, detached garage and relocation of access at Land 55m NE of 56 Portaferry Road, Cloughey. The application was before members due to a call in by Councillor Kerr

With regard to the site and surrounding area. The application building was a barn located on a corner road- side plot of the junction of Portaferry Road and Drumarden Road. The building was set back 3 to 4 metres from Portaferry Road with extensive views of the site from the public road.

There were long distance views of the site when travelling southwest along the Portaferry Road. The existing stone vernacular building had a pitched clay tiled roof is gable ended onto the public road. It had a 0.13ha curtilage which was defined by fencing and hedging. The building had a prominent and very visible position within the locality at the junction of the two roads. The surrounding land was flat and there would have been longstanding views of the building on approach from both sides from a considerable distance.

The rectangular barn comprised one single section/room and had 2 door openings (one wider than the other) and 2 window openings along its southern elevation. There were no openings on the rear wall. The building displayed some architectural merits given its form which was that of a stone vernacular building. With regard to historic features, supporting information had been provided under the previous permission to demonstrate that the building had been present for almost 200 years as per OSNI 1846 to 1862.

Members were asked to note that the bar was set high for any conversion of a building to a dwelling and this was also reflected in the SPPS. Paragraph 6.73 of the SPPS stated that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building as a single dwelling. This went further than Policy CTY 4 of PPS 21, which referred only to a 'suitable building'.

Paragraph 1.12 of the SPPS stated that where the SPPS introduced a change of policy direction and/or provided a policy clarification that would be in conflict with the retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications. As such, the term 'locally important building' should have taken precedence over 'suitable building' from PPS 21 Policy CTY 4.

With regard to the policy criteria of CTY4, it is stated that, *'the building must be of permanent construction, which it is. The criteria then goes on to state that the reuse or conversion would maintain or enhance the form, character or architectural features, design and setting of the existing building and not have any adverse effect on the character or appearance of the locality.'* It also states that *any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.'*

The proposal was also considered to be contrary to the policy requirements of CTY13 – 'Integration and Design of Buildings in the Countryside' and CTY14 – 'Rural Character'

Planning history of this site was of particular relevance to the assessment of the current proposal. Planning permission was granted on 21 October 2021 (planning ref: LA06/2020/0973/F) on the same site for conversion of the building on the site to a dwelling to include extension and relocation of access. This permission was due to expire on 20.10.2026

This permission included conditions which removed the permitted development rights for that permission with a mind of protecting the character of the original building and to prevent further development on the site creating an adverse visual impact. This was considered to be a sustainable permission which respected the policy – reusing an old building of character and bringing it into residential use which being mindful of the sensitivities of the area

The previous extension measured approx. 6.6m by 3.9m giving a total floorspace of approximately 26 square metres. The extension was less than half the length of the existing building. Its height was set to match the existing ridge height of the building. With regard to the current proposal, the main characteristics of the proposal were that the proposal building varied in height, width and length due to the levels of the site which the extension The extension was to be at its highest 5.5m, at its widest 10m and at its longest 11.7m. In addition, there was to be a wall around an outdoor seating area which extended 6.2m long and 1.8m high.

There was approximately 180 square metres of additional space to the original building of 62 square metres of floorspace - a significant increase in size going beyond what was considered sympathetic to the existing building in relation to its scale and massing, as required by policy CTY4.

The proposal would appear as almost an entirely separate building to the original building, bearing no resemblance to the original simple vernacular character. The extension would dominate the original building being a full two storeys in height. Due to the extremely open site and long-distance views the proposed development as a whole including the detached garage would not visually integrate into the surrounding landscape and would be intrusive,

The existing trees would also need to be removed to accommodate the access, which would open up the site even more with the site no longer benefitting from a backdrop when viewed on approach along the main road. If approved, the proposed extension would be highly visible and prominent within the surrounding flat and open landscape due to the overall scale and massing, the topography of the site and the surrounding land. Therefore, it was considered that the proposed development would have a negative impact on the character of the area.

CTY13 stated that planning permission would be granted for a building in the countryside where it could be visually integrated into the surrounding landscape, and it was of an appropriate design. The site currently had limited natural boundaries and due to the site's roadside location, an extension of this scale would appear as prominent over long distances when approaching from all directions.

Although a planting scheme had been submitted along with this proposal, it would not overcome the prominence of the proposed extension and the subsequent dwelling as a whole. Furthermore, CTY13 stated that a proposal should not rely primarily on the use of new landscaping for integration. Although, smaller in scale than the proposed extension, the proposed garage combined with the proposed extension, would further erode the character of the surrounding area. As previously noted, the previous approval had the permitted development rights removed. This was to ensure that there was no further development on the site that would negatively impact on the character of the area. The proposed increase in size of the extension and the inclusion of a garage was considered to be unacceptable and would be of detriment to the landscape.

RECOMMENDED that planning permission be refused.

Alderman McIlveen queried the previous planning permission and development rights having been removed, asking for clarification. The Acting Head of Planning explained that it meant any changes to the layout would need to be applied for, such as extensions and would then be assessed to ensure it was sympathetic. Councillor Hennessy asked why the proposed building would not be sympathetic. The Acting Head of Planning advised it was due to the sheer scale, massing and roof levels which would result in the original building being completely lost amongst such elevations.

Mr Steven Dickson was joined by the applicant, Mr Mark McKeown to speak in support of the application.

Mr Dickson explained that having had lengthy discussions regarding revisions or total redesign options with the Acting Principal Planning Officer, proposals were submitted on the 29th November. Mr Dickson suggested the Acting Principal Planning Officer had given him verbal assurances that an amended solution could be negotiated as a refusal alternative may create futile work and abortive work for both parties. Following further enquires as had been saved as email on the 16th December which stated, *'I am sorry for the delay in this. I have been hectically busy. I will chat with the case officer on Wednesday and get back to you. If I'm not in the office today, I'm on leave tomorrow. I hope that's okay.'*

Being the week before Christmas, Mr Dickson advised that he did not pursue this until January. He had understood from the Case Officer, that the Acting Principal Planning Officer would support the proposal and, on that basis, if the applicant was willing to wait on his return to work.

Mr Dickson advised that he was both surprised and concerned to see that there had been no replies to his emails or phone calls from Michael Creighton prior to his departure.

Without any notice the application was on the delegated list two weeks ago for refusal and presented to this committee in expedient fashion. The ownership had changed on the property and the three-bedroom proposals were provided in order that the applicant's accommodation could be required for a normal family for the established local building was for a two bedroom proposal extending linearly towards Cloughey on the highest part of the site This locally important building would be compromised by losing character with the unimaginative run-of-the-mill continuation of a rendered extension. Mr Dickson advised the application would see that the stone walls were retained, refurbished and repointed, providing a breathable sustainable structure to the existing building. It would secure its upkeep and retention enhancing the characteristics of the rural vernacular building by maintaining it wholly and completely as a local important building and as a record of the past.

The proposal was modern and would replace the existing truss roof and tiles with traditional feature trusses, using slates to create a ground room high-level thermal value. A sustainable design with an unintrusive glaze connection with minimal intervention to the original structure and a modest barn style extension would provide additional living accommodation suitable for a family of four.

The extension would be contrasting, acceptable, similar in scale, architectural style and finishes providing simple a rural design element reflecting farmhouses and outbuildings contrasting with the pattern and dispersed farmsteads seen throughout the rural area and would have no adverse effect on the character or appearance of locality.

Mr Dickson challenged the assessment of the Planning Department, suggesting the comparison had not been carried out properly but with haste and devoid of a site visit. Photographs had been supplied to the Planning Department which appeared to show the building as larger than it was. With the principal policies under which the application was being assessed and the two which Mr Dickson had cited, he believed were different with regard to CTY 13 integration and design of the buildings into the countryside and CTY14 regarding rural character. Whilst Planners had advised that the proposed building would have adverse character on the locality due to prominence, Mr Dickson believed the examples would have to be viewed physically to understand the scale and impact and prominence in comparison. The application design sat low to the ground, sloped down and away from the road and the public viewpoints and extension had a curved roof below the original barn. As such, Mr Dickson believed it would help Members would be willing to take a site visit. The image shown on the principal view coming from a Cloughey direction did have a backdrop of trees which were on the other side of the road. Two trees were to be taken away for the access, one of which came down in the storm, but the

remainder of the trees which provided the backdrop were on the other side of the road.

In answer to Councillor Kerr's query on the changes that had occurred between proposals, Mr Dickson explained that the original proposal was the same with higher eaves whilst the floor-level extension was higher and had been reduced by 600mm and eaves by 450mm. The garage had initially been removed when the officer returned from holidays. He had suggested during discussions that it would be worth considering the garage as the applicant was self-employed required a facility for storage. The garage would be submitted virtually straight away after the application.

Councillor Wray clarified the timeline with Mr Dickson including the change of ownership and asked on his thoughts of the proposed building dominating the current structure. Mr Dickson had been waiting on a response from the Planning Department to an email he had sent before Christmas. Mr Dickson explained the simple nature of the original proposal and that the application before Members this evening was more sustainable and cost effective. The original building had been used as a dance hall and an isolation block during times of famine and plague with a nearby building being used a hospital. As such, it had historical significance and the application would ensure its existence.

A brief discussion ensued regarding inclusion of photographs and Mr Dickson's belief that one was factually incorrect. These photos would be shared at the appropriate moment in the discussion. Councillor Kendall queried the factually incorrect photo and how Mr Dickson believed the application would not be prominent given its much larger size. Mr Dickson referred to CTY 13 and CTY 14 applying in all applications. The original building would be maintained as a whole with glassed connections and extensions. As part of the main submission, photos showed the site from different directions which gave a different perspective to that of the 3D rendition.

Councillor Smart asked if all matters had been discussed in the report and that there were no additional issues. The Acting Head Of Planning advised the application was on the delegated list last year and had been taken off for amendments to be submitted. As an Officer had been on sick leave and matters were never determined by an individual, the Acting Head of Planning and other Officers duly discussed the matter with refusal having been the recommendation. The addendum had been available before Easter, and it had only been on this day of Committee that the agent had raised issues about information being incorrect. Examples had been given of different policy contexts where pictures were supplied of a replacement dwelling policy, which was totally different to CTY 4. There was also an image provided that was just for illustrative purposes only. All the material issues were available to view online. There was always the option for appeal if the agent chose to do so in the event that refusal was agreed.

Alderman Graham asked if the development rights being taken away were to ensure the conversion could not be used as a stepping stone to a larger building. The Acting Head of Planning advised that not every building passes the test for conversion and that it had to be capable of conversion as opposed to demolition and rebuilding. In this case, the building was structurally sound given the previous approval. Though

not many conversion applications were requested, proposals should be sympathetic to the original design which was not the case with plans before Members.

The Acting Head Of Planning reaffirmed the fact that the proposed building could not rely on new vegetation to integrate into the landscape and that it could be seen from several long-distance views on what was a long and flat landscape. Planners had to take CTY13 and CTY 14 into consideration in such cases. Councillor Kendall asked whether there were limitations to the amount of applications made on the same proposal site. The Acting Head of Planning advised that the Planning Department prided itself on high level designs in the borough through negotiation. There was nothing to stop an agent repeatedly submitting an application. Last year, the application was removed from the delegated list to allow for a series of amendments to be made and, given the significant development before Members, it was not considered acceptable. Though the agent had suggested removing the garage, Members had to decide on the application based on what was before them this evening as opposed to discussing what could be removed to make it worthy of approval.

Proposed by Councillor Kerr, seconded by Councillor Wray, that Members engage in a site visit.

Councillors McClean, Morgan and Smart all agreed a site visit would not be of benefit as it only involved Officers and Members with no discussion. It would only allow for Members to view the site which would not be the best use of Council time.

On being put to the meeting, with 10 voting FOR, 2 voting AGAINST, 0 ABSTAINING and 1 ABSENT, the proposal of a site visit fell. The vote resulted as follows:

FOR (2)	AGAINST (10)	ABSTAINED (2)	ABSENT (1)
	Alderman	Alderman	Alderman
	McDowell	Graham	Smith
	McIlveen		
Councillors	Councillors	Councillors	Councillors
Kerr	Cathcart	Kendall	
Wray	Harbinson		
	Hennessy		
	McBurney		
	McClean		
	McCollum		
	Morgan		
	Smart		

Proposed by Councillor Morgan, seconded by Councillor Harbinson, that the recommendation be adopted and planning permission be refused.

Though Councillors Morgan and Harbinson agreed that they could not see how the current design could be sympathetic, other Members including Councillors Wray, Kerr and Alderman McIlveen were not content. As such, another vote was called.

On being put to the meeting, with 8 voting FOR, 5 voting AGAINST, 2 ABSTAINING and 1 ABSENT, the proposal was agreed. The vote resulted as follows:

FOR (8)	AGAINST (5)	ABSTAINED (2)	ABSENT (1)
Aldermen	Alderman	Alderman	Alderman
McDowell	McIlveen	Graham	Smith
Councillors	Councillors	Councillors	
Harbinson	Cathcart	Kendall	
Hennessy	Kerr		
McBurney	Smart		
McClellan	Wray		
McCollum			
McKee			
Morgan			

RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor Harbinson and in a vote of 8 FOR, 5 AGAINST, 2 ABSENCES AND 1 ABSENT, that the recommendation be adopted and planning permission be refused.

[The meeting went into recess at 20:53, resuming at 21:10.]

4.4 LA06/2023/1336/F - Cohousing development consisting of 32No. dwelling units, common house to provide ancillary residential facilities, 5No. garages, community car parking), new access road and service lanes and associated works - Lands to the north side of Cloughey Road (opposite 9-17 Cloughey Road) and to the rear of Rectory Wood and extending 130m to the rear of 8 Cloughey Road (The Rectory), Portaferry

PREVIOUSLY CIRCULATED:- Case Officer's report.

The Acting Head of Planning explained that the application was for a development of a Cohousing development consisting of 32No. dwelling units, a common house to provide ancillary residential facilities, 5No. garages, community car parking, new access road and service lanes and associated works at Lands to the north side of Cloughey Road (opposite 9-17 Cloughey Road) and to the rear of Rectory Wood and extending 130m to the rear of 8 Cloughey Road (The Rectory), Portaferry. The application was before members as there had been 6 objections received from 6 separate addresses. 8 letters of support had also been received in relation to the proposal. The summary of objections included issues such as flooding risk, traffic and a narrow footpath leading into Portaferry, unacceptable impacts to residential amenity caused by main vehicular access- devaluation existing properties, noise and overlooking into properties.

The scheme was community led with Environmental sustainability at its heart. The proposed houses were energy efficient and affordable which was desperately needed. Portaferry Cohousing would become part of Portaferry's existing community and had already engaged with local residents and stakeholders. DfL Roads has no objection to the scheme. In terms of evidence for the impact of community led housing - a recent report by Dr Penny Clarke, the University of Westminster, had demonstrated that cohousing communities generated less than 65% of the carbon

footprint of mainstream housing. Capital Economics had demonstrated that community led housing as value for money offering a return of £2.7 in social and environmental value to every £1 invested. The London School of Economics had demonstrated that community led housing was better able to reduce experiences of isolation and loneliness than mainstream housing.

It was noteworthy that although the planning officers were focused on the principle of the development on the site during the consideration of the case, this development would in effect mark the first of its kind in any of the 11 council areas.

Cohousing was an intentional community in which residents had private homes, but also shared common facilities such as dining rooms, laundries, and recreational spaces. The goal of cohousing was to create a more interconnected and sustainable way of living, while still maintaining the independence of individual households. As a pedestrianised development, Portaferry Cohousing (PC) would encourage and facilitate active transport, where cars were minimised in importance and people-movements were prioritised. Potential residents would be fully vetted and there was currently a waiting list of people interested in living on the site

The site was located on the northern side of Cloughey Road within the settlement limit of Portaferry as per the extant Ards and Down Area Plan 2015 as shown on the extract from the local area plan. The site was within zoned lands for housing (HPA4), only part of HPA4 was for the cohousing proposal and not the entire zoned area. The site was, at the time of writing, agricultural lands. As the site was within development limit of Portaferry and was zoned for housing there was a presumption in favour of development of these lands for housing given the plan led system

The site gently fell towards the north and east and the layout had been designed to respect this and allow the dwellings to integrate with the existing topography. Changes to the existing levels of the site were minimal.

The site was designed and arranged to accommodate 32 dwellings positioned around a central common house and social space, placing the communal provisions and community life in the core of the development.

There were a mix of 32 dwellings of semi-detached and detached units situated along the natural contours of the site.

The proposed arrangement of dwellings consisted of 5 house types of different scales designed to accommodate the various needs and household sizes of the cohousing communities' members. Additional amenity space providing communal gardens including space for a polytunnel and growing space for vegetables and other food crops was provided to the north of the site.

A large portion of the site to the east was to be set aside for rewilding to provide and reclaim natural habitats for local and native ecosystems. It was considered that the areas of communal open space of the total site area are above the expected 10% provision advised in Policy OS 2. The open space had been designed as an integral part of the development. The dwellings adjacent to the open space had been

designed to overlook it to provide an attractive outlook and security. The provision of public open space contributed to creating a quality residential environment. The ambition of the cohousing development and community members was the reduction of cars within the site by providing and promoting communal car sharing therefore reducing the need for additional service road infrastructure and individual private driveways. DFI roads were consulted on the proposals and had agreed the adoption of the access junction for both vehicle and pedestrian access to the site from the Cloughey Road. The development would have a lower flow of traffic to, from and within the site, compared to that of a standard housing development, due to a reduced number of private cars within the cohousing community. There was a centralised communal car parking area close to the proposed new access road, the common house and community garages.

A travel plan was submitted and supporting information which had also been agreed. There were garages/stores proposed as part of the development with greenhouses to the southern side (with a 'lean to' design) which would enable the growing of plants year-round and would also visually screen the car park and this along with additional green landscaping on the car park periphery) from both the road and the houses to the south and north of the car park will provide additional screening. Landscaping would be provided within the site to soften the visual impact of the proposal. Existing mature trees would be retained as shown on the detailed landscaping plan with planting of new native species trees throughout as illustrated. New native species, hedgerows and trees would augment existing boundary vegetation. A 10m planted buffer would be along the northern and eastern boundaries of the site.

The density of the proposed development was not considered as significantly higher than the surrounding residential area. The list of Key Design Considerations for the zoning did not include density specifications. The proposed density of the proposed development was approximately 7 dwellings per hectare, which was the same density as that in the local area. It was considered that the density on site would not erode the character of the area as the form, scale, massing and layout of the new development would respect that of adjacent housing and would create a quality residential environment.

There was a pedestrian access to the site located separately from the main vehicular access. This 2m wide pathway was placed closer to Portaferry town and connects to the existing pedestrian footpath along Cloughey Road to be used by the majority of people accessing the development on foot or on bicycle. As the internal service lanes would not be adoptable, Portaferry Cohousing (PC) would provide and maintain lighting throughout the site. The intention was to use solar powered low-level bollard-lighting and minimise unnecessary light pollution – friendly to wildlife and yet protective for people and children moving around the site.

The Common House had a 6m ridge height and would be finished in similar materials as the dwellings (powder coated metal roofing system and fine wet dash render painted walls and Upvc double glazed windows and doors) as illustrated

The common house was at the core of the cohousing development for the enjoyment of the cohousing community members. The common house acted as an extension to the dwellings within the development and provided a shared space for community members to meet, eat, socialise. The common house consisted of a multifunctional hall for community dining, a large kitchen with food store, a space for children to play, a shared office space for working from home, guest accommodation, laundry facilities and entrance lobby/lounge space with a central postal delivery space. The design of the common house would provide sustainable and efficient accommodation through the incorporation of renewable technologies

The dwellings were a mix of single storey and one and a half storey semi-detached, detached and terraced units to provide a wide variety of house types to meet the needs of the cohousing community members ranging from 1 bed to 5 bed dwellings. As the common house presented centralised, shared community space and facilities meaning that individual residential houses did not need to provide everything needed by a conventional household (such as spare rooms, washer/dryers, storage of tools, or a home office).

This meant that houses could have both smaller rooms, and a lower number of rooms.

All dwellings would front onto the internal shared driveways which respected the pattern of development in the area. Garages would also be provided adjacent to the car park. The north facades featured small windows to reduce heat loss. While southern facades prioritised glazing to maximise passive solar thermal gains and natural day light into the primary daytime living spaces.

The primary archetypal feature shared by each house type was a south facing roof pitch to accommodate the dwellings solar energy capture comprised of solar PV panels to produce energy and solar thermal panels to provide hot water.

Materials and finishes had been selected to reflect the aesthetics of the local context through the use of white render and dark roofing material and feature cladding systems that are sympathetic in appearance to the context yet characterful in appearance, sustainably sourced, manufactured, long-lasting, easily repairable, replaceable and or recyclable/compostable.

This was a sustainable model of development which complied with planning policy on land zoned for housing within the development plan and recommendation was to approve planning permission with delegated powers to finalise and refine wording of conditions prior to the issue of any decision notice

Councillor Smart clarified the zoning status of the land with the Acting Head of Planning which had been zoned for housing since 2015.

Murray Bell and Fay Ballard joined the Chamber to speak in support of the application. Mr Bell advised that he was the Architect on the proposal representing a creative group of hopeful residents who formed the Portaferry co-housing community, some of whom were present and Faye Ballard who would be speaking as their representative. Mr Bell advised the proposal had received a positive recommendation from officers. The project was more than bricks and mortar, it was about pioneering a new model of living in Northern Ireland, one that fostered community, sustainability and well-being, all while respecting the character and needs of Portaferry.

The proposed site was within the settlement limit of Portaferry and was zoned for housing under the Ards & North Down area plan. In planning terms, the principle of development had already been established, but what made the proposal exceptional and worthy of support was what it brought to the community and to planning in the area and wider places. This would be Northern Ireland's first purpose-built co-housing community. Co-housing was not communal living. It was an intentional neighbourhood design that combined private homes with shared amenities. Residents and stakeholders were involved in the process, decision making and in the stewardship of the place they would call home.

Mr Bell introduced Faye Ballard, a member of Portaferry Co-Housing and representative at the evening's meeting.

Faye Ballard explained that she was one of a group of about 25 people forming 15 households of what would be 32 in total. They were continuing to welcome people who were interested in living in a way that they know and engage with their neighbours in the wider community. The vision was to create a place to live where people could have a rich community life with a plan to build energy efficient homes suitable for people of all ages and incomes meaning it would be accessible to young people, families and older adults. There would be shared spaces indoors and outdoors, including a common house which would allow for houses to be kept smaller.

A space was included for preparing and eating shared weekly meals, guest accommodation and space for remote working. There would be laundry and a children's play area. Outside, there would also be wildlife habitats, areas for food growing and workshop space with over 2000 native trees having already been planted, many of them fruit trees. There was a wider interest of others wishing to build similar communities and they hoped that this application could act as both catalyst and an inspiration for other groups.

Decisions were made by consensus using a highly participatory process to design the site, taking a year working together with Murray Bell and his team to produce the design before Members today. People in control of the design, not a developer and the co-housing group hoped to work with local contractors for the build. With weekly meetings, there was a very high motivation to make the project work. And although there was no religious affiliation, there were shared values, including wanting to face challenges together, to care for one another and to find joy and fulfilment in connecting with other people.

They were excited at the idea of making the Island of Ireland's first co-housing a reality in Portaferry. Portaferry co-housing would have a lower carbon footprint than standard developments thanks to some key design issues such as passive solar design, timber frame construction, PV and solar thermal panels and minimal car usage with a car sharing scheme.

All homes had modest private gardens with large shared green spaces. The density was low, similar to neighbouring developments and fitting appropriately into the landscape. This development was pedestrian centred and roads were minimal. Parking was gathered and discreetly screened with green landscaping and garages featuring integrated greenhouses. Living in the development would encourage walking and cycling and aligned with both local and national aspirations for active and low carbon travel.

Portaferry co-housing had also included a dedicated pedestrian entrance connected to the existing footpath network, encouraging the use of Portaferry's amenities mere minutes away. From day one, this had been a community-led scheme with a full site management plan already in place that governed everything from car usage and deliveries to lighting, refuse and maintenance.

The proposal has had support from all the planning department and statutory consultees including DfI Roads, Environmental Health and the Rivers Agency, demonstrating a commitment to full regulatory compliance. Portaferry co-housing, would be grateful for the ongoing support to resolve the ultimate connection issues or foul and Storm which were live across Northern Ireland.

The proposal represented a better way of building homes, sustainable, thoughtful and community first. It respected planning policy, enhanced local character and set a positive precedent for housing in Northern Ireland.

In response to a questions and queries from Members, Mr Bell advised that the model had come from Denmark where 10% of their housing consisted of co-housing. In England, Scotland and Wales, there were 20 projects which all had a high demand. The location was felt to be an excellent one by those involved and that there would be shared openness for those planning trips or delivers to either car share or travel together on public transport. The central common house would have space to store deliveries and shopping, playing a central part in the community's design. There were plans for accessible trollies to assist with bringing produce to the houses. Fifteen households had committed already with a membership fee and reserved site. The common house would be built in the first phase to ensure the community plan went ahead and should be financially viable from the first space committed to.

The aforementioned waiting list had been in reference to other co-housing communities. The project would be open to all regardless of age or ability. They would ensure any applications were committed to a co-housing lifestyle with a few hours a week volunteered to the community. Prospective members would be vetted through meetings to ensure they bought into the ethos with a decision made by members of the community. Houses would only be built once individuals had committed to buy.

Though not orientated toward vehicular use, the site would allow for access for service appliances and accessibility issues for any users would be catered to in line with building control.

In relation to any foreseeable NI Water issues, Mr Bell hoped the continued support of Council would assist during the next phase of regulatory compliance.

There would not be restrictions on reselling, however it was hoped future buyers would also buy into the ethos as there would be associated fees living in the co-housing development.

Mr Bell and Fay Ballard returned to the gallery.

Proposed by Councillor Kendall, seconded by Councillor Hennessy, that the recommendation be adopted and planning permission be granted.

Councillor Kendall praised the co-housing model and its positive outlook and benefits that could address issues such as isolation and vulnerabilities. Councillor Hennessy was also delighted to support the application, citing its clearly thought out structure based on values and way of life.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Hennessy, That the recommendation be adopted and planning permission be granted.

[Councillor McCollum left the meeting due to a Declaration of Interest in Item 4.5 at 21:48]

4.5 LA06/2023/2406/F - Demolition of the existing dwelling, construction of a replacement, part single storey, part storey and a half, dwelling linked with a new garage via a single storey car port, a new single storey garden room and associated site works - 5 Tarawood, Hollywood

PREVIOUSLY CIRCULATED:- Case Officer's report, addendum report.

The Senior Planning Officer explained that Item 4.5 was an application that sought full planning permission for a replacement dwelling with garage and garden room at 5 Tarawood, Hollywood. The application had been brought before planning committee for consideration as six or more representations contrary to the officer's recommendation to approve had been received.

The application was due to be presented at last month's meeting, however, following receipt of a late detailed submission from an objector, the application was withdrawn from the schedule to allow officers sufficient time to consider the submission. A further submission was then received from the same objector on Friday the 2nd of May. The planning department's consideration of the issues raised in these submissions had been set out in two addendums to the planning report which were circulated to Members.

The site was located in an established low density residential area within the development limits of Hollywood, approximately 300 metres from the coast. The site was also located within the proposed Marino, Cultra and Craigavad Area of Townscape Character. The existing dwelling was a rendered bungalow constructed sometime around the 1970s, similar to the majority of the dwellings in the area. The Planning Department had no objection to the demolition of the dwelling as it was not considered to be of any particular architectural merit or to display any particular features which made a material contribution to the proposed ATC.

[Councillor Kendall left the meeting at 21:51]

While Tarawood itself contained predominantly single story dwellings within the wider context of the site, there were a variety of house types, including many examples of larger two and two and a half story dwellings. The slide showed the footprint of the existing and proposed dwelling overlaps. However, the new dwelling would assume a T-shaped plan with a separate small garden room also proposed.

The planning department was content that the extent of proposed development was appropriate for the site and did not represent overdevelopment that would be out of character with the established residential area. The remaining garden area would still be very generous in size and remain comparable in size to others. The private amenity space to the rear would be well in excess of the recommended average of 70 square metres as set out in creating places. Adequate parking provision was also proposed and line with the recommended standards.

The area was characterized by mature plots with long established trees and hedgerows along the boundaries and the application site was no exception. The Tree Impact and Protection Plan showed the extent of existing trees and hedges to be retained. Trees within the application site were not protected. However, trees located on neighbouring sites at 4 Tarawood and 13 and 15 Clanbrasil Road were protected by TPOs. The Council's tree officer had been consulted extensively on the application and was satisfied that the proposal would not result in any adverse impact on the protected trees subject to the recommended conditions.

The next slide showed the proposed elevations and floor plans of the dwelling which would be single story in the main part with a small one and a half story element to accommodate two bedrooms at first floor. The design, height, scale and massing of the dwelling was very much in keeping with the established existing built form in the area and respectful of the predominantly single and one and a half story house types within Tarawood itself.

Finishes included a natural slate roof, sand collar facing brick and timber cladding. While the dwellings within Tarawood had predominantly render finishes, officers were content that the light sand coloured brick would blend sympathetically with this and it was noted there were already other examples of similar brick use within the area. A photo montage prepared by the architect was provided to give an idea of how the replacement dwelling would appear in its context.

Public views of the dwelling from within the wider area would be very limited. The site was located at the end of a cul-de-sac with the dwelling only visible from this

public view and as it would sit approximately 1 metre below road level, it would not appear dominant within the overall streetscape.

The next slide showed some contextual sections through the site and the two adjacent properties at 6 Tarawood and 13 Clanbrassil Road.

These demonstrated that the overall height and scale of the dwelling would be respectful of the adjacent properties with development stepping down gradually from the higher ground to the east down towards the lower ground on Clanbrassil Road.

17 letters of objection had been received from six separate addresses throughout the processing of the application. The nature of the objections and issues raised had all been set out and considered in detail in the case officer's report and the subsequent addendums. The main concerns related to the impact of the development on the character of the area, the demolition of the existing dwelling and the impact on the residential amenity of the closest property to the site at 13 Clanbrassil Road by way of loss of light, loss of privacy and potential dominance.

The proposal was amended in May 2024 to address some concerns raised by the planning department. The amendments were shown on slide 11 included moving the dwelling 2.5 metres further away from the boundary with number 13 and lowering the finished floor level by 0.25 metres.

In terms of potential loss of daylight to 13 Clanbrassil, slide 12 demonstrated that the proposal would comply with the 25-degree light test, which was the appropriate test to apply in situations with existing and proposed development position directly opposite. The two sections taken through the single and one and a half story elements of the proposed dwelling demonstrated that the proposal would not dissect the 25-degree angle. The proposed dwelling was therefore considered to be sufficiently low in height and far enough away from number 13 to ensure that there would be no unacceptable loss of light occurring to the ground floor rooms of number 13 which faced the site.

In terms of potential loss of privacy to number 13, the next slide showed that there was good, established trees and vegetation along the party boundary which already offered a good level of screening between the two properties. There were, however, some gaps in the vegetation as could be seen in a central image on the slide, the impact of which had been considered very carefully.

Slide 14 showed the extent of proposed windows on the northwestern elevation which would face number 13. IT was recommended that three of these windows, the ensuite, WC and studio, be conditioned to have obscure glazing. The utility room window and the plant room door would not serve as habitable rooms, therefore it was not considered that there would be the potential for any unacceptable degree of overlooking from these windows.

There may be potential for some views from the small bedroom and office, however, these were mostly screened by the existing boundary vegetation.

Weight also had to be added to consideration of the fact that an extension to the existing dwelling with windows in a similar position to those proposed could, at the

time of writing be erected under permitted development rights without the requirement for a planning application.

It was therefore considered the proposed windows would not result in any significantly greater impact than what could be constructed.

A small garden room was also proposed in the northeastern corner of the site. Given the minor scale and low flat roof. It would not have any adverse impact on the adjacent dwelling at number 6 Tarawood.

The proposal was considered to comply with the development plan and all the relevant policy requirements of PPS 7 on the addendum to PPS 7. The principle of a replacement dwelling was acceptable and it was not considered that the existing dwelling made any material contribution to the overall appearance of the proposed ATC.

It was considered that the design and scale of the proposed replacement would respect the established built form and would cause no demonstrable harm to the character or appearance of the area. The potential impact of the development on neighbouring property had been very carefully assessed and the planning department were satisfied there would be no unacceptable adverse impact on the amenity of these adjacent properties subject to the recommended conditions. All statutory and internal consultees were content.

RECOMMENDED that planning permission be granted.

Councillor McClean wanted to clarify if the property being moved 2.5 metres away from the adjacent property had been at Council's request. The Senior Planning officer advised that an initial assessment had been carried out on the the proposal, including taking objections into consideration at which time it was discovered that the light test had not met requirements. As such, the agent moved the building back and reduced the finished floor level to ensure the proposal complied with the light test.

[Councillor Kendall returned to the meeting at 21:59]

Mr I Wright, joined by Mrs Rossiter who lived at 13 Clanbrassil Road joined the Chamber at 22:00 to speak against the application.

Mr Wright advised that he had been asked by Susan Prosser to say this was not a question of, 'not in my backyard,' It was a requirement to have a decision which was fair and consistent and reasonable. In relation to 13 Clanbrassil Road, the proposed dwelling was dominant, overbearing and oppressive. The difference in land levels between 13 Clanbrassil Road and 5 Tarawood was 1.8 metres. The difference in floor levels was that the proposed dwelling would be two to four metres higher than 13 Clanbrassil Road. The location, height and massing were wholly inappropriate.

Number 13 when it was built, was required to be at the rear of the site, which meant the rear elevation was close to the boundary by approximately 6 metres. The existing dwelling was at an angle of 53 degrees. Referencing the drawing, Mr Wright suggested that it was of minimal impact, notwithstanding the very large site, the main part of which was 46 metres by 40. The two-story part of the proposed dwelling

which was 21 metres long had a ridge height of over 9 metres which was classed as over three stories right above the garden next to the amenity areas of 13 Clanbrassil Road and the windows of the living accommodation. This was because the proposed dwelling was only 5.8 metres from the boundary. Mr Wright suggested it had been accepted that there would be oversight into adjacent properties and that the existing footprint was minimal, having only been moved approximately 18 metres at the northeast corner. Additionally, he suggested the ridges were not 1.6 metres as stated in the report but 2.66 metres higher than 13 Clanbrassil Road.

There was an issue related to the location because of a failure to apply policies consistently. Other redevelopment in the area were either on the footprint, applying the criteria of creating places with 20 metres separation or 10 metres from the boundary or the site in Cultra. Some were so large that distances were greater than 20 metres. This appeared to be the only development in the area where replacement had actually been moved nearer a boundary which objectors found as very unfair. Due to close proximity, a condition was imposed that for obscured windows, one of which was a very large studio window which Mr Wright described as completely perverse.

The next house, 6 Tarawood which was on the front side was considered in the report as having 20 metres separation although, 6 Tarawood was higher. Mr Wright suggested that the case officer had applied the wrong tests.

Whether it was harm caused to the area or an existing dwelling should have been considered a material contribution. These decisions were based on the harm to areas having the key features and characteristics of the ATC or the designated ATC. The Planning Appeals Commission report made it absolutely clear that it was not the criteria that applied as it was in fact excluded and that approaches of the areas generally should be objectively assessed. As such, Mr Wright suggested the recommendation was fundamentally flawed on that basis and the recommendation would be unsafe.

Determining the extent of the harm. Again, the Lakeland case was cited regarding size which Mr Wright believed had no relevance to this case. It was concerned with the conservation area. The adverse effect on 13 Clanbrassil Road could be mitigated by conditions either that it remains within the existing footprint or locate the elevations with 20 metres separation or 10 metres from the boundary. At the moment, it was proposed as being 5.8 metres which gave an overall separation of 11.8 metres. As a final point, Mr Wright referred to fairness in the SPPS which he believed were non-existent in the present case.

Councillor McClean noted that five minutes was a tight timeframe for speaking on the subject and asked for clarity on Mr Wright's comment regarding officers being wrong on points relating to ATC 1 and 2. Mr Wright directed Members to a 2015 order where it stated, "an area of townscape character was either an area in an adopted plan or an area in a draft plan." He suggested this was the only legislation governing demolition and required planning consent which a planning officer he had entered into discussions with did not realise. As such, he suggested that the planning department's view would be that they did not apply as they were not an ATC and adopted plan. However, PAC had made it clear that the BMAP was actually a

material consideration which Mr Wright therefore believed made ATC 1 and 2 material considerations. Case relied upon included Farnham Park which adopted a completely different approach. One had adopted ATC 2 which was an inconsistency and Mr Wright was even more concerned by the South Lakeland Case. He had raised this on 30 December 2023 in submitting his first objection and had no response until the second addendum received recently which he did not believe addressed how the case applied. The principle that Planning had decided upon was the interpretation of preserving in the context of English conservation area legislation as opposed to ratio which should have been the principle that applied. Mr Wright believed the Planning Committee had been misled.

Mr Wright and Mrs Rossiter returned to the public gallery. Mr Ewing, attending via Zoom was invited to speak in support of the application.

Mr Ewing explained that a quality building had been designed that was in keeping the surrounding area, The original buildings that had existed for fifty years were great family houses in their day but things had moved on. This had a very poor energy rating of 44% and the maximum from refurbishment would be 66%

The new building was partially on the footprint of the original and was designed to be in form of the buildings that were within Tarawood. 10% of the building was going to be built into the roof, which happened in other areas in Tarawood. It was a T-shaped plan form, which was the same as 1 Tarawood. The only real difference in the materials was that the majority of Tarawood was rendered whilst the proposed building would be brick. There were similar elements in other parts of Tarawood with the same tones. Brick was chosen as it weathered better and was more sustainable being within an area that had a lot of greenery in it.

The applicants were very keen for the building to be as sustainable as possible and one of the reasons for the original flat roofs which had changed to pitch roofs was the discrete use of the PV panels and using PB slates, which would be integrated into them. There was no real building line in Tarawood. This was a corner site with a lot of landscaping which meant that there were limited views. The ground floor level one meter below the road and various shadow analysis and data analysis had been carried out to determine the location of the placement dwelling would not cause any more detrimental effects on number 13 compared to current arrangements.

Number 13 was overshadowed, mainly due to existing planting between the two buildings and the large blue cedar tree which was planted and the retaining wall. Number 13 as already shaded and had limited daylight. The 25 degree light test was carried out, which determined the proposal would cause no material impact on daylight. During the scheme the building was moved further along and its level reduced. The level of the building was now at ground level on the existing building with the corner of the existing house being closer to number 13 than the proposed dwelling. There was also a large first floor window in this gable which would overlook the patio of number 13. It was also noted that by 09:00 on an early April morning, the sun had already passed the end of what would be the one and a half storey portion of the house so therefore, there would be no additional overshadowing. Mr Ewing advised that as much care as possible had been used to produce something that was of quality whilst being good to neighbours and should be an asset to Tarawood.

Mr Ewing was returned to the zoom attendee gallery at 22:16.

Councillor McClean asked officers to comment on Mr Wright’s statements that the Council had not applied ATC 1 and 2 or had been inconsistent in their approach over the application. The Acting Head of Planning advised that issues of contention were prevalent in application assessments particularly where there were objections. The Planning Department believed the policy and case law had been assessed correctly with a consistent approach in bringing applications into ATCs before Members. Some previous cases had been brought through the legal team and an issue such as this had not been raised before. The Senior Planning Officer advised that all PAC decisions in the past two years had no weight placed in ATC 1 or 2. The policy was clear in stating that they apply to designated ATCs, not proposed ATCs. However, Planners were still required to objectively assess the impact of development on the overall appearance of a proposed ATC and that was a consist approach across all applications. Since Farnham Road, there have been other decisions such as Seacliff Road in 2022 and Station Road in 2024 which all took the same stance that regard could not be given to policies that applied to designated ATCs.

Councillor Hennessy queried the ridge height differences quoted by Mr Wright. The Senior Planning Officer explained that there was a difference of just under 2 metres in the finished floor level plan between the dwellings with the maximum height of the proposed dwelling being seven metres.

Councillor Morgan requested more information on the 25 degree light test and hedge row intersecting the light angle. The Senior Planning Officer advised that the test was an accepted standard of best practice when measuring impact on light which had been through the British Building & Lighting Institute. It was carried out by measuring two metres above a finished floor level and projecting a 25 degree angle. If the angle was not intersected, it was deemed that there was sufficient light. Hedges would not be a material planning consideration.

Proposed by Councillor Morgan, seconded by Councillor McBurney, that the recommendation be adopted and planning permission be granted.

Councillor Morgan spoke of the difficulty in making such decisions when knowing there will always be someone displeased by the decision.

As there was dissent, a vote was called.

On being put to the meeting, with voting 11 FOR, 0 AGAINST, 3 ABSTAINING and 2 ABSENT, the proposal was agreed. The vote resulted as follows:

FOR (11)	AGAINST (0)	ABSTAINED (3)	ABSENT (2)
Aldermen		Alderman	Alderman
Graham			Smith
McDowell			
McIlveen			
Councillors		Councillors	Councillors

Cathcart
Hennessy
Kerr
McBurney
McKee
Morgan
Smart
Wray

Harbinson
Kendall
McClean

McCollum

RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor McBurney and in a vote of 11 FOR, 0 AGAINST, 3 ABSENTIONS AND 2 ABSENT, that the recommendation be adopted and planning permission be granted.

[Councillor McCollum returned to the meeting at 22:25)

4.6 LA06/2022/0040/F - Pool House - Dunratho House, 42 Glen Road, Holywood

PREVIOUSLY CIRCULATED:- Case Officer's report.

[Councillor Morgan left the meeting at 22:26)

The Senior Planning Officer explained that Item 4.6 sought full planning permission for a pool house at 42 Glen Road, Holywood The application had been brought before committee for consideration as six or more representations contrary to the officer's recommendation to approve had been received.

The site was located on Glen Road in an established low density residential area within the development limits of Holywood and a short distance from the coast. The site was also located within the Marino, Cultra and Craigavad Area of Townscape Character as proposed in draft. BMAP The existing dwelling on the site was a substantial red brick villa dating back to the late 1800s, early 1900s was set within a large well-established plot. The original curtilage of the dwelling had already been subdivided over the years to accommodate the development of new dwellings.

[Councillor Morgan returned to the meeting at 22:28]

Slides were shown of the historical map and the most up-to-date aerial view explaining that the proposed site of the pool house was on an area of lawn adjacent to the driveway of number 42. A substantial three-meter-high red brick wall ran along the southeastern boundary. Beyond this, on the neighbouring plot of land was a dwelling that was under construction at the time of writing with the approved permission shown on the site layout plan. While the building would sit forward of the existing dwelling at number 42, due to its single storey design, it was not considered that it would appear dominant in the context of the existing dwelling or from the public road given the considerable setback from the road.

The Pool House itself would have a ridge height of five metres to the flat and six meters to the glazed roof lantern. The building had been designed in the style of an

orangerie with extensive glazing along the northwestern elevation and a red brick finish which would match the existing dwelling. The height and scale of the building would be subordinate to the existing dwelling and its design was to be sympathetic to and complement the existing dwelling.

The proposed floor plan and the roof plan were shown to Members as well as the views of the site from Glen Road which were limited on approach from the southeast and along the site frontage. Due to the setback, difference in levels and the mature trees and vegetation, the main views of Dunrathro House were from the coastal path and approaching the site from the coast along Glen Road.

A view was shown from the road as where the ridge height of the two-storey dwelling under construction could be seen. Adjacent to the site was just about visible. As the proposed Pool House was single story with an overall height of no more than six metres and the dwelling under construction had a height of eight metres, it was clear that from this viewpoint the building would not be visible. Behind the mature roadside hedge. Views were shown from the coast on the next slide from which it was evident that the dwelling under construction with the taller ridge height would be more visible from than the proposed pool house. From the coastal viewpoint, the pool house would appear very much subordinate to the main dwelling at number 42. There were a wide variety of house types, designs and finishes within the immediate area along Glen Road. There was no uniformity of design and therefore it was not considered that the pool house could be considered as being out of character with any particular existing architectural style or features or cause any harm to the overall appearance of the proposed ATC.

The design of the building was considered to be sympathetic to the host dwelling and would complement it. It was acknowledged that the pool house and new dwelling under construction would be positioned within close proximity, with a separation distance of 3.9 metres between the buildings. However, it is not considered that this close positioning would be at odds with the established pattern of development in the area which already included many examples of existing dwellings along Glen Road positioned in close proximity to one another.

The next slide showed a section which demonstrated the relationship between the proposed pool house and the adjacent dwelling under construction. The height of the pool house would sit well below that of the dwelling and therefore would not result in any unacceptable degree of dominance.

Proposed elevations of the pool house and the approved dwelling that will face each other were shown. The Pool House would have no windows proposed on this elevation and the existing three metre high boundary wall would remain, further ensuring no loss of privacy.

The building also did not incorporate any type of roof terrace and it had been recommended that was is attached to any approval prohibiting the use of the roof as a terrace. As such, there would be no potential for any loss of privacy to the adjacent dwelling. The dwelling under construction would have a number of windows on its elevation which could potentially be affected by the development by way of loss of light. This had been very carefully considered in the case officer's report.

At ground floor, there was only a utility room door and two small high level windows serving the utility room and the dining room. The main source of light to the dining room would be via large floor to ceiling glazing on the western elevation.

The first floor windows located on the elevation would be set back from the pool house significantly and this separation distance combined with the low height of the pool house would ensure that no unacceptable loss of light could possibly occur to these windows. 15 letters of objection from six separate neighbouring addresses had been received. The main concerns related to excessive scale, height and massing, the location of the building in the front garden area, dominant impact upon the adjacent dwelling under construction and loss of privacy and the overbearing impact on adjacent dwellings. These issues had all been considered in detail in the officer's report. In summary then, the proposal was considered to comply with the development plan and all the relevant policy requirements of the addendum to PPS 7 residential extensions and alterations. The planning department was fully satisfied that the proposal would meet all the requirements of policy EXT1. The scale, massing, design and materials were sympathetic to the built form of the existing dwelling and would not detract from the overall appearance of the area or the proposed ATC. The impact of the proposal on the residential amenity had also been carefully considered. While it was acknowledged the building would be sited in close proximity to the adjacent dwelling under construction, this would not result in any unacceptable impact. All the statutory consultees were content with the proposal

RECOMMENDED that Planning Permission be granted.

Alderman Graham queried a note in what he believed to be the speaking notes, asking if this could be built under permitted development. The Senior Planning Officer explained that was not the case as it would have to be set behind the front elevation of the existing building and there would be restrictions on the height and proximity to the boundary which the proposal before Members would not comply with.

Councillor McClean believed five metres was high for a pool house and was curious if that was the original height or because of the lantern design used to assuage concerns of a rooftop terrace. The Senior Planning Officer explained that the original building would have been taller as it had a roof terrace with a spiral staircase and parapet walls.

Mr David Donaldson and Mr Barry McKiernan joined the chamber to speak against the application.

[Councillor Kendall left the meeting at 22:37]

Mr Donaldson began by quoting from SPSS, paragraph 2.3; '*That good neighbourliness and fairness are amongst the yardsticks against which development proposals should be measured,*' and asked Members to keep this in mind when considering this application. The proposals were initially presented as a large bland box sited adjacent to the boundary wall of Mr McKiernan's new dwelling at 46A.

Initially, it was proposed that open rooftop of this box would be utilized as an entertainment area with barbecues, a hot tub etc. On a January 25, a further 2.4-meter-high fence suddenly appeared on top of the existing boundary wall and was removed again following objections. Mr Donaldson explained that it was clear that no consideration whatsoever had been given by the applicant to the privacy or immunity of number 46A.

There had been some cosmetic amendments, coming from a starting point which was seen as ridiculous by objectors. The fact remained that the proposal was for a 26-metre-long box of some 200 square metres or over 2,000 square feet. This was larger than many family houses. Importantly, it was also over five meters in height and potentially closer to six metres when the lantern was included; an equivalent to two stories of accommodation. The proposal had attracted objection not just from Mr McKiernan but from five of the nearest neighbours; numbers 39, 44, 45, 46, and 48.

Mr McKiernan was amidst building the adjacent house. Of particular concern was that this 26 metre long wall of the pool house would have an overbearing impact especially as this high blank wall would project more than six metres beyond the rear building line of his house and dominate his amenity space. It would also project forward above the flat roof garage at the front of his house. Mr Donaldson believed there was no necessity for a pool house to be 26 metres long especially when squeezed into what was a relatively small front garden. He could not understand why the pool house had a requirement for a ceiling height more than five meters above the swimming pool. Page 9 of the committee report suggested that the spacing between buildings was similar to other properties on the Glen Road but the dwellings referred to were all designed to respect their neighbours.

They were all in larger plots and they had single story eaves abutting each other. It was worth noting that the two-story element in Mr. McKiernan's house was respectfully stepped back from the boundary wall. Mr Donaldson was concerned particularly surrounding policy EXT1 of PPS addendum, PPS 7 addendum was a critical policy in relation to residential alterations and extensions which was barely mentioned. Furthermore, the relevant guidance in paragraph 27 was not mentioned and only the briefest reference was made to paragraph A31 which contained the core guidance in respect of dominance and hemming in.

Policy EXT1 required proposals to be in keeping with overall character and appearance and not unduly affect privacy or immunity of neighbouring residents. Paragraph A27 stated that the amenity of all residents should be protected from, *'neighbourly extensions that cause problems through overshadowing dominance or loss of privacy.'* The extent to which such problems could arise was usually dependent on separation distance, which was minimal.

The height and depth was excessive. Mr Donaldson believed the application was clearly unneighbourly. On paragraph A31, it stated that neighbouring occupants should not be affected by, *'a sense of being hemmed in'* and it also that this could often result from construction of a large blank wall. This was precisely what had been proposed in this case and more than six metres of this two-story equivalent high wall would run alongside and dominate Mr. McKiernan's amenity space. The proposal was excessively large, excessively close and excessively high.

It would clearly have a dominant impact, particularly in the outdoors and space at the rear of number 46A.

Mr McKiernan had no objection to his neighbours having a pool house. Instead, his objection was to the excessive height and the fact that this long blank wall extended more than six meters beyond the rear of his house and would dominate his main outdoor amenity space. As presented, it was contrary to policy EXT1 of PBS 7 addendum.

Councillor McCollum entered into a series of questions with Mr Donaldson, asking if they agreed with the single-storey description of the pool house, the elevation differences between properties including the glass lantern and how the proposed building ran adjacent to the adjoining space and the possibility of being hemmed in.

Mr Donaldson explained that the pool house was single-storey in the literal sense of the word but the height itself was equivalent to a two-storey building. The boundary wall was three metres high with the wall of the pool house being another two metres above that and the lantern a further one metre, totalling a 6.3 metre difference. Mr Donaldson added that there had been a difference of opinion as he believed dominance had not been assessed correctly. Issues of light and character were acceptable but dominance as referred to in A31 of EXT1 was of great concern as a five metre high wall was projected twenty six metres along the boundary wall. Mr McKiernan's house was predominantly lit from the front and rear whilst the proposal was to the side of the house. They had expressed concerns such as the long, narrow front garden that the pool house would fill. Paragraph A12 of PPS7 advised against development in front gardens as it resulted in cramming. When Mr McKiernan's house was designed, many elements were considered as to respect the boundary and not dominate surrounding houses.

Alderman Graham queried if the two-storey element had been insisted upon by planners. Mr Donaldson believed the original owner of the site was asked to step-back plans but when the house was redesigned, the architect stepped it back as a matter of good practice.

Mr Donaldson and Mr McKiernan returned to the gallery at 22:51 whilst Mr Eamon Loughrey joined the chamber speaking in support of the application.

Mr Loughrey explained that the application was for a pool house in the garden of number 42 Glen Road. His client welcomed the recommendation for approval. It was a straightforward application for a well-designed traditional pool house in an Orangerie style. Pool houses could be constructed under permitted development rights and this proposal only required planning permission because of its height. At five meters, it was one meter above permitted development rights.

The application came before the Planning Committee because six objections had been raised. However, the surrounding neighbours were not materially affected by the proposals which were compliant with Planning Policy Statement-: Residential Extensions and Alterations. The proposal complied with Policy EXT1 as it was designed to complement the host dwelling at number 42. It did not detract from the

character of the area nor unduly affect privacy or immunity of neighbouring residents. It also did not harm ecology or natural heritage. Adequate space would remain within the site for parking and recreation. The case officer's reports provided a thorough and fair assessment of the application, noting that the applicant had made repeated amendments to the proposal at the request of the case officer to make the application acceptable to protect residential amenity. The applicant had reduced the height of the proposed roof, removed the roof terrace and external staircase, reduced the pitch, introduced a pitched roof and introduced a lantern window; all to mitigate concerns raised by objectors. A condition was added preventing the roof being used as a terrace, as recommended by the case officer and the applicant had no objection to this. The proposal respected the surrounding area and was subservient to the Dunratho House. The pool house was for personal use of the applicant and was consistent with a draft ATC.

As the house would remain an attractive Victorian dwelling and the Orangerie architectural style of the pool house was complementary to that character and design there were no critical public views of the proposal, and the landscaping of the site allowed it to fit in with setting. The main objections were raised from future residents or occupiers of number 46A Glen Road. This was a detached dwelling that's positioned on a former tennis court. There was no main window facing the proposal and it utilised its western elevation as its main light source. The proposal would not impact on that. Number 46 was approved and partially constructed as a substantial two-story house and the separation distances between the proposal and its neighbour is 3.9 meters including an intervening boundary wall.

There was adequate separation distance to mitigate any concerns of dominance. The case officer had carefully applied multiple angle tests and clearly demonstrated there was no loss of light to number 46A because of the position of the buildings and their associated windows and height. The proposal had no impact on trees, parking or ecology. With the benefit of the concessions made by the applicant, all material objections to the proposal had been addressed or were insufficient to outweigh the compliance of the proposed with planning policy and general good design and the rights of a property owner to benefit from the enjoyment of their own home.

Councillor McCollum asked if the height of the pool house could be lowered as it had been the primary issue for objectors whilst commending the work that had been carried out already to address issues. Mr Loughery advised that the host house was a three-storey, substantial Victorian building and that if a building was to be added or placed near to it, too low a level would lose all proportions and appear poor quality. As it was a pool house, there had to be certain dimensions whilst catering to the size of the house it was placed by. The height and length of the pool house was appropriate whilst the owner of Dunratho would not wish to build anything that could devalue or degrade his house. Councillor McCollum suggested the new building would be visible from the shore which Mr Loughery denied, advising that the case officer's report had evidenced this would not be the case.

Alderman Graham had no issues with the design, only the positioning. In speaking notes, it was suggested that 60% of the curtilage remained in the garden. It was the intensification of space adjacent to a neighbouring house that was troubling. He asked if there were any alternatives on placement. Mr Loughery advised that with the

sea on one side and garden space at the back, the selected location was the only obvious choice as otherwise, it would block the view of the coast.

Mr Loughery returned to the gallery at 23:02.

Councillor Smart was curious as to the flexibility of change regarding the roof's original proposed use and the lantern that was now in place; whether it was possible to condition the construction to ensure the lantern was a requirement to avoid an alternative use in the future such as the original roof-garden. The Senior Planning Officer agreed it could be a possibility if Members were so minded. Though thirteen of the Committee were in favour of adding a condition to the lantern, Councillor McCollum proposed in opposition, making the condition a moot point.

Proposed by Councillor McCollum, seconded by Councillor McClean, that the recommendation be rejected and planning permission be refused.

Councillor McCollum was supportive of property owners maximising the use of their land but advised it needed to be done both sympathetically and in line with guidance. It was disappointing that so much effort had gone into so many renditions to only result in a proposal that could not content locals in the area. She believed the scale of the pool house was a major factor with the front garden being completely occupied by the proposed building. It would also cause hemming between two properties. The structure was intrusive and dominant which would negatively impact the area. Despite the case officer's report advising otherwise, Councillor McCollum believed the building would cause a loss of light, overshadowing and be overly dominant.

Councillor McClean agreed, and though he was satisfied the design attempted to honour the Victorian styling, it was too large.

Alderman Graham believed the positioning would result in hemming in, with the proposed building being box-shaped, long and high.

Councillor Hennessy, in clarifying the elevation differences, suggested it was the six metres beyond the rear patio that seemed to cause overbearing and the two metres above that wall. As such, it was not the pool house that caused overbearing into the property that was being built and as such, he could agree with the officer's recommendation.

On being put to the meeting, with 7 voting FOR, 5 AGAINST, 2 ABSTAINING and 2 ABSENT, the proposal to refuse planning permission was agreed. The vote resulted as follows:

FOR (7)	AGAINST (5)	ABSTAINED (2)	ABSENT (2)
Aldermen	Alderman	Alderman	Alderman
McDowell	McIlveen		Smith
Councillors	Councillors	Councillors	Councillors

Graham
Harbinson
Kerr
McBurney
McClean
McCollum

Cathcart
Hennessy
McKee
Smart

Morgan
Wray

Kendall

RESOLVED, on the proposal of Councillor McCollum, seconded by Councillor McClean and in a vote of 7 FOR, 5 AGAINST, 2 ABSENTIONS AND 2 ABSENT, that the recommendation be rejected and planning permission be refused.

[The meeting went into recess at 23:15. Alderman McDowell left the meeting at 23:16 and resumed at 23:29]

4.7 LA06/2024/0912/F - Single-storey rear extension - 48 Ashley Drive, Bangor

PREVIOUSLY CIRCULATED:- Case Officer's report.

The Acting Head of Planning explained that Item 4.7 was for a single-storey extension to the rear of 48 Ashley Drive Bangor. The application was before members as it was made by an elected member of the Council. The application site lay within the settlement limits of Bangor within a residential area with community uses adjacent to Ballyholme Presbyterian Church and halls adjacent. Slides were shown of the site and surrounding area.

The proposed extension was small in scale to the rear of the property. The proposal extended 0.4m beyond what was considered permitted development and would be 0.2m lower than the 3m permitted by the legislation

One letter of representation was received which, while noted as an objection, was conciliatory in nature and sought reassurance that these issues of light would be considered. This had been fully addressed in the case officer report and the extension meets the light test.

RECOMMENDED to grant planning permission.

RESOLVED, on the proposal of Alderman Graham, seconded by Councillor McClean, That the recommendation be adopted and planning permission be granted.

4.8 LA06/2024/1011/F - Erection of Commemorative War Memorial - 9m SE of Newtownards War Memorial, Castle Street, Newtownards

PREVIOUSLY CIRCULATED:- Case Officer's report.

The Acting Head of Planning advised that the application was for the erection of a Commemorative War Memorial structure in the Cenotaph-war memorial ground in

Newtownards. The application was before members as it was located on council land.

The site was located within the grounds of the Cenotaph, Court Square, Newtownards and was surrounded by a number of listed buildings and existing monuments. The slides showed the location of the proposed monument in the memorial ground to the east of the site. The site lay within the Court Street/Court Square Area of Townscape Character and an Area of Archaeological Potential. The proposed memorial respected the design and positioning of the existing memorials.

All consultees were content with the proposal. With regard to the Area of Townscape Character, there would be no impact as the monument was small and was not intrusive. The local streetscape would not be impacted upon by the proposal. The design was appropriate for the historic character of the area. There would be no impact on the Area of Archaeological Potential with all consultees being content with the proposal. There were also no public objections to the proposal.

The proposed war memorial consisted of a rectangular base of approximately 0.95m high by 0.5m wide with a sloped triangular plinth top which added approximately 0.25m to the height structure on one side.

The design and materials were of a high quality and inclusive of black granite with the commemorative text completed in gold lettering. The memorial statue were to make reference to the service of a number of historical police forces that were formed across Ireland in the 19th and 20th centuries.

RECOMMENDED that planning permission be granted.

Proposed by Councillor Smart seconded by Councillor McCollum, that the recommendation be adopted and planning permission be granted.

Councillor Smart was happy to propose and lamented on the difficulty of not proceeding with a memorial in a memorial garden but appreciated the policy for what it was.

Alderman McIlveen was pleased to see the memorial was agreed. It had come via Alderman Cummings for the Royal Irish Constabulary.

RESOLVED, on the proposal of Councillor Smart, seconded by Councillor McCollum, that the recommendation be adopted and planning permission be granted.

5. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity outlining appeal decisions as follows;

Appeal Decisions

1. The following appeal was upheld on 24 March 2025.

PAC Ref	2024/A0055
Council Ref	LA06/2022/0267/F
Appellant	Mr James Overton White
Subject of Appeal	Refusal of Dry storage unit (Use Class B4) (Retrospective) & replacement of entrance gate at existing builders' storage yard as per confirmed lawful use of land under ref LA06/2021/1233/LDE (Re-determination of planning application)
Location	7 Glenburn Park, Bangor

The above application was refused by the Council on 23 May 2024 for the following reasons:

- i. The proposal was contrary to the SPPS, Local Development Plan, Creating Places (para 3.11), and criterion a), c) & j) of Policy PED9 of PPS4 in that the proposal would result in a Storage Unit not in keeping with its surroundings and the built form, appearance, and character of the surrounding area and which breached the established building line.
- ii. The proposal was contrary to paragraphs 4.26 & 4.27 of the SPPS and criterion a), b), c), j) and k) of Policy PED9 of PPS4 in that it would have an adverse visual impact on the appearance and character of the area by way of size, scale, quality of design, external material and finishes 'temporary type unit', and landscaping resulting in adverse impact on the appearance and established residential character of the area.
- iii. The proposal was contrary to paragraph 2.3 of the SPPS, paragraph 3.11 of Creating Places and criterion a), b) & e) of Policy PED9 of PPS4 in that it would have an adverse impact on the amenity of neighbours.
- iv. Insufficient information had been submitted to satisfy DFI Roads in respect of PPS3 Access, Movement and Parking and criterion g) and h) of PED9 of PPS4 in that if permitted it would prejudice the safety and convenience of pedestrians and road users and adequate access arrangements, including splays and parking have not been provided.

The Commissioner determined that refusal reasons 1 and 2 could not be sustained. Policy PED 9 of PPS 4 (Planning and Economic Uses) provided general criteria for economic development. As the position of the unit on site was similar to other surrounding developments, the Commissioner considered that criterion (a) of Policy PED9 was not offended (i.e. it was compatible with surrounding land uses). She found no evidence of the unit's encroachment on the vegetation cover along the river and therefore was not persuaded that criterion (c) was offended (i.e. it did not adversely affect features of the natural or built heritage).

In relation to the hedge along the front, she considered that if it were maintained at a minimum height of 2.2m (to generally cover the window openings forming the design

feature that would be most noticeable) this would preserve an appropriate degree of enclosure and comply with criterion (k) (i.e. appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view).

Criterion (j) of Policy PED 9 required the promotion of sustainability and biodiversity. The Commissioner could find no evidence of harm to natural heritage features and disagreed with the Council and third parties that the proposal is unsustainable, given that the use is established and there is no evidence of intensification.

Having regard to the third refusal reason, the Commissioner was not persuaded that there would be any significant increase in noise over and above the background levels, or in the number of vehicles visiting the site. For these reasons she determined that the proposal does not have an unacceptable adverse impact on the amenity of residents.

In relation to the fourth refusal reason, despite DFI Roads having advised that visibility splays should be shown in each direction, along with a 5 metre set back of gates and a 5m wide access, the Commissioner considered that given the established lawful use on the site which has unrestricted vehicle movements, this appeal could not revisit these existing lawful use rights. The existing gate was to be replaced with a sliding gate which remained in the same position and, thus the changes were solely aesthetic. On this basis, she did not consider that Policy AMP 2 of PPS 3 or Policy PED9 criterion (g) or (h) were offended.

The appeal was allowed, and the report was attached to this report.

New Appeals Lodged

2. The following appeal was lodged on 24 March 2025.

PAC Ref	2024/E0055
Council Ref	LA06/2022/0246/CA
Appellant	
Subject of Appeal	Alleged <ol style="list-style-type: none"> i. Unauthorised change of use of the land and change of use of agricultural buildings to facilitate a Dog Kennelling Business; ii. Unauthorised erection of metal dog's kennels
Location	Land and buildings adjacent to 16 Ballie Road, Bangor

3. The following appeal was lodged on 1 April 2025.

PAC Ref	2024/A0139
Council Ref	LA06/2024/0676/F
Appellant	Mr Robert Anderson

Subject of Appeal	Refusal - Extension to residential curtilage and erection of single storey detached ancillary residential accommodation
Location	55 Woburn Road, Millisle

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

RECOMMENDED that Council notes the report and attachment.

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

6. THIRD QUARTER 2024/25 STATISTICAL BULLETIN

Previously circulated:- Report from the Director of Prosperity

Background

The Department for Infrastructure's Analysis, Statistics and Research Branch published provisional statistics for Planning activity on 27 March 2025 for Quarter 3 (October - December) 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-october-december-2024>

Detail

Local Applications

The Council determined 108 residential applications in Quarter 3 of 2024/25 compared to 131 such applications in the same period of the year before. The majority of applications received in Quarter 3 were in the residential category at 71% (108 out of 153).

The average processing time for applications in the local category of development in Quarter 3 was 21.2 weeks, higher than the statutory performance indicator of 15 weeks with 39.7% of applications processed within 15 weeks.

Major Applications

Recorded in the statistics ere two applications determined in the major category of development with an average processing time of 29.3 weeks against the statutory performance target of 30 weeks. This compared to 78.7 weeks for the same period of the year before.

The two applications related to the Section 54 applications:
LA06/2023/2248/F - variation of condition to accommodate the wildlife corridor associated with the residential development at Beverley Heights on Bangor Road, Newtownards; and

LA06/2024/0559/F – variation of phasing conditions and new drainage solution at Queen’s Parade application (planning ref LA06/2024/0559/F).

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 64 new enforcement cases in the third quarter of 2024/2025, whilst 58 cases were concluded resulting in a conclusion time of 92.5% (against the target of 70% of cases concluded within 39 weeks).

66 cases were closed with the reasons as follows:

Closure Reason	Number
Remedied/Resolved	22
Planning permission granted	9
Not expedient	13
No breach	17
Immune from enforcement action	5
Enforcement appeal upheld i.e. planning permission granted under ground (a) appeal	0

Householder Applications

During Quarter 3 the Planning Service processed 62 applications within the householder category of development.

28 of these were processed within the internal performance target of 8 weeks (45.6%), with 38 being processed within the 15-week statutory performance indicator (61.3%).

Additional Activity

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

Type	No. Received	No. Processed
Discharge of Conditions	33	19
Certificates of Lawfulness (Existing/Proposed)	20	19
Non-Material Changes	12	8
Pre-Application Discussions (PADs)	3	2
Proposal of Application Notice (PANs)	2	2
Consent to carry out tree works	21	19

The Planning Service continued to suffer from a significant number of vacancies at a variety of levels within the Development Management Service Unit, for which

recruitment was ongoing, as well as suffering long term sick absences and resultant file reallocations, which continued to have impacts on case processing times.

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

AGREED TO RECOMMEND, on the proposal of Councillor Smart, seconded by Councillor Wray, that the recommendation be adopted.

7. UPLIFT IN PLANNING FEES

Previously circulated:- Report from the Director of Prosperity

1. The Department for Infrastructure (Dfi) wrote to the chief executives of councils on 13 March 2025 to advise of the introduction of a new Statutory Rule in relation to Planning Fees, which had applied a one-year inflationary uplift of approximately 2.1% across all fee categories, from 01 April 2025.
2. The letter from Dfi advised that the uplift in planning fees was to help councils and the Department in resourcing the delivery of their development management functions.
3. Dfi is also updating Development Management Practice Note 11 (Planning Fees), which was available for viewing following commencement of the Regulations on its website.
4. This uplift represented only the fifth uplift in Planning Fees since 2015 with examples as follows:

Single dwellinghouse – Outline - £425 (2015) £515 (2025)

Extension to dwellinghouse - £285 (2015) £347 (2025)

5. Members may have recalled that the Public Accounts Committee in its report on the Planning System in Northern Ireland, March 2022, highlighted that the current funding model did not recognise the value of the planning system and was not financially viable. This matter of financial viability continued to be explored via the Planning Improvement Programme.

RECOMMENDED that Council notes the content of this report and the attached letter.

Councillor McCollum received clarification that this applied across all Council areas and not just Ards and North Down.

AGREED TO RECOMMEND, on the proposal of Councillor Smart, seconded by Councillor McCollum, that the recommendation be adopted.

8. DFI STATISTICS - CONSULTATIONS ISSUED BY PLANNING SERVICE 01 APRIL - 31 DECEMBER 2024

Previously circulated:- Report from the Director of Prosperity

1. Members will recall a report presented at Planning Committee in October 2024 detailing the Annual Performance Report for 2023/2024 prepared by the Department for Infrastructure (DFI) which set out the performance of statutory consultees in the Planning process. Members had specifically requested detail on response times relevant to Ards and North Down.
2. DFI recently provided the Council with an Excel spreadsheet detailing all consultations issued by the Council's Planning Service from 01 April to 31 December 2024. In addition to the raw data for all consultations (detailing each specific application), there was also pivot table giving headline information for the statutory consultation requests made during this period – which has been extracted and provided below for information.
3. DFI had advised that this is the first issue of the data extracts which will be issued at the end of each quarter going forward.
4. Members were asked to note that DFI advised the figures quoted were not official statistics and should not be quoted as such. Rather, they had been provided more as a management tool for staff within the Planning Service to be used for information.

Count of FinalResponse	Column Label				
Row Labels	Within Target	Within Extended Target	Outstanding - No response	Late - took over 21 days	Grand Total
Local	594	1	14	222	831
Belfast City Airport	4				4
Belfast International Airport	1			1	2
DAERA EMF NIEA	148		4	47	199
DfC/HED	50			19	69
DfI Rivers	43	1	5	41	90
DfI Roads	224		4	111	339
HSENI				1	1
NI Water	124		1	2	127
Major	27	1	4	26	58
Belfast International Airport	1				1
DAERA EMF NIEA	5		3	10	18
DfC/HED				1	1
DfI Rivers	3		1	6	10
DfI Roads	10	1		9	20
HSENI	2				2
NI Water	6				6
Grand Total	621	2	18	248	889

RECOMMENDED that Council notes the content of this report.

Councillor Morgan was disappointed that only three of the eleven Councils had achieved the local development target of 15 weeks. This was a key economic driver and Councils as well as consultees were slowing it.

Proposed by Councillor Morgan, seconded by Councillor Smart, that the recommendation be adopted and the report be noted.

The Acting Head of Planning agreed that improvements had to be made. There had been a change in personnel at DfI which she hoped would show progress. Ards & North Down Borough Council's Planning Department had to carry out more consultations because of the virtue of location to Ramsar sites, scientific areas, hydrological links to special areas etcetera.

AGREED TO RECOMMEND, on the proposal of Councillor Morgan, seconded by Councillor Smart, that the recommendation be adopted.

Exclusion of Public/Press

AGREED, on the proposal of Councillor Smart, seconded by Councillor Wray, that the public/press be excluded during the discussion of the undernoted items of confidential business.

9. LDP DRAFT SCREENING RURAL NEEDS IMPACT

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

Option : 3. Exemption: relating to the financial or business affairs of any particular person

Summary

A report pertaining to draft screening exercise in relation to 'Rural Needs' for Members information in respect of the setting out 'policy in development' for the Local Development Plan (LDP) draft Plan Strategy (dPS) to progress to a publication consultation exercise. The draft screening shall be presented to the Council's Screening group in May.

10. LDP DRAFT SCREENING EQUALITY IMPACT ASSESSMENT

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

Option : 3. Exemption: relating to the financial or business affairs of any particular person

Summary

A report pertaining to draft screening exercise in relation to 'Section 75 – Equality and Good Relations' for Members information in respect of the setting out 'policy in development' for the Local Development Plan (LDP) draft Plan Strategy (dPS) to progress to a publication consultation exercise. The draft screening shall be presented to the Council's Screening group in May.

11. LDP DRAFT PLAN STRATEGY REPORT

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

Option : 3. Exemption: relating to the financial or business affairs of any particular person

Summary

A report pertaining to responses to the LDP Preferred Options Paper for Members information which has informed the 'policy in development' for the Local Development Plan (LDP) draft Plan Strategy (dPS) and associated screening exercises.


RE-ADMITTANCE OF PUBLIC/PRESS

AGREED, on the proposal of Councillor McClean, seconded by Alderman Graham, that the public/press be re-admitted to the meeting.

TERMINATION OF MEETING

The meeting terminated at 23:57.

As this was Alderman McIlveen's last Planning Committee as Chair, he thanked all Members for their participation throughout the year, just as many members also gave thanks for Alderman McIlveen having chaired the Committee.

Development Management Case Officer Report				 Ards and North Down Borough Council	
Reference:	LA06/2023/2005/F	DEA: Bangor East & Donaghadee			
Proposal:	New lobby and extensions to retail unit (side and rear), alterations to façade, new fuel pump, alterations to parking layout including extension of site, ground works, canopy extension	Location:	102-104 Spar Moat Street, Donaghadee		
Applicant:	Paul Toal				
Date valid:	22.08.2023	EIA Screening Required:	No		
Date last advertised:	07.09.2023	Date last neighbour notified:	27.09.2023		
Consultations – synopsis of responses:					
Environmental Health		No objection – Subject to conditions			
DFI Roads		No objection			
NIE		No objection			
NI Water – strategic apps		Objection – standard pre-commencement condition included to decision.			
Tree Preservation Officer		No Objection – Subject to condition			
Historic Environmental Division		No objection			
DFI Rivers		No objection			
Letters of Support	0	Letters of Objection	10	Petitions	0
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Biodiversity • 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 Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access					

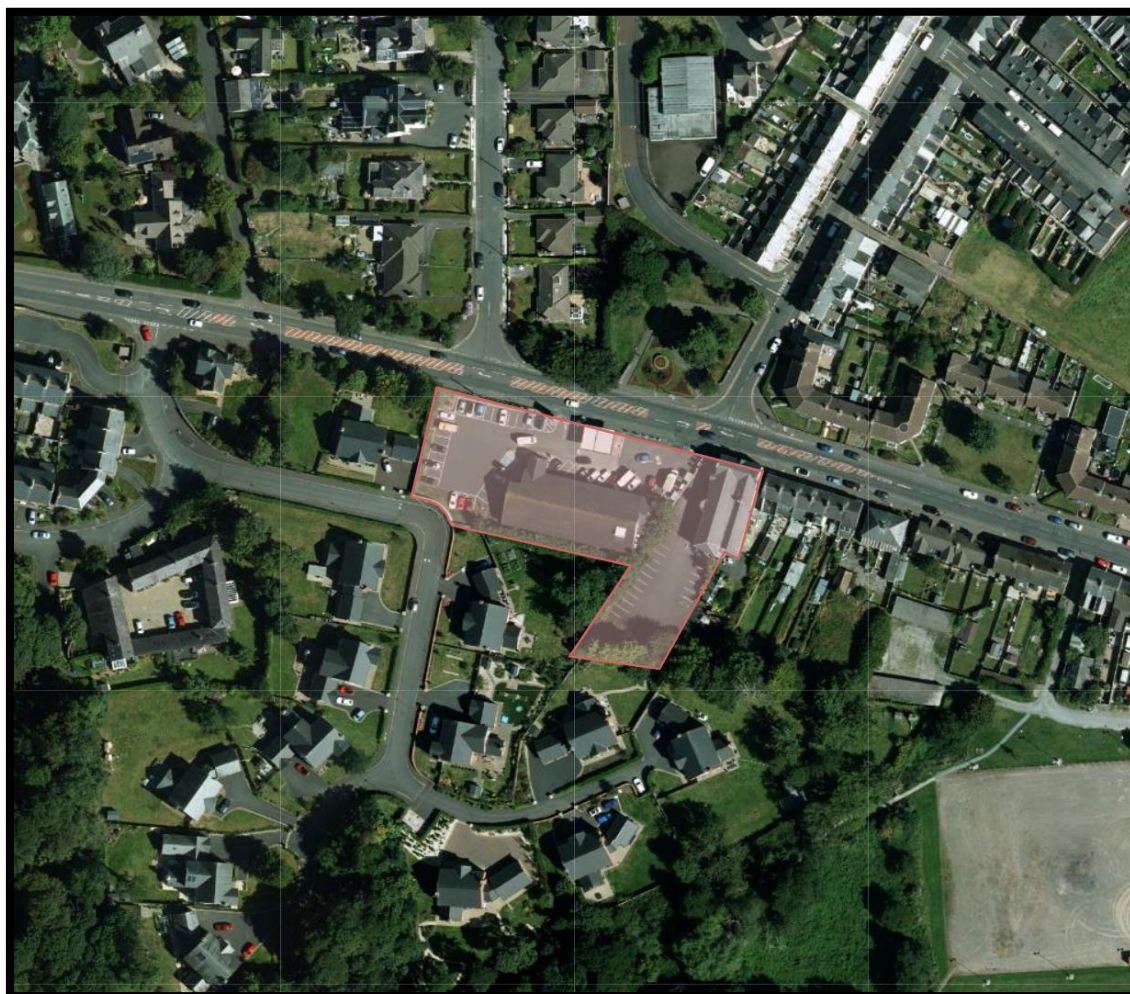
1. Site and Surrounding Area

The site is located at No.102 - 104 Moat Street, Donaghadee. No.104 is typical of many garages with simple form and massing and floor to ceiling windows, subordinate front return for main entrance and fascia board signage. The off licence occupies the eastern corner of the building and has its own entrance. The garage forecourt and approximately 30 dedicated parking spaces are contained within the boundary of the site. The site also contains a two-storey building, number 102, which faces north and is finished in a Tudor style to the front with render and timber. The retail building is served via established access and egress points along Moat Street.

The surrounding area consists primarily of residential development with dwellings of varying scale and character.

The site is located within the settlement limits of Donaghadee as designated within Ards and Down Area Plan 2015.

2. Site Location Plan



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3. Relevant Planning History

X/2001/0838/F - Demolition of Existing Filling Station and Erection of New Convenience Store and Filling Station – Approved

LA06/2015/0125/F – Moat Street Filling Station, 104 Moat Street, Donaghadee – Amalgamation of two retail units and associated internal alterations – Permission Granted

LA06/2017/0895/F - Retrospective planning consent for beer garden to rear and side of premises, and provision of covered smoking gazebo - Approved

LA06/2022/1142/LDP – 104 Moat Street, Donaghadee – Amalgamation of two retail units and associated internal alterations– Permitted Development

LA06/2022/1153/LDP – 102 Moat Street, Donaghadee – Change of use from public house/restaurant use to retail use. No external changes – Permitted Development

LA06/2023/1964/F – Moat Street Filling Station, 102 Moat Street Donaghadee – Demolition of side returns, two new entrances and works associated with the lawful retail use. – Approved

LA06/2023/2004/A – 104, Unit 1 Moat Street, Donaghadee – 2 x etched glass signs, 6 x illuminated fascia signs, and 9 x illuminated panel signs for retail unit. – Pending

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
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development
- Planning Policy Statement 15: Planning and Flood Risk

Policy Guidance:
Parking Standards

Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 states that regard must be had to the LDP, so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires

that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site is located within the settlement limit of Donaghadee as designated within the Ards and Down Area Plan 2015.

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Existing off-licence, petrol station and Euro Spar:



Proposal

The proposal includes -

- Extensions to retail unit to provide a new food preparation area to the west of the building, a small additional retail floorspace area in the location of the existing ATM and extension to enable storage on the first floor,

- A new entrance lobby at the north-east corner of the building,
- Refurbishment and alterations to existing elevations,
- Addition of one fuel pump island and canopy extension,
- Alterations to parking layout to serve both the Eurospar and adjacent premises (former Moat Inn) including provision of four EV charging spaces.,
- Creation of a single access to serve both the Eurospar and adjacent premises (former Moat Inn) and consequential reduction in the number of access points to the Protected Route.
- Ground works including flood lighting.

The applicant owns the land on which the petrol station and Euro Spar exist (No 104) and also the land adjacent at No.102 Moat Street (former Moat Inn). Planning application LA06/2023/1964/F granted minor alterations to the elevations of No.102.

The drawings below show the existing layout with the petrol station, off-licence and Euro Spar curtilage highlighted yellow and the curtilage for no.102 highlighted blue (fig 1). The applicant owns all the lands and seeks to amalgamate the parking and vehicular access arrangements for both sites.

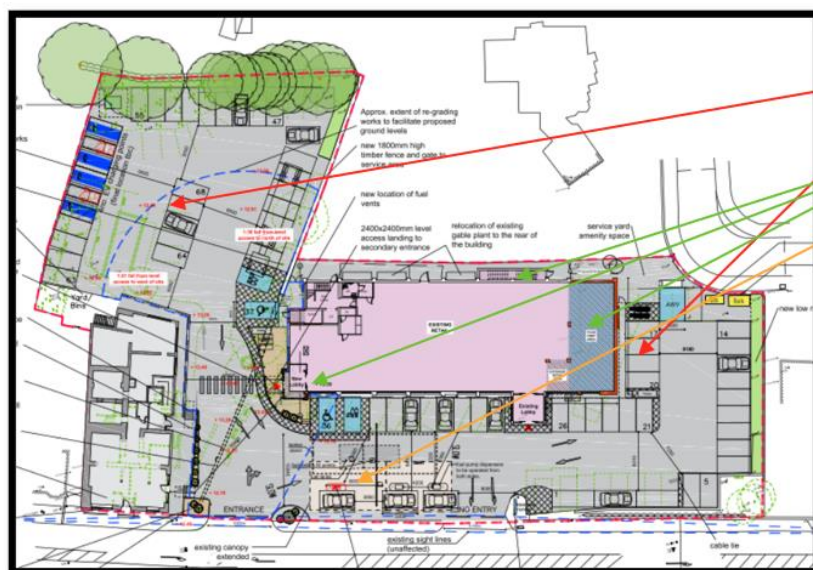


Fig 1 - Existing layout of no.102 and 104.



Fig 2 - Proposed layout of no.102 and 104.

The proposal includes the elements listed above and as shown on the detailed drawing below (fig 3).



- The proposal includes:
- Additional parking
 - Extensions
 - Petrol pump and canopy extension

Fig 3 - Proposed layout



Fig 4 - Existing layout

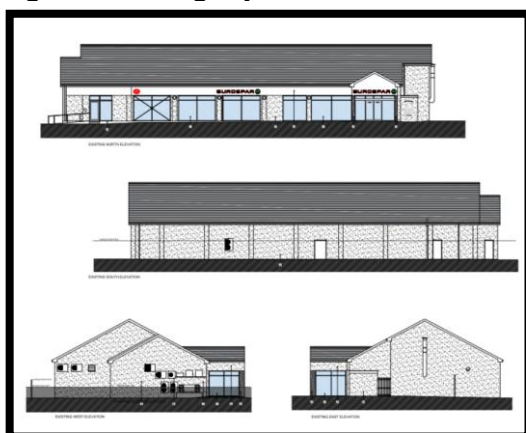


Fig 5 - Existing elevations



Fig 6 - Proposed elevations.



Fig 7 - Proposed elevations with the development proposed highlighted yellow.

Retail Impact

The SPPS provides the policy context against which retail and other main town centre uses must be assessed. The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location for retailing and other complementary functions consistent with the Regional Development Strategy. The SPPS states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Development Plan (LDP). The SPPS further clarifies that in the absence of a current and up-to-date LDP, applicants should prepare an assessment of need which is proportionate to support their application. Additionally, all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with a LDP, should be required to undertake a full assessment of retail impact as well as need. This includes applications for extensions which would result in the overall development exceeding 1000 square metres gross external area.

The application site is located within the settlement of Donaghadee but outside the designated town centre. The existing retail building currently comprises two separate units – a Eurospar and an off-licence. A Certificate of Lawfulness for Proposed Use or Development (CLOPUD) was issued under ref: LA06/2022/1142/LDP for the amalgamation of the two retail units and associated internal alterations. This established that the use of the floorspace for a single retail unit is lawful.

The application site includes the former Moat Inn premises located at No.102 Moat Road. A certificate of lawfulness has established that the change of use from the public house/restaurant to retail use is lawful under the provisions of the Planning (General Permitted Development) Order 2015 ref: LA06/2022/1153/LDP.

An annotation on the proposed site plan indicates the intention to relocate the existing off-licence into the former Moat Inn as a consequence of the above Lawful Development Certificate.

The principle of retailing has long been established at the application site, with the extent of retail floorspace that is lawful established by the lawful development certificates.

The current application proposes only a minor increase in retail floorspace beyond that which has already been certified as lawful under the recent Lawful Development Certificates (20 sqm approx.). Given the established use of the site for retail, and the minor scale of the increase in retail floorspace it is considered that a sequential test under the SPPS is not necessary to inform an assessment of the proposal.

An assessment of retail need has not been provided. However, given the established use of the site for local convenience retailing with an existing catchment area and the Certificates of Lawful Development which have established the lawful extent of retailing on this site, it is not considered that the addition of a further 20sqm of retail floorspace would likely result in an unacceptable adverse impact of the vitality and viability of Donaghadee Town Centre.

The overall gross external area once extended will total 800 sqm. This is not considered major retail development that would warrant a full assessment of retail impact under the SPPS. The proposal would enable the modernisation of the proposed retail unit to meet local needs. I am satisfied that the surrounding residential areas would help to sustain the need for this local convenience shop (as extended) and that it does not constitute major retail development that would warrant a more detailed assessment of quantitative and qualitative need.

Comparison goods are durable items which people are prepared to shop around for in order to compare prices and quality. They include clothes, footwear, leisurewear and bulky items such as DIY goods, furniture, carpets and electrical/white goods. The sale of these goods is the mainstay of the town centres. No comparison goods retailing is proposed as part of this application and a restrictive planning condition will be attached to ensure that the proposed extended convenience retail unit will not be allowed to sell these items.

Visual Impact and Impact on the Character of the area

The proposal will involve extensions to the front, side and rear of the building. The front extension will provide a new lobby, and it measures 3.4m wide by 12.0m long with a maximum height of 6.1m. The extension to the side will measure 6.7m wide by 12.0m long with a maximum height of 7.5m. The rear extension will measure 10.0m wide by 1.4m long and have a maximum height of 6.4m. There is an extension to the front to provide a new lobby which is to be 6.1m high, 3.4m wide and 12.0m long.

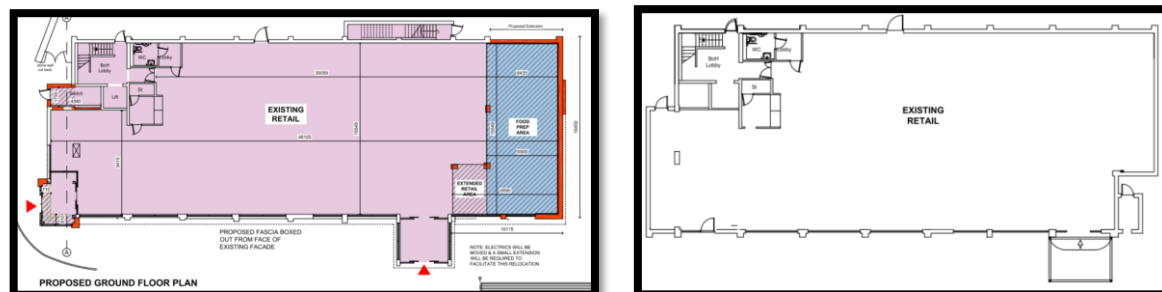


Fig 8 - Proposed and existing ground floor plans



Fig 9 - Proposed and existing first floor plans

All extensions to the building will be lower than the ridge of the existing building and in keeping with the scale and massing of the existing building. The building as a whole is to be finished in stone cladding, white render and the roof slates will match those of the existing building.

There is also to be an extension of the existing canopy to the front which is located over the fuel pumps. The canopy extension is to be 11m wide, 7.2m long and 4.1m high.

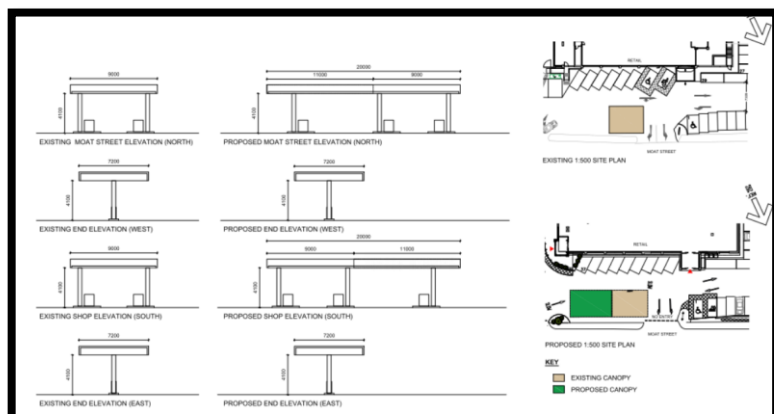
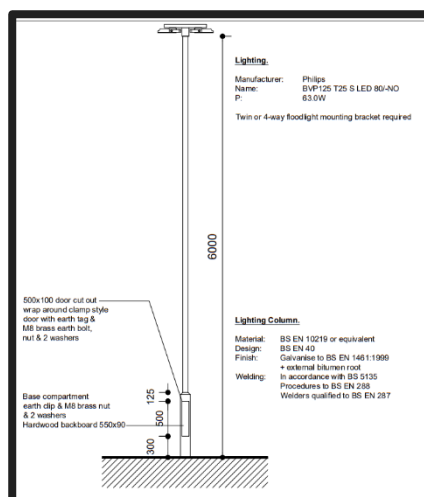


Fig 10 – Proposed canopy extension

The canopy extension will be at the same height as the existing and will be in keeping with the scale and massing of the overall development.

The proposed lighting to be used in the car park will measure 6 meters in height. The lighting will be in scale with the surrounding development and will not appear unduly prominent within the context of the development or wider surrounding area. The impact of light produced by the units has been considered by Environmental Health and will be discussed further within this report.

Fig 11 – Proposed car park lighting



All proposed extensions will be appropriately scaled in relation to the existing building and will not result in an overly dominant appearance nor be of a scale which is out of keeping with the character of the site.

The site is located on a roadside plot and currently comprises an off-licence, petrol station and Euro Spar and the former Moat Inn. The site proposes to amalgamate the

parking arrangements for both No.102 and No.104 Moat Street. The site is currently used as retail and the proposed development includes extensions to the existing Euro Spar building and also the site itself. Whilst the site itself is a roadside plot, the existing petrol station and Euro Spar building are set back from the road. It sits between No.102 (under the ownership of the Euro Spar) and the residential dwelling at no.1 Manor Wood. On approach to the site from the west the road slopes slightly downwards and levels out in front of the site. The existing car parking area sits lower than the road edge for several metres before it levels out at the front of the petrol station and entrance to the site.

After carrying out an extensive site inspection and carefully considering the visual impact of the proposed plans on site in regard to the character of the surrounding area, it would be my professional planning judgment that the proposal is acceptable and will rejuvenate the existing petrol station and Euro Spar building. The extensions will be sympathetic to the existing scale and massing of the building and will maintain the character of the building retaining the pitched roof to the main section of the building and extending this out through the western extension. A new entrance to the east side of the building, will be finished in stone, adding a modern addition which will visually link to the stone wall at Manor Wood.

The removal of the trees to the east side of the building will not be detrimental to the character of the area. There are limited views of the trees from the road, and they do not provide a backdrop to the site. The car park to the rear of no.102 has a row of mature trees to its southern boundary which are to be retained, maintaining a barrier to the adjacent residential dwellings. The tree within the car park at the rear of no.102 cannot be seen from the road and provides little screening value to the site and it is considered that its removal will not be detrimental to the character of the area. The three trees at the corner of the car park of the petrol station are mostly saplings which do not provide any visual amenity and therefore do not provide any benefit in terms of integration for the development. There are other trees adjacent to the site that are subject to a tree preservation order (TPO), and they are considered in more detail later in the report.

The existing car parking to the rear of No.102 is largely not visible from the road. The amalgamation of the vehicular access and parking arrangements for both premises will not result in any harm to the character and appearance of the area.



Fig 12 - View travelling east along Moat Road



Fig 13 - View of site from northwest of the site from along Moat Road

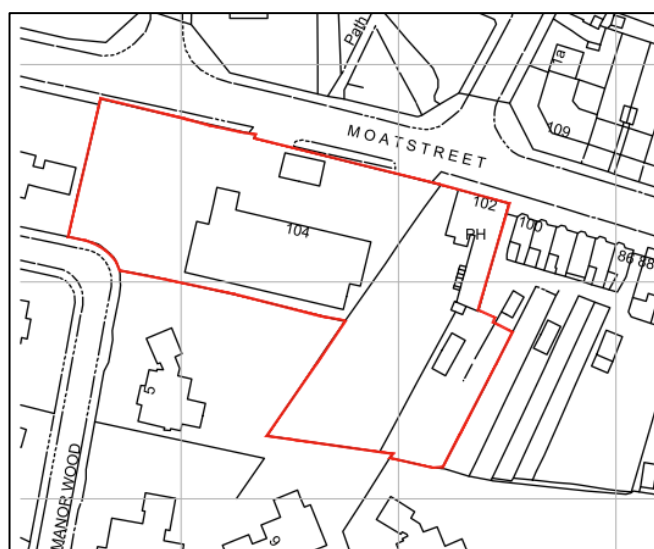


Fig 14 - View travelling west along Moat Road

Residential Impact

The Council considers it important that the amenity of all residents is protected from 'unneighborly' extensions which may cause problems through overshadowing/loss of light, dominance and loss of privacy. The SPPS also makes good neighborliness a yardstick with which to judge proposed developments.

Fig 15 – Site Boundary



There are dwellings to the east, south and west of the site which I have considered with regards to overlooking, overshadowing and any dominant outlook.

The properties to the south (No.5 Manor Wood & No.9 Manor Wood) will share a boundary with the proposed parking area, located towards the rear of the site. The boundary consists of mature vegetation which will provide a visual buffer between the site and neighbouring properties. The boundary trees have been detailed within the Tree Survey Report submitted to Council alongside this application. The lighting to be used within the car park is to comply with Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 (Suburban) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021. As such the proposed lighting will not result in obstruction to residential properties. Additionally, Environmental Health have been consulted on the application and have raised no objection to the proposal in regard to lighting. To ensure that lighting remains at a non-obtrusive level; a condition has been recommended to ensure lighting is compliant with the requirements of environmental zone E3.

Whilst the proposal will extend the building by 6m to the west, the building will be located 22m from the closest neighbouring property in this direction (No.1 Manor Wood). The proposed extension will be no higher than the existing building, will not have fenestration other than high level windows at the entrance, and will be separated from the neighbouring property by a car parking area. Taking the separation distance and scale of the development into account, the proposal will not result in detriment to neighbouring amenity by way of dominance, overshadowing or overlooking.

It is my planning judgement that there will be no unacceptable negative impact created by the proposed development upon any adjacent dwellings. Objection letters received regarding the proposed development and any issues raised have been discussed within this report.

It is noted that the Spar / petrol station is well-established on the site with historic planning permission. The proposed development is to extend the existing use of the

site, providing additional parking with a modernised and extended retail use. The extensions to the main building will not cause any unacceptable adverse impact on existing residential amenity as a result of overlooking, loss of light/overshadowing or dominance due to the separation distances, intervening boundaries and the scale, design and location of the extensions..

Residential amenity also relates to matters such as unpleasant odours, noise and general disturbance caused by new developments. It should be noted that there is an existing business operating on the site which is within an urban area. Notwithstanding this, the Council undertook extensive consultation with the Environmental Health Department in relation to odours, noise, contamination & light, and further assessments were requested from the applicant to address potential issues. These are covered in more detail later in the report.

Natural Heritage

The potential impact of this proposal on Special Areas of Conservation, Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. The NI Biodiversity checklist has been referred to and additional reports submitted. NIEA – NED have been consulted and have no objection to the proposed development.

Impact upon the setting of an Archaeological Site

The site is located approximately 300m north-west of Manor Farm, 106 Moat Street, Donaghadee (Grade B2) and the Donaghadee Parish Church which contains an Ecclesiastical Site (DOW 003:006) with substantial remains (vast majority definable). Historical Environment Division have been consulted and offered no objection to the proposal.

HED Historic Buildings has considered the effects of the proposal on the listed buildings. It is considered that the proposal shall exert no greater demonstrable harm on the setting of the listed buildings than the current arrangement. These comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.12 (setting) and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building)

HED acknowledge the application constitutes extensions and modifications to existing buildings and structures. It is considered the proposed works are in keeping with the scale, height, massing and alignment of those extant buildings and structures as to have negligible additional impact on the setting of the listed buildings. In relation to the scale of the existing spar building, it is considered the proposed alterations to be relatively minor in nature.

Environmental Health Impacts

Due to the existing use of the site and the proposed extension of that development the following potential pollutant linkages were identified –

- Potentially reduced quality made ground presenting a potential risk to health of future sites users via direct and indirect contact pathways;
- Potentially reduced quality made ground presenting a potential risk to shallow groundwater;
- Lateral and vertical migration of contaminated groundwater to offsite surface water;
- Potential for the generation of ground gas impacting future site users and construction workers;
- Reduced quality groundwater on site from an off-site source (petrol filling station) impacting future site users, construction workers, surface water and the bedrock aquifer;
- Potentially reduced quality soils and groundwater from Below Ground Storage Tank (AST) in the north part of site impacting future site users, construction workers, surface water and the bedrock aquifer.

The agent submitted a Preliminary and Generic Risk Assessment which was considered by the Council's Environmental Health Section. Following analysis, no significant sources of contamination within soils were found which would have the potential to adversely affect human health. Ground gas monitoring was also undertaken and appropriate conditions suggested to ensure the necessary ground gas protection measures are incorporated into the extension. As part of the Environmental Health consultation, movement tracking for deliveries was also required to be shown. This was submitted and agreed with a condition proposed not permitting deliveries prior to 7am and after 11pm.

The Environmental Health Department also considered noise and odour impacts that could potentially be generated by this development. Appropriate assessments were carried out and conditions recommended for addition to any decision notice.

The agent also submitted a Photometric Report to consider the impact of additional car park floodlighting upon the surrounding area. Within this report it is noted that lighting will be compliant with an E3 designation. After reviewing the report in detail and liaising with Environmental Health it has been concluded that no significant issues have arisen from reviewing the proposed lighting. To ensure that the lighting remains compliant with the E3 designation so as to not result in harm to residential amenity a condition stipulating this has been recommended.

Environmental Health concluded that the proposal is acceptable with the inclusion of conditions.

Impact on Trees

The proposed development requires the removal of a line of trees which runs between car parking at the rear of no.102 and the petrol station / Euro Spar. There is also a tree to be removed from the rear car park of no.102 and three trees from the corner of the

car park of the petrol station/Euro Spar. None of the trees to be removed have tree preservation orders and do not require planning permission to be removed.



Fig 16 - Existing layout with trees to be removed highlighted blue.

There are trees to the rear of the site protected by virtue of a TPO and the Council's Tree officer has been consulted. The agent has submitted detailed drawings identifying the TPO trees, their crown spread, root protection area and ground reinforcement protection area to protect the trees along with details of geocell to be used.

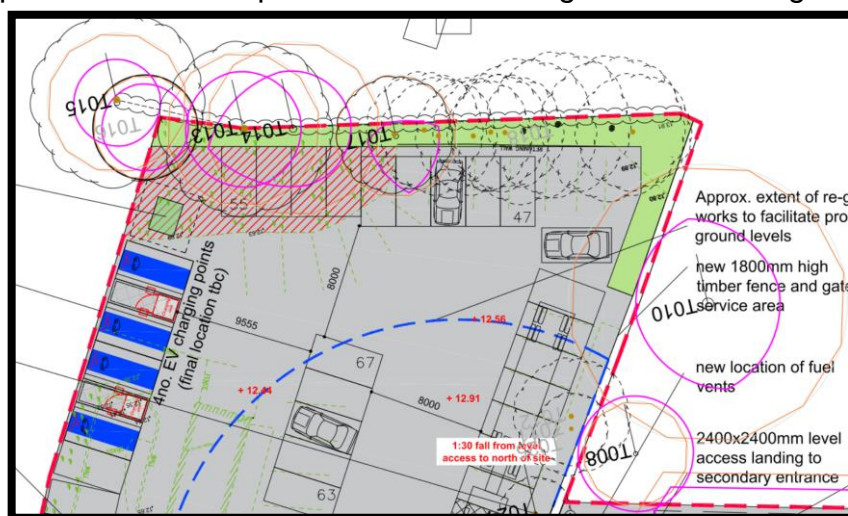


Fig 17 – Proposed car parking area identifying protected trees

There is existing hard standing to the rear of 102 Moat Street providing car parking where the TPO trees are located. The Council's Tree Officer has responded with no objection to the proposed development following the submission of amended plans and subject to a condition. A condition has been recommended which ensures that details of protective fencing are provided and that this fencing will remain in place until the conclusion of construction works.

Access, Movement and Parking

Planning Policy Statement 3 seeks to promote road safety and an accessible environment, promote more sustainable modes of transport and reduce reliance on

private cars. Within the site there is already an existing car park and two entrance/exit points onto the road which will be used.

In relation to the proposed additional petrol pump island, I am satisfied that sufficient parking can be provided in accordance with parking standards.

The existing site layout plan shows 37 car parking spaces serving the Spar and adjacent off license and 27 spaces to the rear of 102 Moat space. This totals 64 spaces.

The proposed layout shows a total of 76 spaces for the retail premises at No.104 Moat Street and the premises at No.102 Moat Street.

The additional Gross Floorspace Area (GFA) equates to approximately 192sqm. This includes the proposed lobby area, additional first floor storage area, food preparation area and additional retail floor space. Based on the GFA, an additional 14 parking spaces would be required to serve this extension. The proposed site layout plan shows an additional 12 spaces. This is slightly below the published standards.

This slight reduction in car parking is considered acceptable given the site is well served by public transport with a bus stop located on Moat Street just outside the site. Moreover, the site is within easy walking distance of various residential developments.

In addition, DFI Roads was consulted, and it has no objection to the proposal in terms of access, parking and roads safety. Therefore, it is considered that the level of parking provided is adequate to serve the proposed development.

As part of the Environmental Health consultation, movement tracking for deliveries was required to be shown. This was submitted and agreed.

Flooding

The proposed extension to the building on site has been considered by DFI Rivers and there are no issues with the proposed development as there are no flooding zones within or in close proximity to the site. A Drainage Assessment is not required to be submitted for this application as it does not meet the threshold specified in revised PPS15.

Conclusion

Taking all of these factors into account, it is my professional planning judgement that the proposal is in keeping with the objectives of the SPPS and the extant Area Plan. The extension and development of the site will provide an enhanced and modernised retail use for the use of the local community. The redevelopment of the building is a contemporary design in keeping with the character of the local area. There will be no unacceptable undue impact on the adjacent residential properties.

5. Representations

There have been 10 objections from 9 addresses received against this application.

The material planning matters raised in submitted representations are summarised below:

- **A pedestrian crossing is required due to the increase in traffic.**

DfI Roads has been consulted and has provided no objection to the application in terms of access and roads safety. This is an existing retail use, and this application only seeks to enhance and modernise the existing buildings.

- **Character of the area - proposal will impact directly on the aesthetics of Manor Wood development.**

The impact of the proposed development has been comprehensively addressed, and it is considered that there will be no detrimental impact on the character of the area. The Manor Wood development is separated from the existing and well-established Euro Spar site. The development proposed is minor in scale when compared to the existing building and the proposed development is in keeping with the scale and massing of the existing building. The design of the extensions is sympathetic and proposed to an already existing garage forecourt and retail unit.

- **Loss of vegetation at the site - The large trees and greenery at the rear of the Moat Inn Carpark which: shield the view of my property from persons using Moat Street, ensure that the outlook from my property is pleasing and not directly at a commercial premises., provide a degree of security.**

The loss of vegetation at the site has been considered within the report. Although there are trees to be removed from the site these trees are not located along this boundary. The trees proposed to be removed are located within the site, are not protected by a TPO and do not provide any screening or integration. The trees located along the rear boundary of no.102 are to be retained and it is recommended that a condition ensures their retention. In any event the view from a property is not a material planning consideration. The Council have carefully considered the impact this proposed development will have on adjacent properties and as the proposal only includes small scale extensions and the retention of the vegetation, along this boundary, it is not considered that the impact will be any greater than what is existing. The Euro Spar is well established on this site and the extensions proposed in keeping with the scale and massing of the existing building.

- **Security & Prevention of Anti-social Behaviour**

Flood lights are proposed within the additional parking area which have been assessed within a Photometric Report submitted by the agent and reviewed by Environmental Health with regards to any impact on adjacent dwellings. This floodlighting will aid in securing the car parking areas and the building and will help reduce anti-social behaviour. There are 7 existing CCTV cameras which are located throughout the site, this together with 5 additional cameras within the extended car park area, will also help deter anti-social behaviour and secure the site.

- **The proposed addition of 'new fuel pumps' has the potential to have an environmental impact on the use of the site to the immediate rear of my property**

A Preliminary and Generic Risk Assessment was considered by the Council's Environmental Health Section and no issues have been raised.

- **Value of property impacted**

This is not a material planning consideration.

- **Impact on domestic properties with regard to Noise and light pollution.**

The impact on residential properties has been assessed within the planning report. Environmental Health have been consulted and have no objection to the proposed development with regards to any impact on adjacent domestic properties.

- **Impact on birds and wildlife.**

NIEA - NED has been consulted and has provided no objection to the proposed development with regard to any impact on wildlife. An NI Biodiversity checklist was considered, as was a bat roost potential report and it is not considered that the proposal will have any impact on birds and wildlife.

- **Placing of hazardous materials against the boundary of my property.**

After discussion with the agent the bulk storage has been removed from the northwest boundary and is now proposed along the southern boundary as far away from adjacent properties as possible.

- **Landscaping- The entire boundary between the Eurospar and Manor Wood was, as outlined in previous planning papers, proposed to have been planted with trees and shrubs, to provide a green area between the retail premises and the housing development. This work was not carried out. The proposed site of the gas and bulk fuel units represents a further erosion and disregard to what people were led to believe and assured would be a heavily planted area, including "mature trees".**

After reviewing the planning history there were no conditions within the planning permission which proposed extensive landscaping to be planted out. The site was always to be bounded and enclosed by fencing. There are no planning enforcement powers to ensure planting in these areas is carried out.

- **Tree Preservation Order area.**

The Council's Tree Officer was consulted and has no objection to the proposed development with regard to the impact on TPO trees. A condition has been recommended requiring that the details of protective fencing must be submitted to

council prior to the commencement of the development and that this protective fencing must remain until construction works have been completed.

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 (NI) 2011.

2. Gas protection measures which meet Characteristic Situation 2 as per C665 shall be installed into the extension which must attain a gas protection score of 2.5 in accordance with B.S 8485 and be as detailed in Section 7 of Moat Street Petrol Filling Station, Donaghadee, Preliminary and Generic Risk Assessment, prepared on behalf of Tetra tech, referenced 787-B034848 and dated July 2023.

Reason: Protection of human health

3. Prior to the operation of the proposed development, a Verification Report must be submitted to and approved by the Council in writing. This report must confirm the gas protection measures were installed as specified in Section 7.1.1 of Moat Street Petrol Filling Station, Donaghadee, Preliminary and Generic Risk Assessment, prepared on behalf of Tetra tech, referenced 787-B034848 and dated July 2023.

Reason: Protection of human health

4. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination, and its management must be submitted to and approved by the Council in writing and must be subsequently implemented to the Council's satisfaction. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

5. Prior to 07:00hrs and after 23:00hrs, deliveries by commercial vehicles shall not be made to and from the site.

Reason: Protection of human health

6. Prior to the development hereby approved becoming operational, a report shall be submitted to and shall be approved in writing by the Council. It shall detail the location and specification all plant and equipment to be used in connection with the development and shall include a noise assessment to demonstrate that the ancillary plant and equipment will not result in an adverse noise impact to the occupants of nearby residential premises. All ancillary plant and equipment located within the site shall be fully in accordance with the approved details.

Reason: To protect the amenity of nearby residential premises

7. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority.

Reason: To ensure no adverse effect on the water environment.

8. Prior to the development hereby approved becoming operational, a proprietary odour abatement system shall be installed on the premises to suppress and disperse odours created from operations in the hot food/ deli extension. The system shall be installed in accordance with the submitted report entitled:

Eurospar, 101 Moat Street Kitchen Odour screening assessment, prepared by Tetra Tech, referenced 784-B049167 and dated 19th June 2023. The proprietary odour abatement system shall achieve a level of odour commensurate with 'High level odour control' measures including the following.

- Fine Filtration or ESP followed by carbon filtration (carbon filters rates with a 0.2-0.4 second residence time); or,
- Fine Filtration or ESP followed by UV ozone system to achieve the same level of control as detailed above in measure 1.

Reason: To protect the amenity of nearby residential premises.

9. The odour abatement system installed shall be permanently retained and maintained in full working order and a cleaning schedule adopted as follows.

For a system employing fine filtration and carbon filtration:

- Change fine filters every two weeks; and
- Change carbon filters every 4 to 6 months.

For a system employing ESP and other in line abatement systems:

- Clean every 1-3 months; and
- Change carbon filter every 6 to 12 months.

Reason: To protect the amenity of nearby residential premises.

10. No works shall commence on site until the details and location of protective tree fencing have been submitted to and approved in writing by Council. The protective tree fencing shall be erected in accordance with the approved details prior to the commencement of any development hereby approved and shall remain in place until the completion of construction works.

Reason: To safeguard existing trees and in the interests of visual amenity.

11. Any artificial lighting within the site must conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 (Suburban) contained within Table 2 of the Institute of

Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light.

12. The net retail floor space of the retail store as extended shall not exceed 574.7sqm and shall be restricted to the areas shaded blue on drawing No.07.

Reason: To safeguard the vitality and viability of the Town Centre and District Centres.

13. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the floor space hereby approved shall not be used other than for the sale of food and convenience goods.

Reason: To safeguard the vitality and viability of the Town Centre and District Centres.

14. The development hereby approved shall not become operational until all hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing in and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

15. All soft landscaping works shall be carried out in accordance with drawings 02b & 17a and the Planting plan. The works shall be carried out during the first available planting season following the development hereby approved becoming operational. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

16. Prior to the commencement of development, details of bollard(s) and their location(s) at the original access to No.102 Moat Street, shall be submitted to and agreed in writing with the Council. The original vehicular access to No.102 Moat Street shall be permanently stopped up in accordance with the approved details prior to the operation of the extension to the retail premises hereby approved.

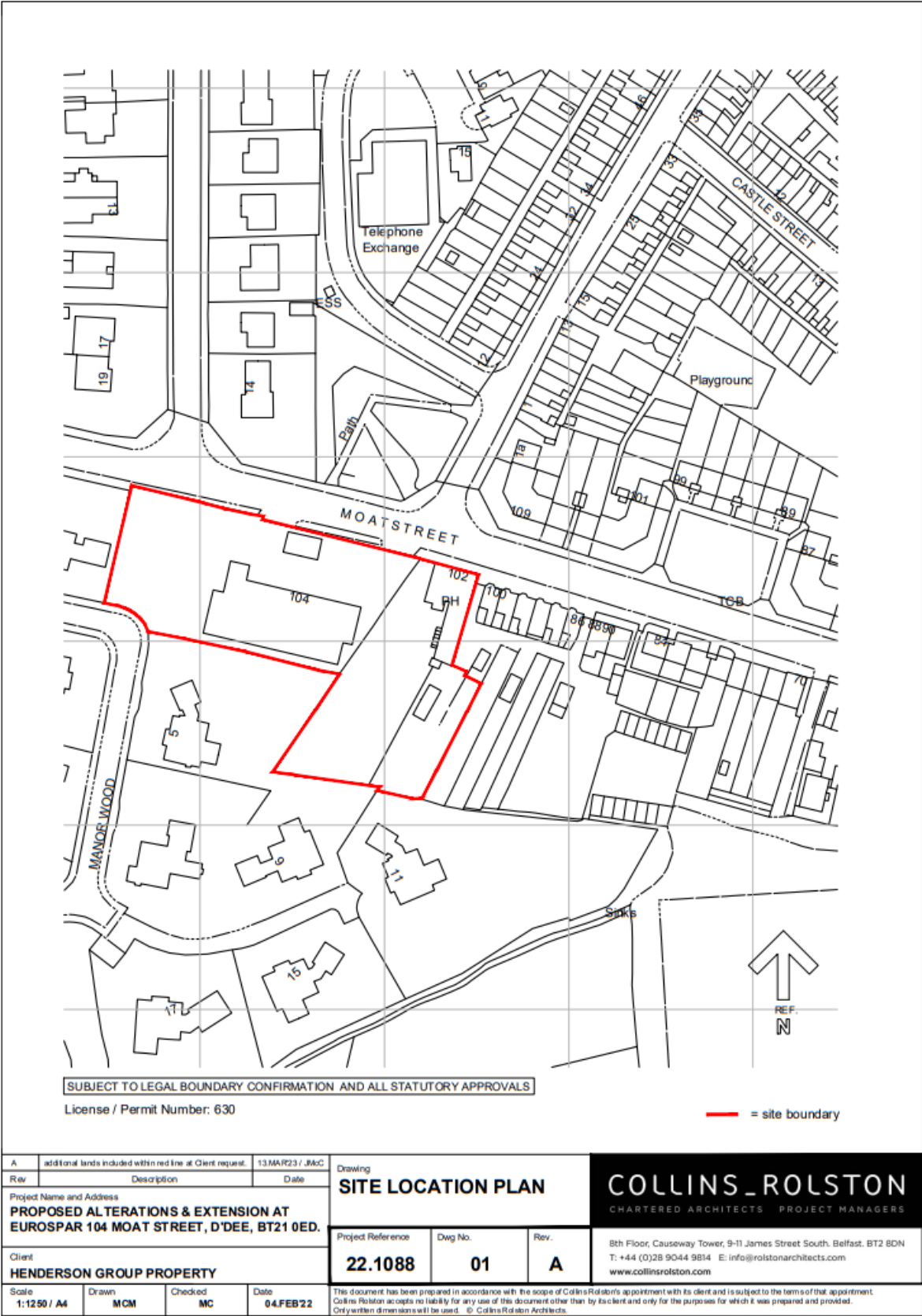
Reason: To ensure access to the site is provided in accordance with the approved details.

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.

Appendix 1: Submitted Plans

DRG 01- Site Location Plan

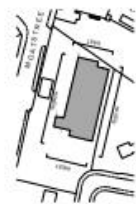




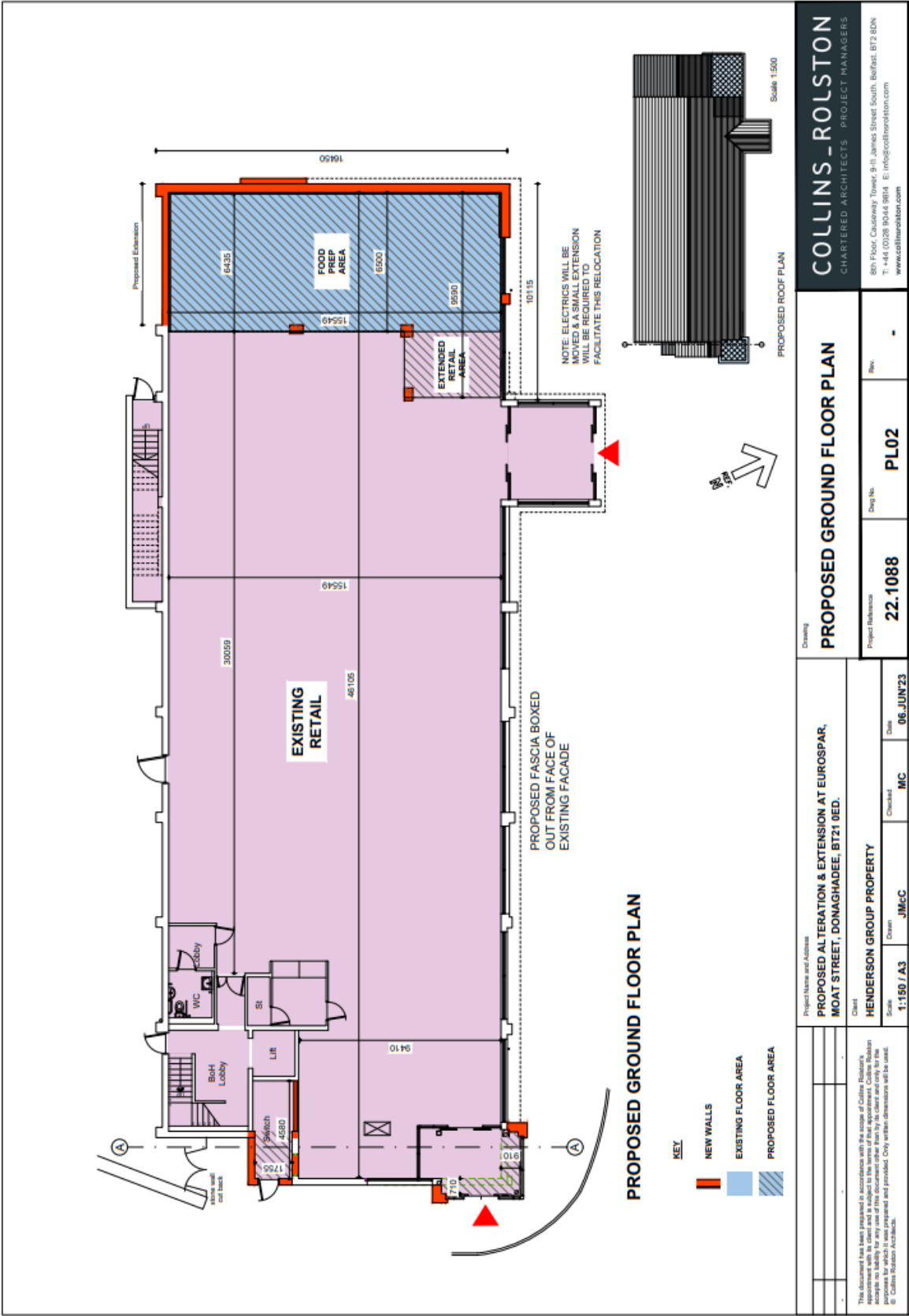
DRG 03a – Existing Site Layout







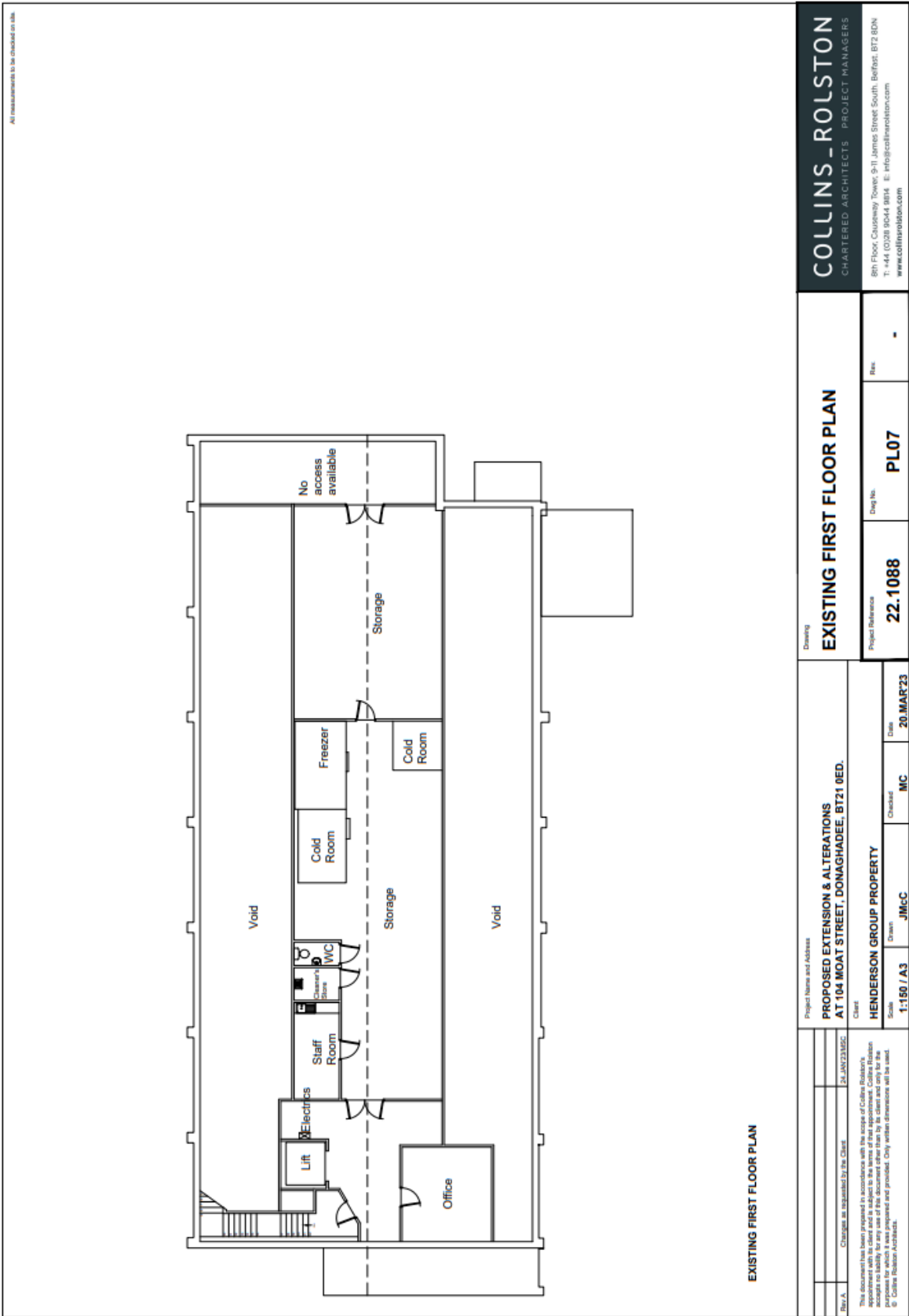
DRG 06 – Proposed Ground Floor Plans





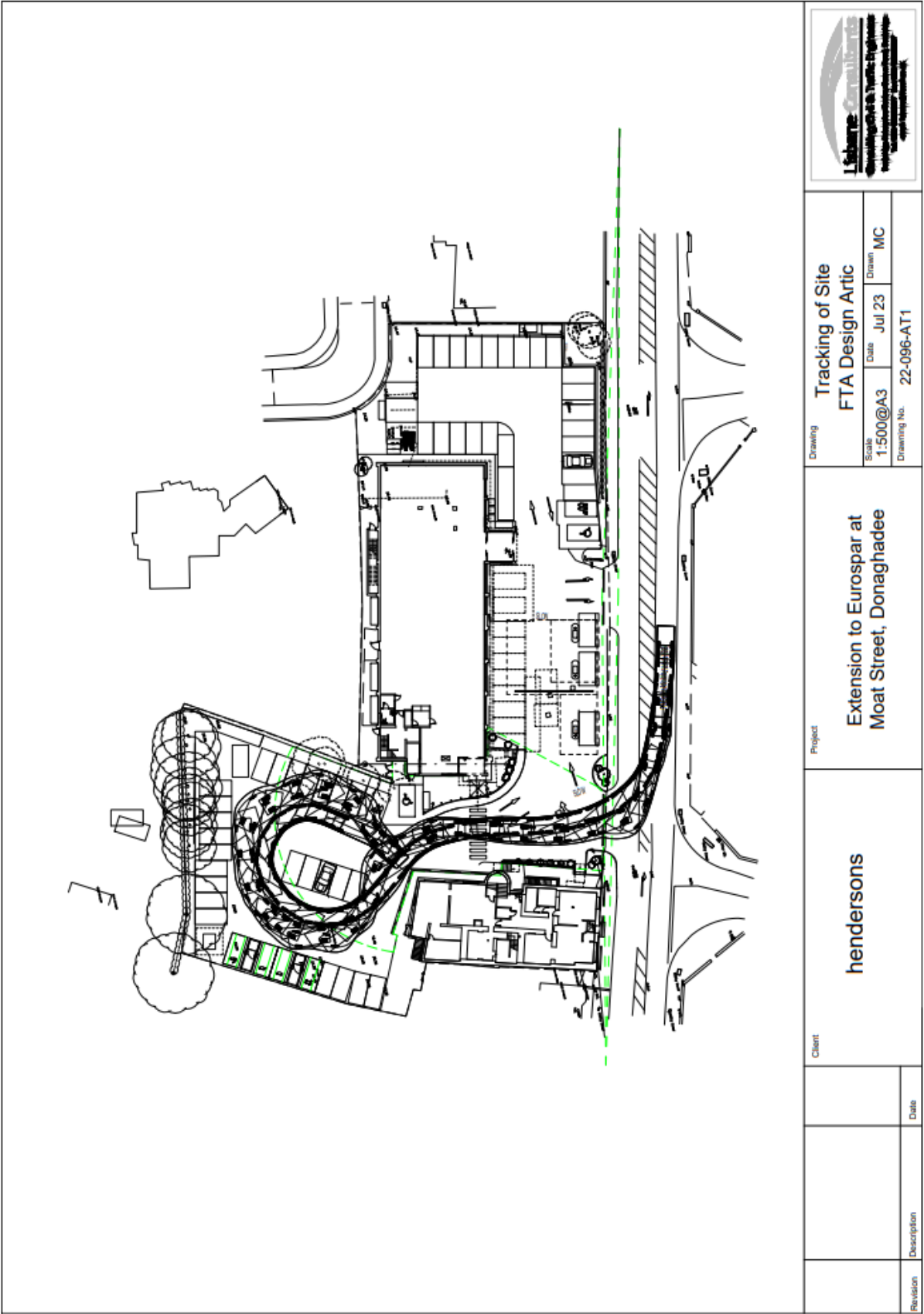


DRG 09 – Existing First Floor Plan

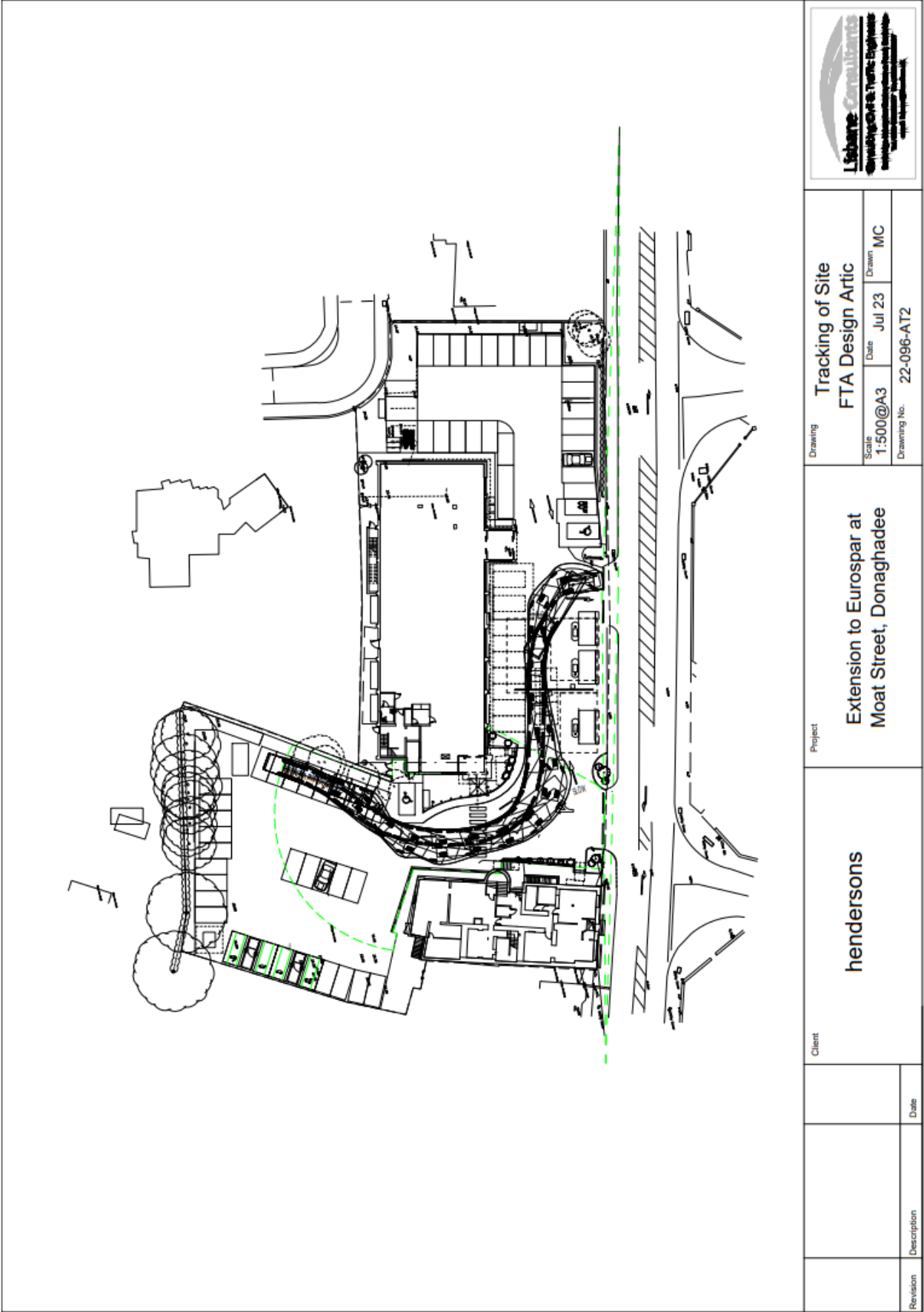


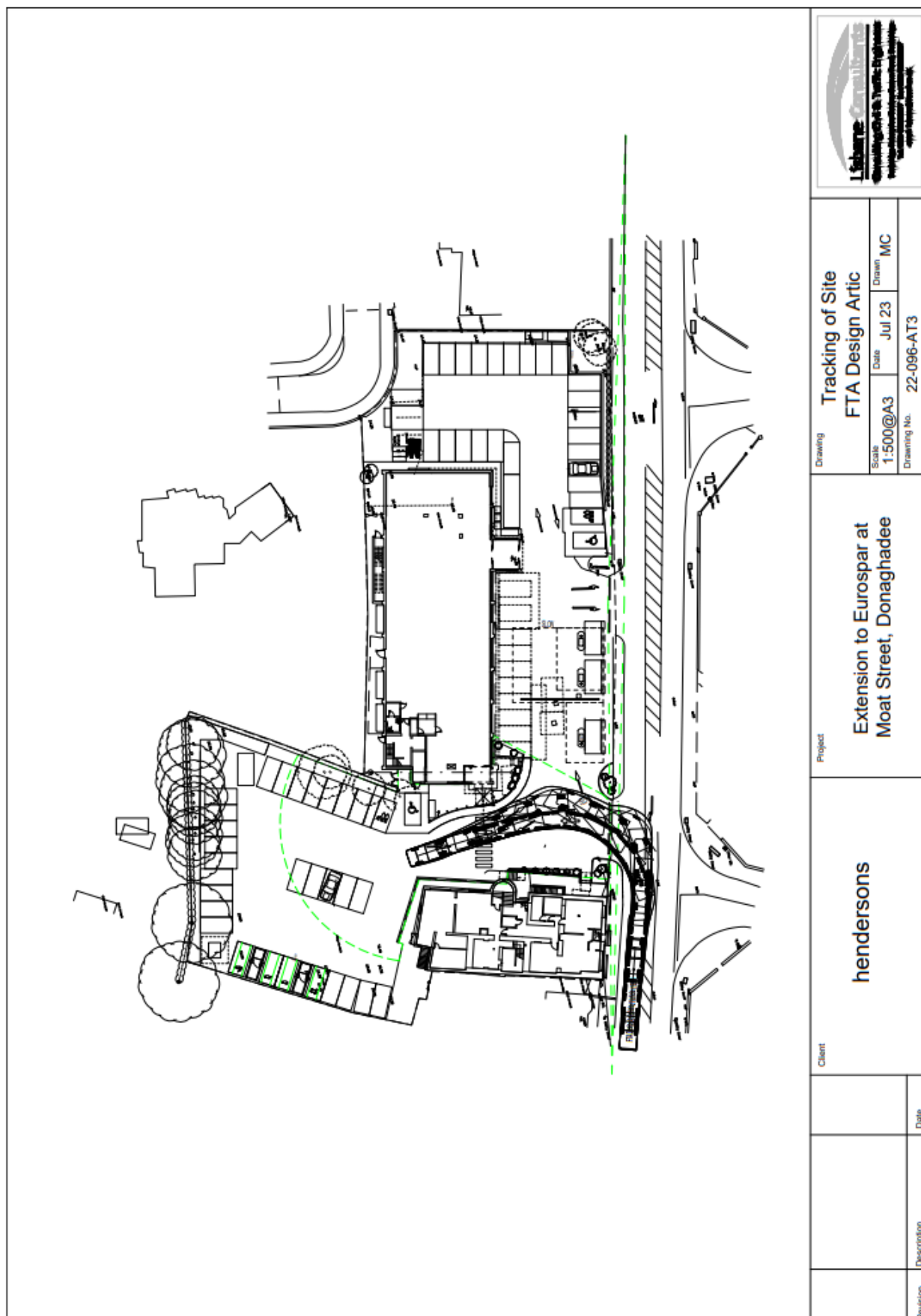


DRG 11- Tracking of Site 1 for Artic Vehicle

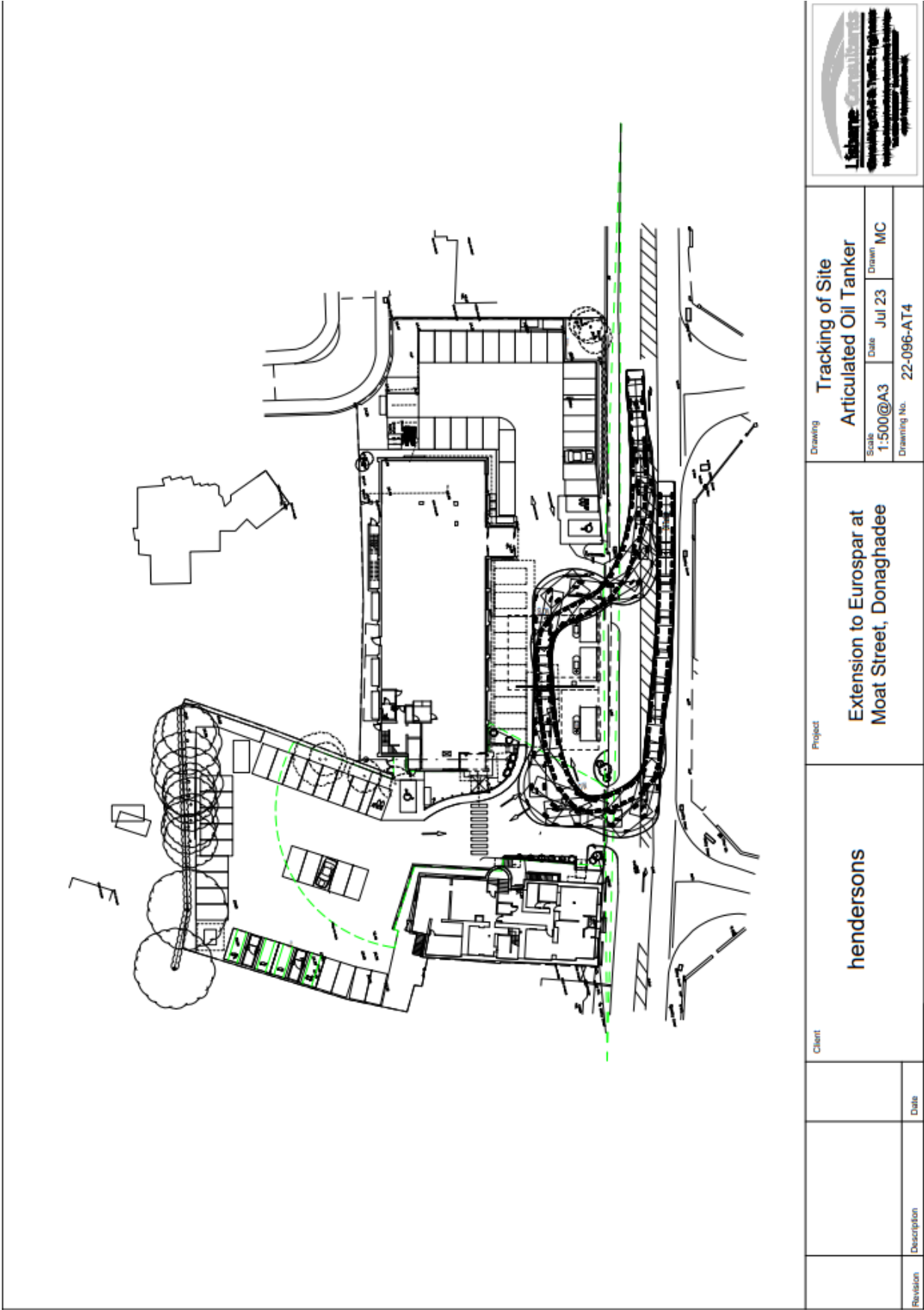


DRG 12 – Tracking of Site 2 for Artic Vehicle

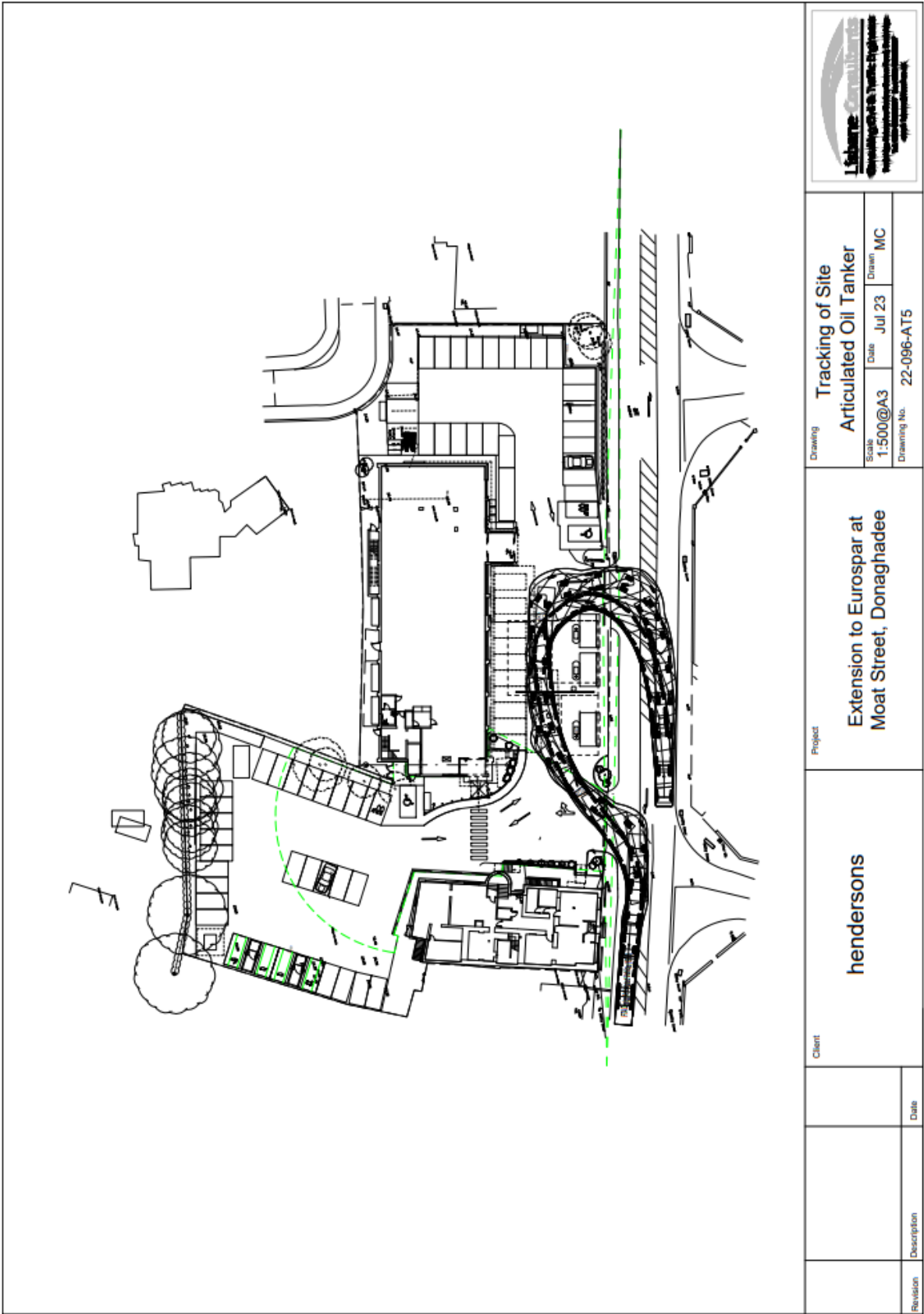




DRG 14 – Tracking of Site 4 for Articulated Oil Tanker

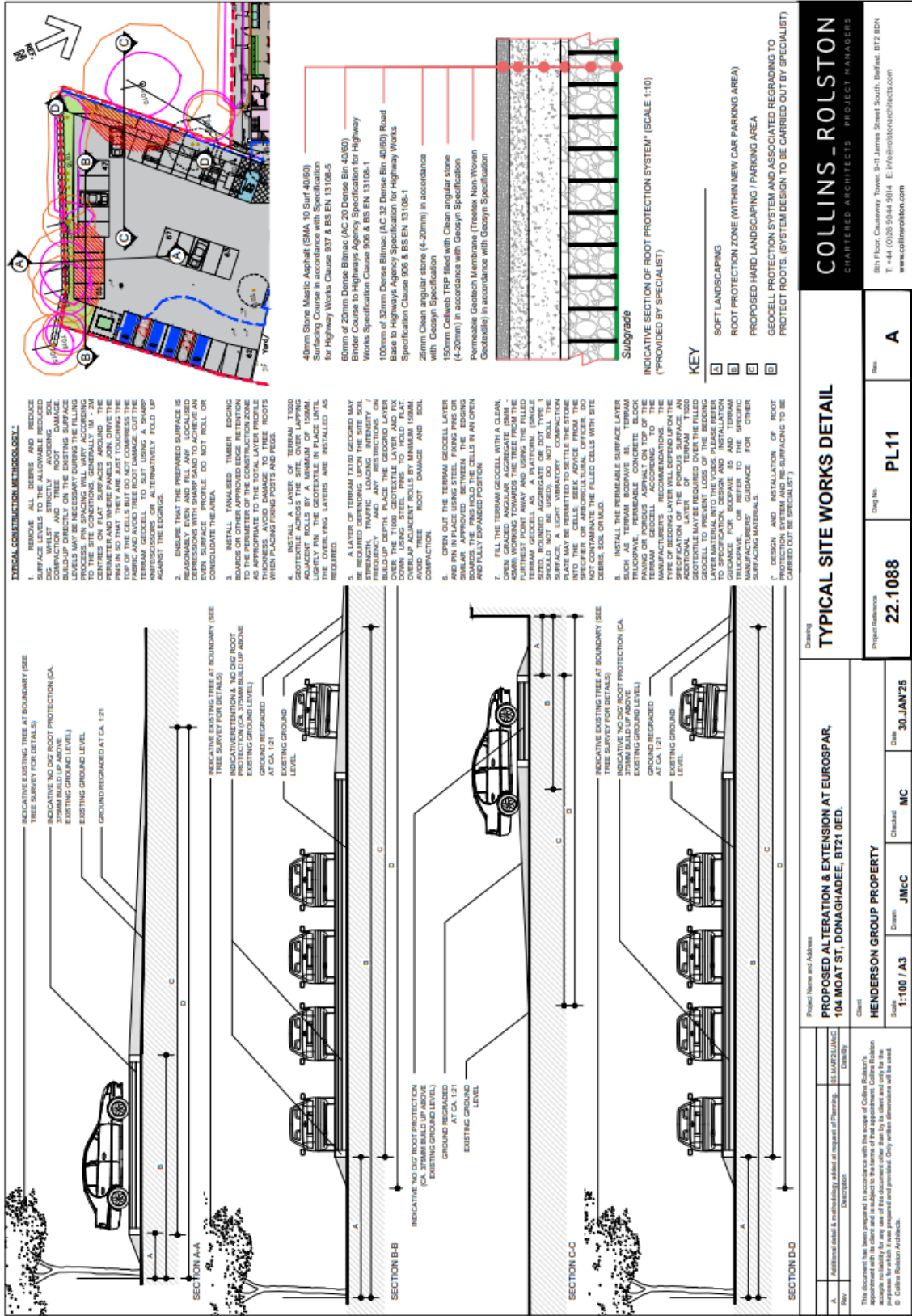


DRG 15 – Tracking of Site 5 for Articulated Oil tanker

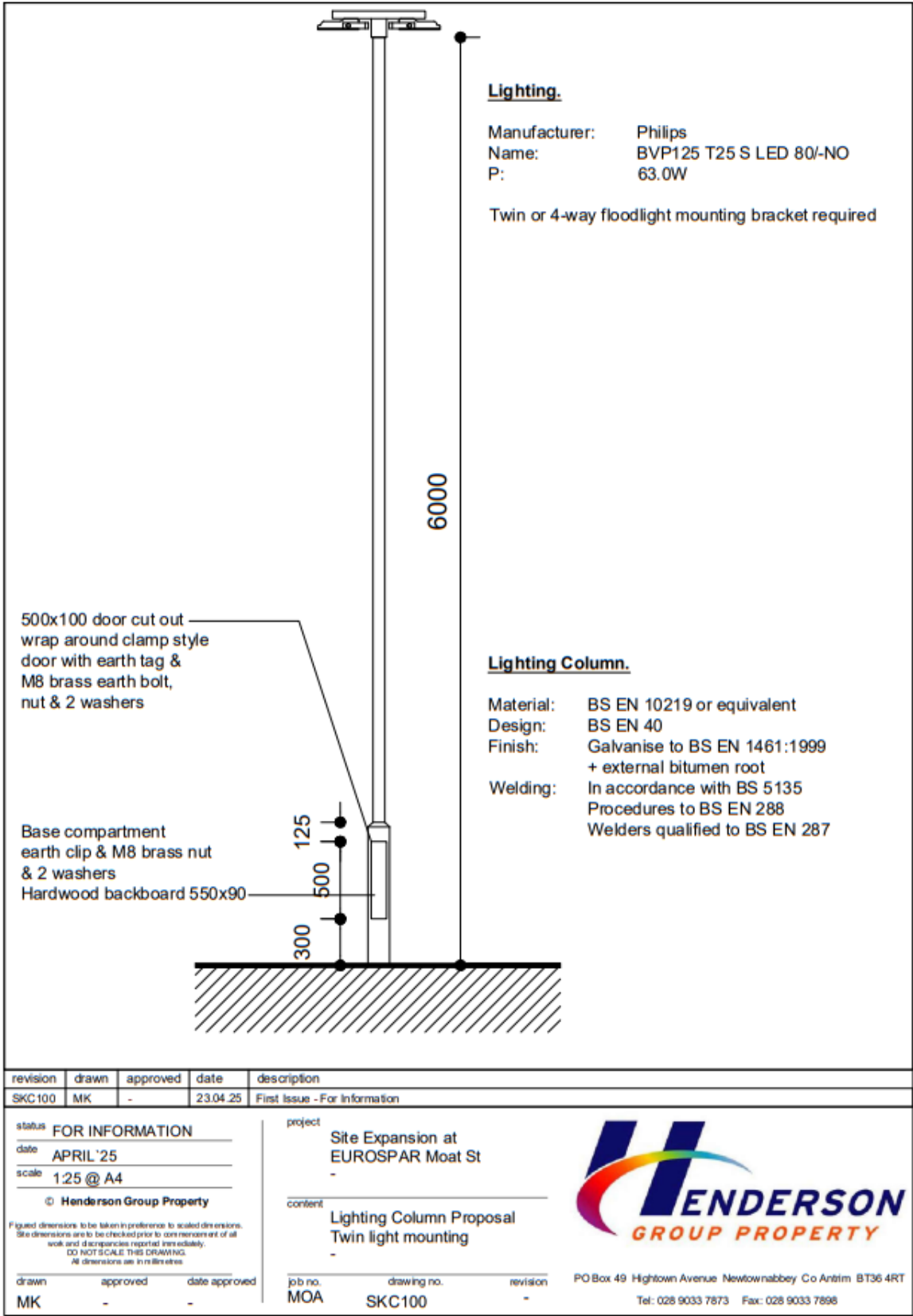




DRG 17a – Site Works Detail



DRG 18 – Lighting Column Details



Appendix 2 – Site Visit Photographs

1 Spar Building and Canopy





2 Rear parking area of adjacent property (to be used as parking as part of this application)




3 Site from Moat Street



4 Road travelling eastward



<div style="text-align: center;"> Development Management Case Officer Report </div>				 Ards and North Down Borough Council	
Reference:	LA06/2022/0563/F	DEA: Hollywood & Clandeboye			
Proposal:	Proposed detached single-storey garage and associated site works	Location:	Lands approx 15m NE of 5 Creighton's Green Road Hollywood		
Applicant:	Ms Jacqueline Helen McKeown				
Date valid:	06/06/2022	EIA Screening Required:	No		
Date last advertised:	15/05/2025	Date last neighbour notified:	30/04/2025		
Consultations – synopsis of responses:					
DFI Roads		No Objections			
Letters of Support	0	Letters of Objection	22 (from 8 addresses)	Petitions	0
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of Development; • Design and Appearance; • Impact on Privacy or Amenity of Neighbouring Dwellings; • Impact on Character and Appearance of the Area; • Impact on Landscape Features and Environmental Quality; • Impact on Biodiversity 					
Recommendation: Grant Planning Permission Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal					

3. Relevant Planning History

LA06/2019/0654/LDE: Land approx. 15m North East of 5 Creightons Green Road Hollywood: Area of hardstanding and one steel storage container for domestic use: Certificate Granted 16/11/2021

LA06/2021/0126/CA: Unauthorised Storage Container: Enforcement case closed

LA06/2021/0127/CA: Alleged Unauthorised Portacabin: Enforcement case closed

The above planning history holds significant weight in the assessment of this proposal given the proposal seeks to replace the existing containers on site with a new detached garage. The CLUED approved this site for domestic use but did not specify that the proposed site would form part of the domestic curtilage of No. 5.

4. Planning Assessment

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

- North Down and Ards Area Plan
- Draft Belfast Metropolitan Area Plan
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

- Building on Tradition

Principle of Development

Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The site described is located outside the development limits of Hollywood as defined in the Draft BMAP and the North Down and Ards Area Plan 1984-1995 (NDAAP).

The proposal seeks to replace the existing containers (one has the benefit of a CLEUD) and portacabin on site which are both immune from enforcement action, with a new single-storey garage. It is important to note that the original application proposed a storey-and-a-half garage with a higher ridge height. However, due to concerns regarding its visual prominence and integration into the rural landscape, the ridge height was subsequently reduced by over 1m.

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

Planning Policy Statement 21 sets out planning policies for development in the countryside. Policy CTY1 identifies a range of types of development which in principle are considered to be acceptable in the countryside. CTY1 states planning permission will be granted in the countryside for an extension of a dwelling house where this is in accordance with the Addendum of PPS7.

As the domestic use of the site has already been established through the approval of the above CLEUD, the principle of a building for domestic purposes on the site is acceptable under policy CTY1 of PPS21 and policy EXT1 of PPS7 Addendum.

Impact on Dwelling and Character of Area

The proposed garage will be sited in the southern portion of the site, in place of the two existing containers on site. The existing and proposed site plan can be viewed in Figures 1 and 2 below. The garage will measure 8.9m x 6.6m, creating approximately 50sqm of floorspace. The garage will have a pitched roof design with a ridge height of 5m and an eaves height of 2.4m. The garage will be finished in painted render and will have a roof tiles to match those of the existing dwelling at No. 5.

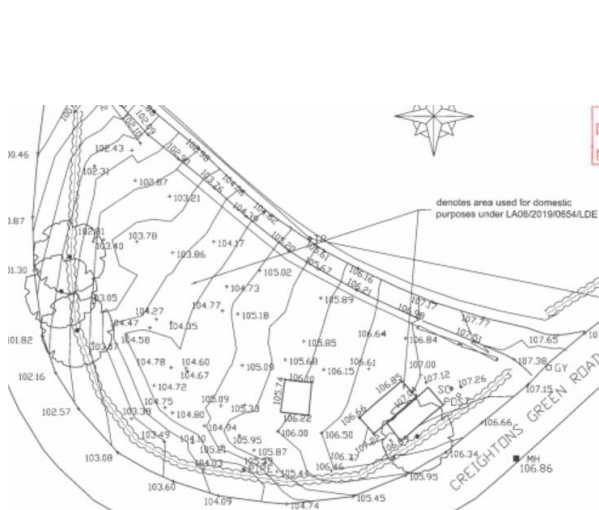


Figure 1: Existing Site Plan

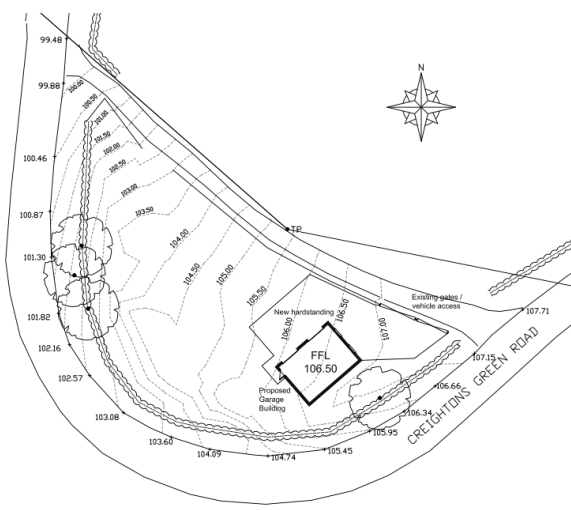


Figure 2: Proposed Site Plan

Given the unique circumstances of the site, with Creighton's Green Road splitting it from the established domestic curtilage of No. 5, the proposed garage will not read as part of the domestic unit of No. 5. Regardless of this fact, I would be content that the garage is sympathetic to the main dwelling in relation to scale, massing and design. It is considered that the proposed garage will result in a betterment/planning gain as the existing containers and portacabin are not considered to be sympathetic to the rural character of the area.

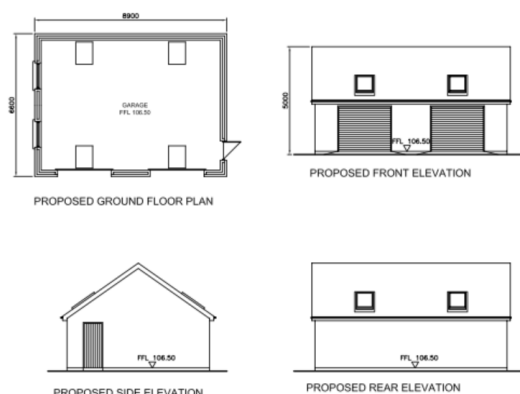


Figure 3 – Existing container and portacabin and proposed garage

As the garage would be located on the bend of Creighton's Green Road, there would be some public views when approaching from the eastern side of the road. The existing view is shown in Figure 4 below. The proposed garage would be sited in a similar position to the existing container and portacabin beyond the crown spread of the existing tree which would be conditioned to be retained along with the mature roadside hedgerows which will help to integrate the building.



Figure 4: Approaching site from east (Google Streetview image March 2023)

There would only be a very brief view of the garage from the existing access when approaching from the North (see Figure 5 below) however it would otherwise be extremely well screened by the existing mature roadside hedgerows to either side of this access. Views from further along the road approaching from the West would also be limited due to the intervening boundary vegetation and the topography of the land (see Figure 6 below).



Figure 5 – View of site approaching from North (Google Streetview image March 2022)



Figure 6 – Mature hedgerow along boundary of site to Creightons Green Road (Google Streetview image March 2022)

In summary, the site is currently well screened by existing hedging and vegetation bounding the site. I do not consider that the garage will appear as a prominent feature in the landscape given the height has been dropped to 5m. Whilst there will be views of the roof (gable-end), these are not deemed significant enough to warrant a refusal based on prominence. The site will be well integrated with the existing hedging and vegetation which will be conditioned to be retained.

Impact on Privacy and Amenity of Neighbouring Residents

The policy recognises that 'unneighbourly extensions' can affect the amenity of neighbouring properties through overshadowing/loss of light, dominance and loss of privacy. The nearest third-party property is over 35m away from the site (No. 3 Creighton Green Road); therefore, the proposal will have no impact on the privacy or amenity of neighbours.

Impact on Trees/Landscape Features

No landscape features will be affected by the proposal. The site is not associated with a Tree Preservation Order. The existing portacabins and containers will be removed on site if this application for a garage is approved. A condition will be included to ensure the existing hedging and vegetation along the boundaries is retained at a minimum height of 3m.

Impact on Amenity Space and Parking

The site is currently accessed from Creighton's Green Road which is not a protected route. DFI Roads was consulted on the proposal and made the following comments:

'Dfi Roads would offer no objections to this proposal. These comments are on the basis that there is an existing established use on site with no intensification.'

It is not considered that there will be any intensification of use as the existing site is used for domestic use and car parking. The access has been in situ for over 5 years therefore is immune from enforcement action. It must be noted that there is existing parking within the original curtilage of No. 5 Creighton's Green Road adjacent the dwelling.

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.

5. Representations

22 letters of objections were received from 8 different address points. 6 objection letters were received after the application was amended (reduction in size of garage). The following matters were raised:

- Design and Impact on Character of Area:** A number of objectors stated that the proposed height of the garage is imposing and not sympathetic to the rural landscape, and approval could set a dangerous precedent by changing the area's character. Only one further objection was received following the reduction to the ridge height. The objector stated they still had concerns with 5m ridge height and deemed this excessive in context of the surrounding area.
Response: These matters have been discussed under 'Impact on Dwelling and Character of Area' above. The overall ridge height of the dwelling has been reduced from 6m to 5m during the processing of the application at the request

of the Planning Department to reduce any undue prominence of the building on the site. It is considered that the proposed garage will result in a betterment/planning gain as the existing containers and portacabin are not sympathetic to this countryside location.

- **Road Safety:** Several Objectors stated that the site is on a blind corner with heavy traffic, larger vehicles, and speeding, making the access unsafe. It was also stated that the plans submitted fail to show sightlines which are essential for an access adjacent this dangerous bend.

Response: These matters have been discussed under 'Impact on Amenity Space and Parking' above. As the access has been in situ for over 5 years, with the enforcement team stating it was immune, it was not deemed essential to have the visibility splays shown. Following concerns of residents, DFI Roads was consulted and asked to provide comments on the safety of the access. No concerns were raised by DFI Roads from a road safety perspective.

- **Ownership:** It was stated that the applicant does not own the land, and a land registry check is requested.
- **Response:** The agent was contacted and was asked to review the ownership certificate and site location plan submitted. The agent confirmed that the blue and red lines on the site location plan are accurate, and the correct certificate was filled in on the application form. The Council cannot become embroiled in landownership disputes and has queried the veracity of the certificate due to the objector's concerns. If the objectors do legally own any of the land, then they can prohibit the developer from developing. I am content that the objectors are fully aware of the details of the proposal and are not in any way prejudiced.
- **Public Right of Way (PROW):** Several objectors mentioned that the proposed development interferes with a frequently used footpath and highlighted that the legal protection of this path is vital for pedestrian safety. The site access goes over an existing Right of Way (King John's Highway) with one objector estimating that 30-40 people walk or cycle this path daily, with occasional horse riders. It was further elaborated that at the weekend these numbers would be significantly increased.
- **Response:** A public right of way is indicated on the Council's GIS maps as shown in Figure 7 below. Following the site visit, it is noted that the path/right of way remains unobstructed. While the existing access to the site comes out onto the right of way this is close to the public road and the right of way itself is unaffected. It is also noted that the vehicular access was in place when the CLUED was granted for the domestic use of the site in 2021 and from a review of Google Streetview images, it is clear that vehicles have been accessing the site off the right of way since at least 2010 (see Figure 8 below). Any further disputes over land ownership are civil or legal matters which must be addressed outside of the planning process.

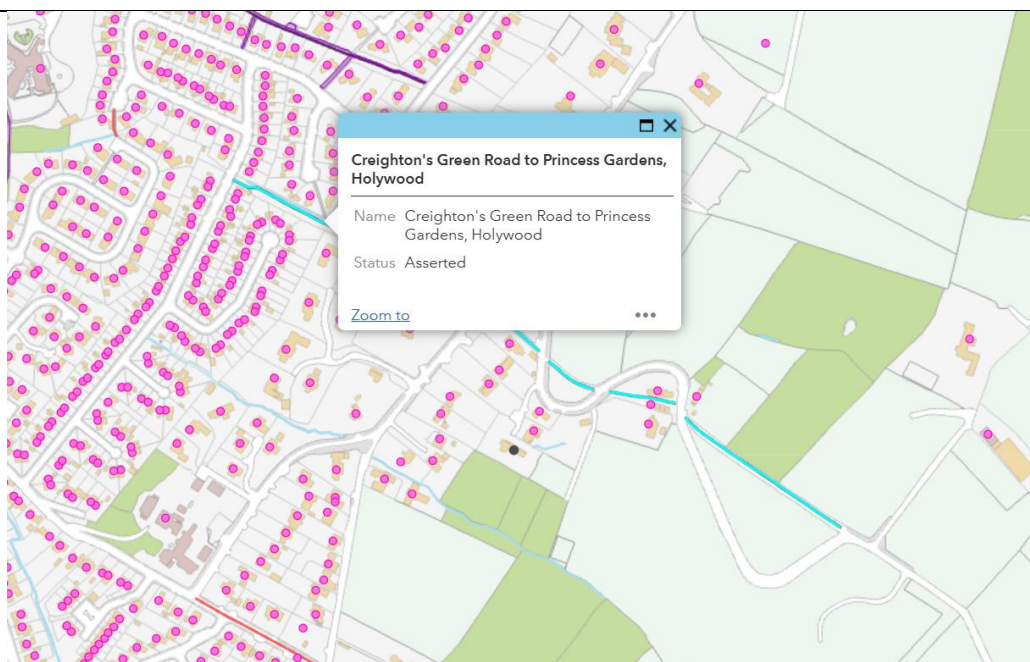


Figure 7 – Extract from Council's GIS showing existing public right of way in blue



Figure 8 – Google Streetview image May 2010 showing vehicular access off right of way.

- **Enforcement:** Reference was made to the fact that there have been previous attempts to develop the land without acquiring planning permission. It was also stated that there has been no regard to planning controls, with structures not previously removed on site following enforcement proceedings. It was also stated that one of the containers received permission through a CLEUD and no neighbours were notified.

Response: These matters have been considered in the 'Relevant Planning History' above. The proposal seeks to replace the existing containers (one has the benefit of a CLEUD) and portacabin on site which are both immune from enforcement action. No neighbour notification is required during the processing of a CLEUD as it determines if development is lawful and does not require

planning permission. Any further unauthorised activity on site should be reported to the Council's enforcement section for investigation.

- **Neighbour notification:** One objector stated that only 6 neighbours were notified about the development and there should be a wider approach to people with interest in the site. Following amended plans being received, one objector stated that not all interested parties were re-notified.
- **Response:** Only neighbouring land which directly adjoins the application site, or which would adjoin it but for an entry or roads less than 20m in width, receives a neighbour notification. The application has been advertised as per legislative requirements. Neighbour notification letters were sent to all objectors and adjacent neighbours following amended plans being received.
- **Other Comments:** One neighbour stated that the site is cluttered with materials and that this seems incompatible with a domestic use and would not fit in the proposed garage. Another objector asked if the application is approved, could a condition be included to restrict the commercial/residential use for at least 25 years. One neighbour stated that the site is within a greenbelt therefore the development should not be permitted.
- **Response:** Conditions will be included to ensure the site is used for domestic use only and will be conditioned to be ancillary to the dwelling at No. 5 Creighton's Green Road. The site is located within the countryside therefore the application has been assessed against PPS 21.

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. Prior to the commencement of development, the existing container and portacabin as indicated in Green on drawing No. 01A shall be permanently removed from the site.

Reason: To prevent the adverse visual impact of the accumulation of buildings and structures on the site.

3. The detached garage hereby permitted shall not be used at any time other than for the purposes incidental to the residential use of the dwelling known as 5 Creighton's Green Road.

Reason: To prevent the creation of additional dwelling units.

4. The development hereby approved shall not be separated, sold off or leased from the property known as 5 Creighton's Green Road.

Reason: To ensure the building remains linked to the residential use of the main dwelling.

5. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for domestic use; and shall not be used for any other purpose without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Local Development Plan and relevant material considerations.

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

7. The existing natural screenings of this site, as indicated in orange on DRG 03A: Proposed Site Layout, shall be permanently retained at a minimum height of 3m unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 21 days.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

8. The existing mature tree, as indicated in orange on DRG 03A: Proposed Site Layout, shall be permanently retained unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 21 days.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

Informative

This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose.

Annex 1: Plans & Drawings

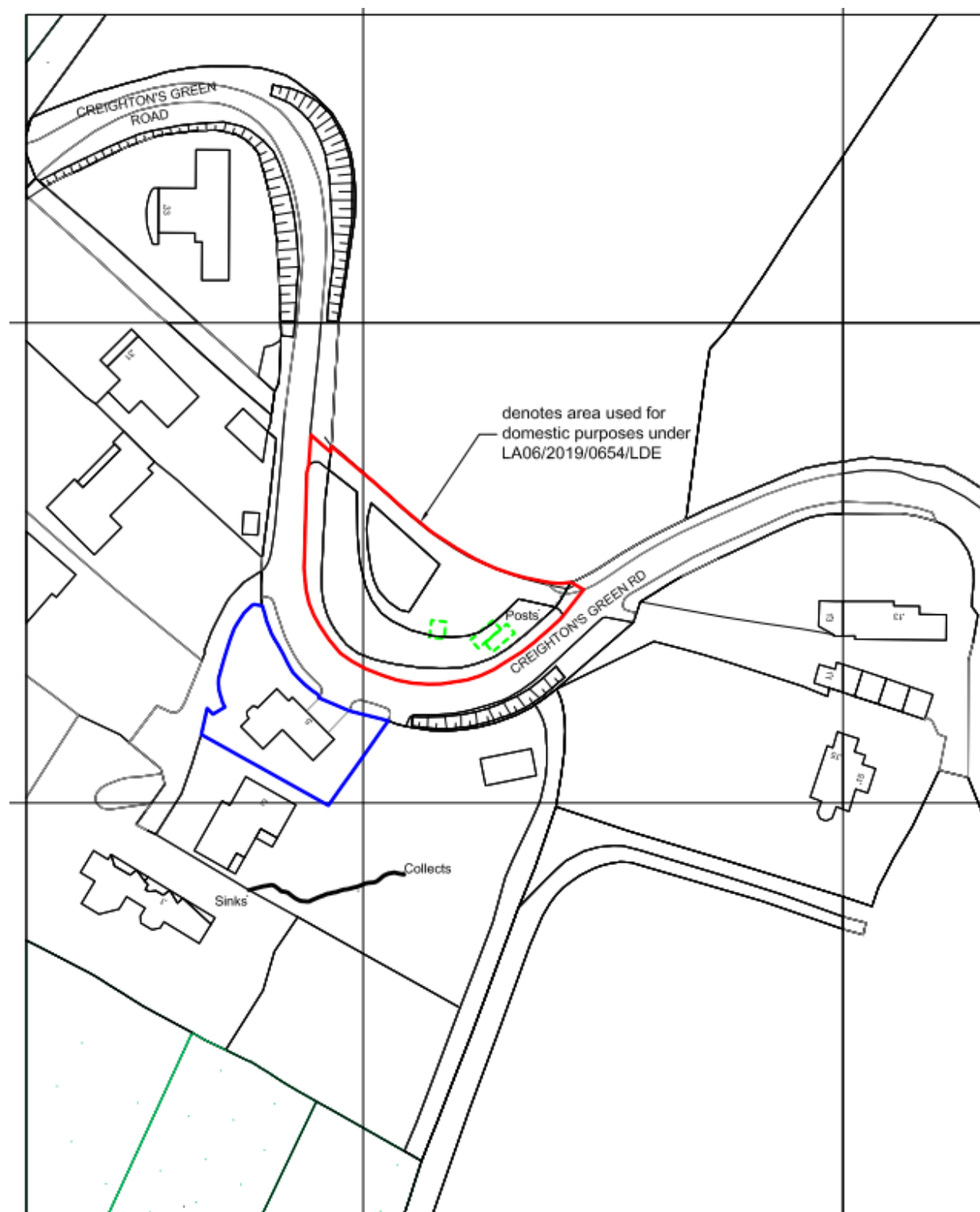


Figure 1: Site Location Plan

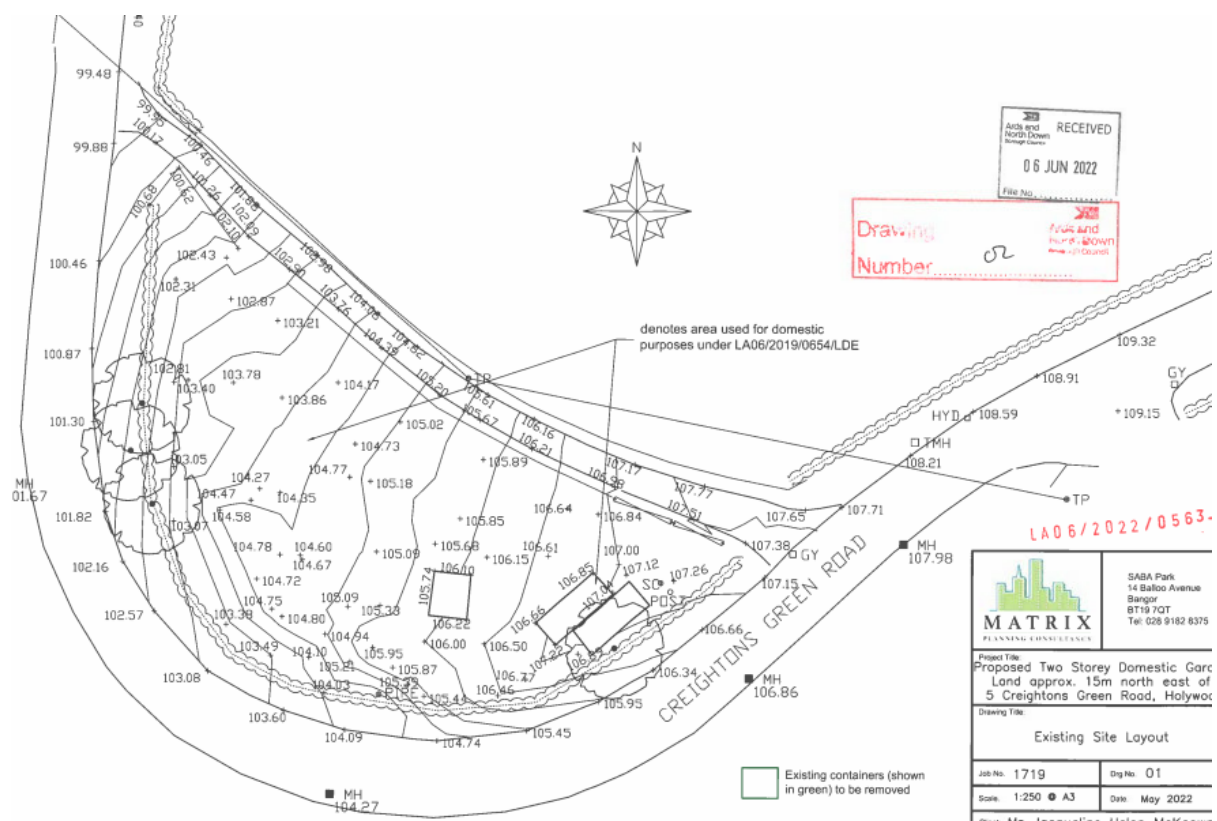


Figure 2: Existing Site Plan

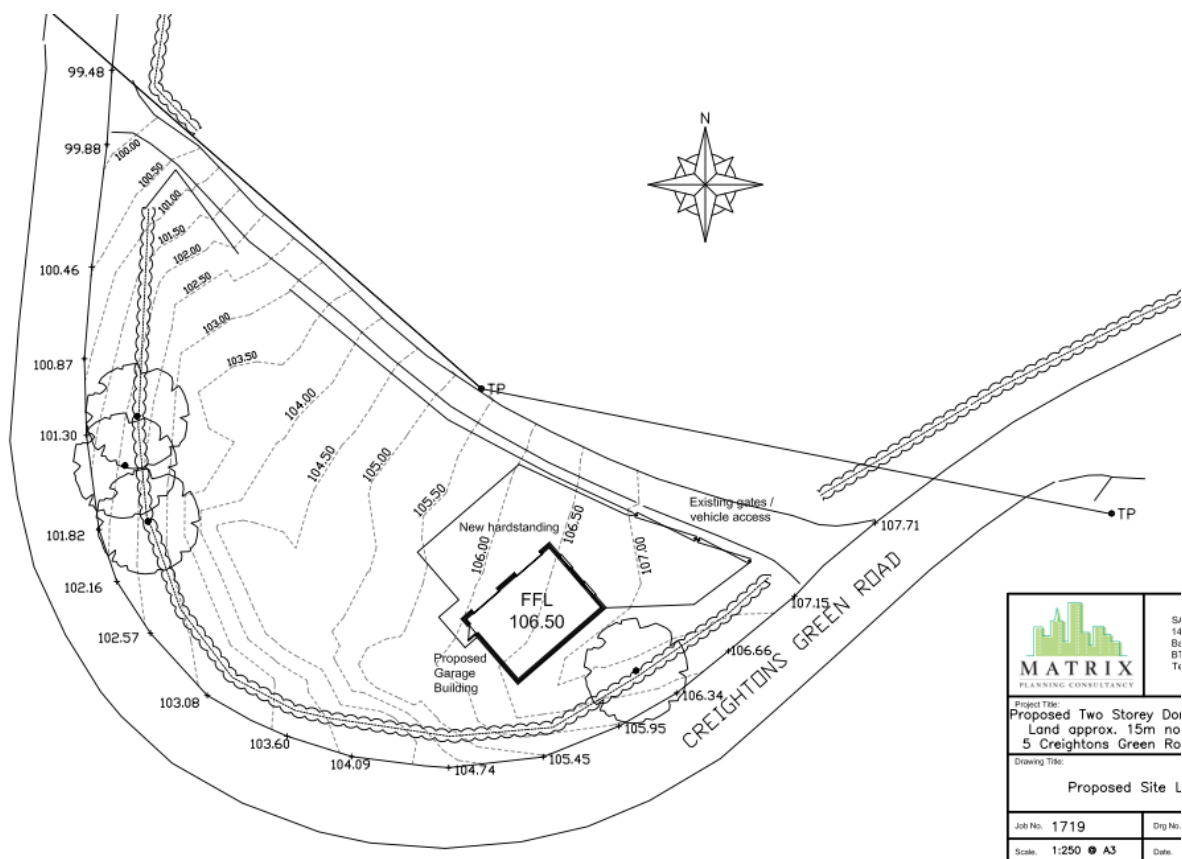


Figure 3: Proposed Site Plan

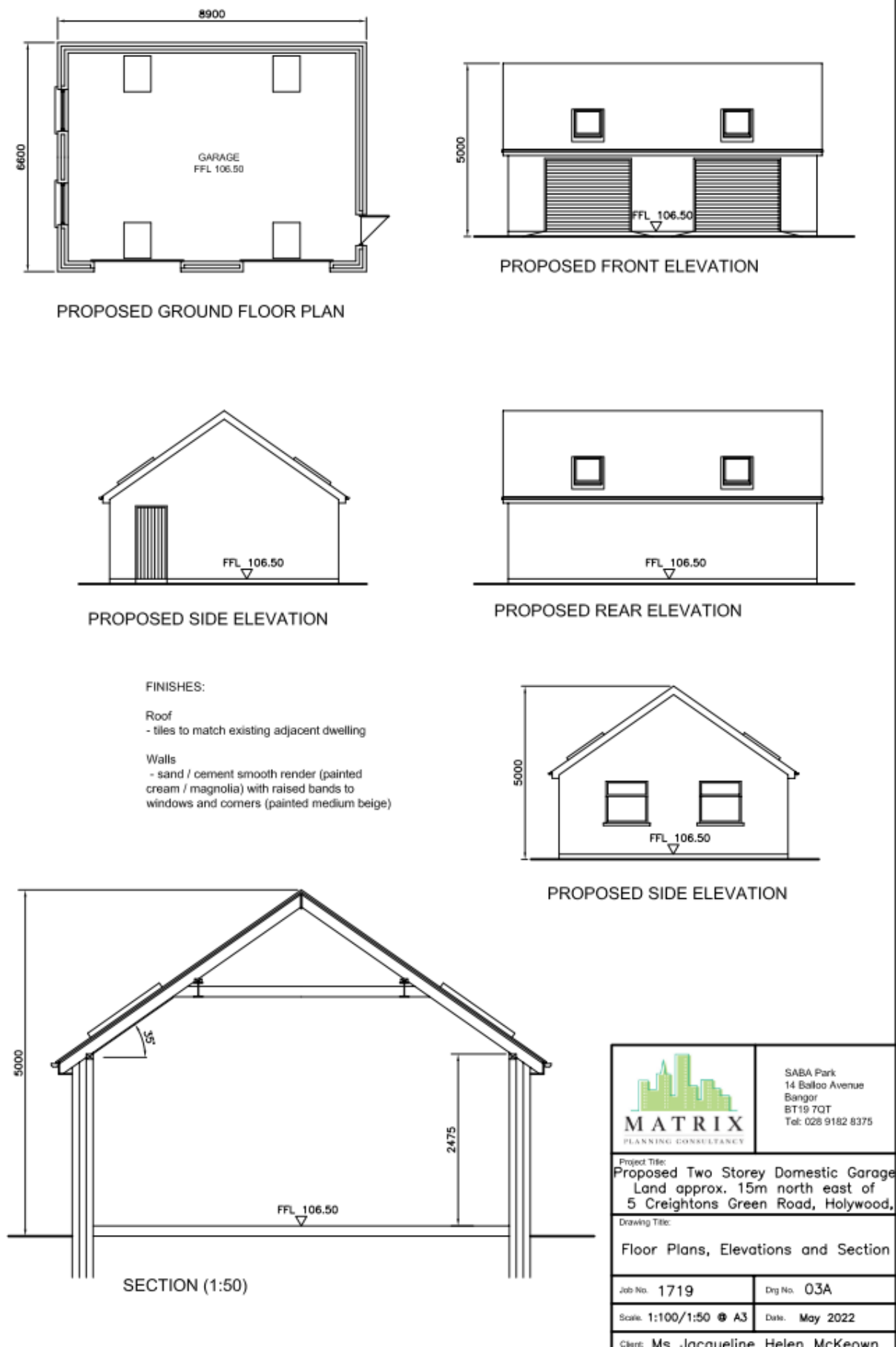


Figure 3: Proposed Floor Plans & Elevations

Annex 2: Site Photographs



Gates forming entrance to site – ROW path seen adjacent





Containers shown on site, with wire fencing and hedging bounding the site






View of site from Creighton's Gren Road (approaching from East)



View of site from Creighton's Green Road (approaching from West)



Dwelling at No. 5 Creighton's Green Road – Opposite site

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2024/0384/F	DEA: Ards Peninsula		
Proposal:	Proposed glamping site comprising 7No. glamping pods, parking, open space and associated landscaping			
Location:	Lands 100m south of 29E Carrowdore Road, Greyabbey			
Applicant:	Richard McGrady			
Date valid:	24/04/24	EIA Screening Required:	Yes	
Date last advertised:	30/04/24	Date last neighbour notified:	30/04/24	
Letters of Support: 0		Letters of Objection: 7		Petitions: 0
Consultations – synopsis of responses:				
DfI Roads		No objection		
DfI Rivers		No objection		
Environmental Health		No objection		
NI Water Strategic Applications		No objection		
NIEA - WMU		No objection		
NIEA- NED		No objection		
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of Development • Tourism and Impact on Rural Character and AONB • Impact on Residential Amenity • Parking and Access • Biodiversity 				
Recommendation: Grant Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal: Northern Ireland Public Register (planningsystemni.gov.uk)				

1. Site and Surrounding Area

The site is located in the western corner of an agricultural field which at the time of site inspection was being used for grazing. The site is accessed via an established laneway (shared by other properties) from Carrowdore Road.

The southern, western and northern boundaries are denoted by hedgerows and the eastern boundary is presently undefined.

The area is rural and consists largely of agricultural land interspersed with dwellings and farms. Due to the topography the application site is not readily visible from the road.



Figure 1: Orthophotography of the site.

2. Site Location Plan

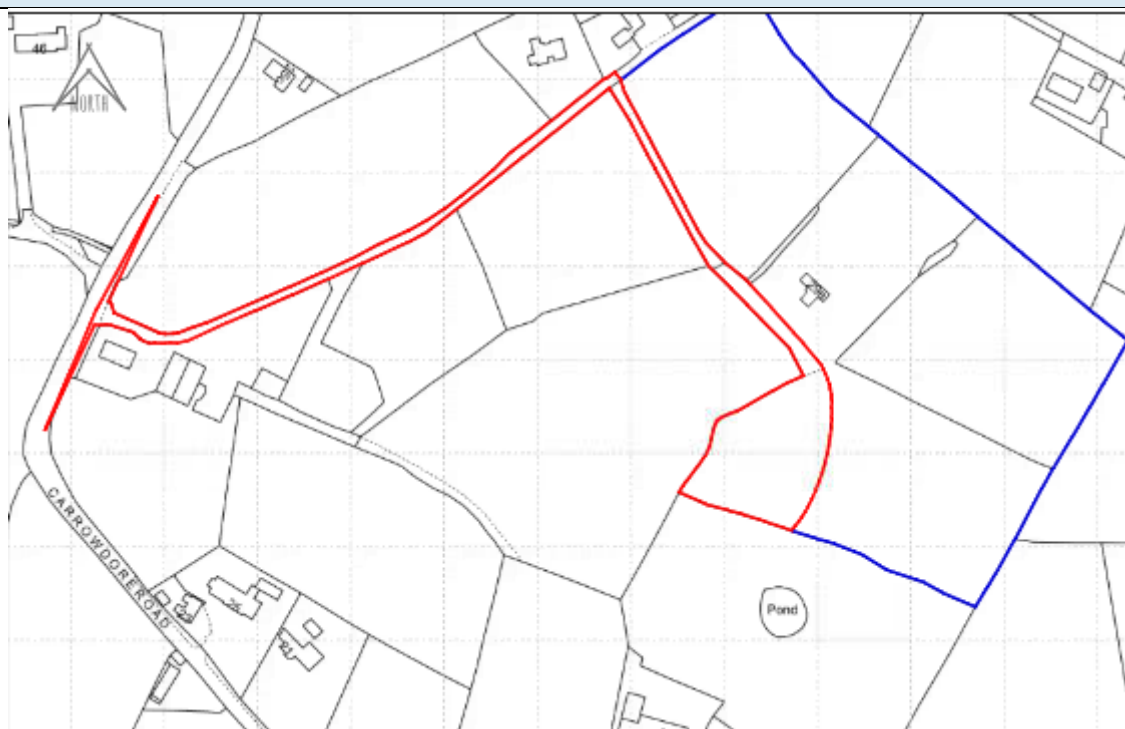


Figure 2: Site location plan
Application Site Boundary – Outlined in Red; Additional land in the applicant's ownership Outlined in Blue

3. Relevant Planning History

There is no planning history for the application site.

Surrounding area

Reference: X/2003/1501/O

Proposal: Dwelling

Address: Land opposite 27 Carrowdore Road, Greyabbey

Decision: GRANTED 19/03/2004

Reference: X/2007/0267/RM

Proposal: Dwelling

Address: Land opposite 27 Carrowdore Road, Greyabbey

Decision: GRANTED 22/12/2008

Reference: X/2010/0598/O

Proposal: Outline planning permission for one new dwelling on a farm

Address: South of 29B Carrowdore Road Greyabbey (Field 7)

Decision: GRANTED 23/09/2011

Reference: LA06/2016/0849/F

Proposal: 1no. dwelling on a farm

Address: 56m South East of 29b Carrowdore Road Greyabbey

Decision: GRANTED 22/02/2017

Reference: X/2013/0077/O

Proposal: Proposed site for detached 2 storey dwelling on a farm

Address: Adjacent to and East of no 29a Carrowdore Road Greyabbey

Decision: GRANTED 31/05/2013

Reference: X/2013/0470/RM

Proposal: Proposed detached 2 storey dwelling

Address: Site adjacent to No 29a Carrowdore Road Greyabbey

Decision: GRANTED 27/02/2014

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 (PPS2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS3)
- Revised Planning Policy Statement 15: Planning and Flood Risk (PPS15)
- Planning Policy Statement 16: Tourism (PPS16)
- Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21)

Planning Guidance:

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

Principle of Development

The Planning Act (NI) 2011 is the principal piece of planning legislation. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires in dealing with a planning application regard to be had to the Local Development Plan, so far as material to the application and to any other material considerations.

Section 6 (4) of this Act states that where regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

According to the Ards and Down Area Plan 2015 (ADAP) the site is located outside a designated settlement within open countryside.

Strategic Planning Policy

The Regional Development Strategy provides an overarching strategic framework and spatial context for development plans and planning policies. Promoting a sustainable approach to the provision of tourism infrastructure (RG4) is a key element of Guidance in the RDS aimed at underpinning sustainable economic growth.

Regional planning policies of relevance are set out in the Strategic Planning Policy Statement and Planning Policy Statements. The guiding principle of the SPPS 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 harm to interests of acknowledged importance.

In relation to development in the countryside, this is considered in paragraphs 6.61 to 6.78 of the SPPS. Paragraph 6.61 states for the purpose of the SPPS the countryside is defined as land lying outside of Settlement Limits as defined in Local Development Plans. A key objective for the countryside as set out in paragraph 6.62 is *“To maintain and enhance the attractiveness of the countryside as a place to invest, live and work, the countryside requires a sustainable approach to new development, consistent with the Regional Development Strategy 2023 (RDS).”* Relevant policies are considered below under specific topics.

Tourism

The SPPS aims to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment. A main objective is to sustain a vibrant rural community by supporting local tourism development of an appropriate nature, location, and scale in rural locations.

The SPPS states that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable and in accordance with the Development Plan and will result in high quality forms of development. Policy CTY1 of PPS21 identifies a range of types of development which in principle are considered acceptable in the countryside and which will contribute to the aims of sustainable development. It identifies that tourism proposals may be considered against the relevant tourism policies of PPS16, specifically TSM6 in this instance. Environmental Health have confirmed that the proposed Glamping Pods fall under the definition of a caravan under Section 15 of the Caravans Act (NI) and the site will require a Caravan site licence and therefore can be considered under TSM6.

It is considered that in principle there would be positive benefits to the wider Greyabbey area in terms of tourism, enhancing its offer. The proposed site is close to Mountstewart, Strangford Lough and Grey Abbey. As the current proposal embodies the essence of this policy objective, integrating with existing buildings and, falling within the definition of a Caravan, the Pods can be considered under policy TSM6 of PPS16.

Integration and Impact on Rural Character including impact on AONB

Proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access, and road safety.

Policy TSM6 of PPS16 states *“Planning permission will be granted for a new holiday park ...where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development and the location, siting, size, design, layout and landscaping of the park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.”*

The proposal is for 7 glamping pods, parking, and landscaping. Each Pod is to be constructed off site and transported to the site as a separate entity. The pods when assembled remain physically capable of being moved by road from one place to another. As per the submitted drawings the pods fit comfortably within the following dimensions (length 20m, width 6.8m, and height 3.05m). As such they fall within the definition of a caravan. Further, in this instance no amenities are required beyond that shown on the proposed plans as the pods are individually self-contained units with shower and WC.

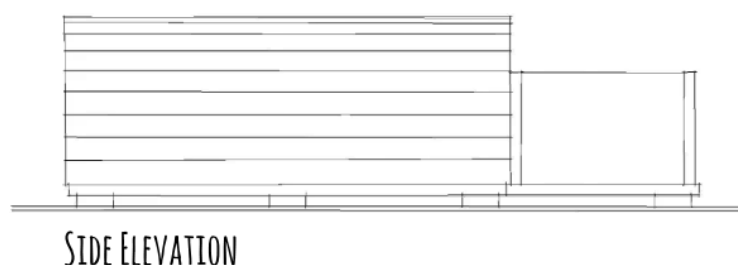
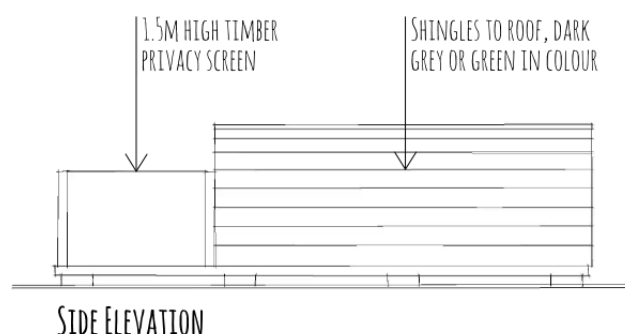
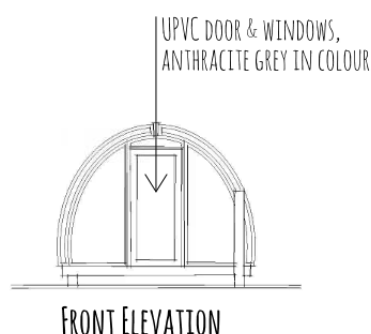




Fig 3: Proposed Floor Plans and Elevations

They are not intended for self-catering so no kitchen facilities are shown enabling visitors to support local businesses. The design of the units takes the form of an arched roof (to the ground) comprising rough sawn timber cladding with a decking area. The design finishes and materials will respect the existing/traditional nature of the site and those found locally.

The layout is similar to other glamping pod sites and the design and materials accord with criterion (e) of TSM 6.



Figure 4: Proposed site plan

It is considered that an appropriately conditioned small scale glamping pod site could be achieved without adverse impact on the character of the area given the site context. The application part of the site is set well back, circa 250m from the Carrowdore Road, with the land initially rising gently from the road. The existing hedging to the north west boundary is indicated to be retained and informal planting of oak and Rowan within the application site will help to aid integration and soften the proposal, however given the proposals distance from public view points, the glamping site is not considered to have an unacceptable impact on the visual amenity of the surrounding rural landscape.

It is therefore considered that the proposal can satisfy policy TSM 6, criterion (a) – the area having the capacity to absorb the proposed development without adverse impact on visual amenity and rural character and (b) it is capable of being integrated in the landscape through utilising the natural land topography and hedgerows.

As can be seen in the site layout and landscaping plan above, the layout is characterised by a small cluster, each pod separated by soft landscaping in the form of hedges in between. Wildflower meadow planting is proposed to surround the pods further helping to soften the proposal in accordance with criterion (d) of TSM6.

Policy TSM6, criterion (c) requires adequate provision (normally around 15% of the total site area) is made for communal open space (including play, recreation, and landscaped areas), as an integral part of the development. In this instance the proposed site plan illustrates a communal open space at the heart of the site which provides informal play and recreation areas in a high quality landscaped setting. which is considered to meet the 15% policy test. The individual pods also have their own private open space.

Policy CTY13 refers to the integration and design of buildings in the countryside. Overall, the principle of the proposal, is considered acceptable in relation to criterion (a) to (g) of policy CTY13. The proposed glamping pod site will not be prominent in the landscape, does not rely on the use of new landscaping for integration and the design of the pods and wider site is appropriate for the site and the locality.

Policy CTY14 (Rural Character) requires buildings in the countryside to cause no detrimental change to or further erode the rural character of the area. It is considered the proposed pods will not be an unduly prominent feature in the landscape and its position in a cluster with an agriculture field will not result in an suburban style build up of development, result in a suburban style build up or ribbon of development and will respect the traditional pattern of settlement exhibited in the rural area. The design, including finishes are of a high quality appropriate to its rural setting with each unit having an arched roof (to the ground) comprising rough sawn timber cladding with glazing to the front a decking area. design, finishes and materials will respect the existing/traditional nature of the site and those found locally. The proposals having regard to local distinctiveness in line with Policy Guidance, specifically the requirements of Policy CTY3, CTY14 and within Building on Tradition.

TSM7 sets out a list of general design criteria for all tourism development which the proposal is considered to comply with. The proposed development is compatible with surrounding land uses and neither the use and a glamping site or built form will detract from the landscape quality and character of the surrounding area, given the rural location. Beyond the applicants host dwelling (29E), the nearest dwelling is located circa 150m to the south, with the next nearest cluster of dwellings (No's 21-25 Carrowdore Road) located 220-280m to the south west. The combination of generous separation and retained intervening mature boundary treatments, together with pod orientation and modest numbers ensures no adverse effects on residential amenity. It will not adversely affect features of the natural or built heritage. There are no issues regarding road safety or traffic flow. Overall, it is considered that the proposal in principle meets the requirements of this policy and has the potential to create a high quality and sustainable form of tourism accommodation.

Residential Amenity

Representations have been received in relation to the potential of the application to cause noise and disturbance to current residents both from the use of the site for glamping and from traffic on the lane. The separation distance to neighbouring properties will help to alleviate any potential noise and disturbance and will ensure privacy is not harmed. Whilst it is recognised there will be an increase in traffic along the

laneway there should be no unacceptable detrimental impact in terms of noise and disturbance.

The applicant's dwelling is the closest residential property to the application site, and it sits circa 50m from the proposed site entrance. The nearest dwelling, 19 Carrowdore Road, is located circa 150m to the south, 29B circa 190 to the north east, 27, 27A and 27B located circa 202m – 232m north west, No's 21-25 Carrowdore Road located circa 220-280m to the south west. The combination of generous separation and retained intervening mature boundary treatments, together with pod orientation and modest numbers ensures no unacceptable adverse effects on residential amenity.

In terms of noise Environmental Health have been consulted who have no objections.

Water & Sewerage

For such sites, criterion (g) of TSM6 requires mains water supply and sewerage services must be utilised where available and practicable. The submitted P1 application states the water supply will be mains and the site is to be served by a package treatment plant. NI Water been consulted and have no objection to the proposals subject to standard and specific Conditions. WMU 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 Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained.

Access & Parking

Access to the proposal is via an existing established lane which is also currently used to access a number of dwellings. DFI Roads have been consulted and have no objections subject to the site splays being permanently retained.

Objections have been received raising concerns about the safety and narrow width of the existing lane. The width of the lane varies along its extent from approximately 4.5m at its narrowest point to 6.8m at its widest. The Creating Places Guidelines for residential developments provides some useful guidance on recommended minimum widths of carriageways. A 5.5m minimum width is recommended for access roads which allows for one service vehicle to pass another. It is also advised that carriageway narrowing to a minimum width of 4.8m still allows for a car and a service vehicle to pass and that this narrowing is allowed on access roads serving up to 200 dwellings provided it is for short lengths of around 20m. While the width of the lane drops below the 4.8m for a stretch around the middle section of the lane, there are no accesses out onto this section. I am content that there are sufficient stretches of the laneway which exceed both the 4.8 and 5.5m recommended minimum widths which would allow for vehicles to safely pass each other.

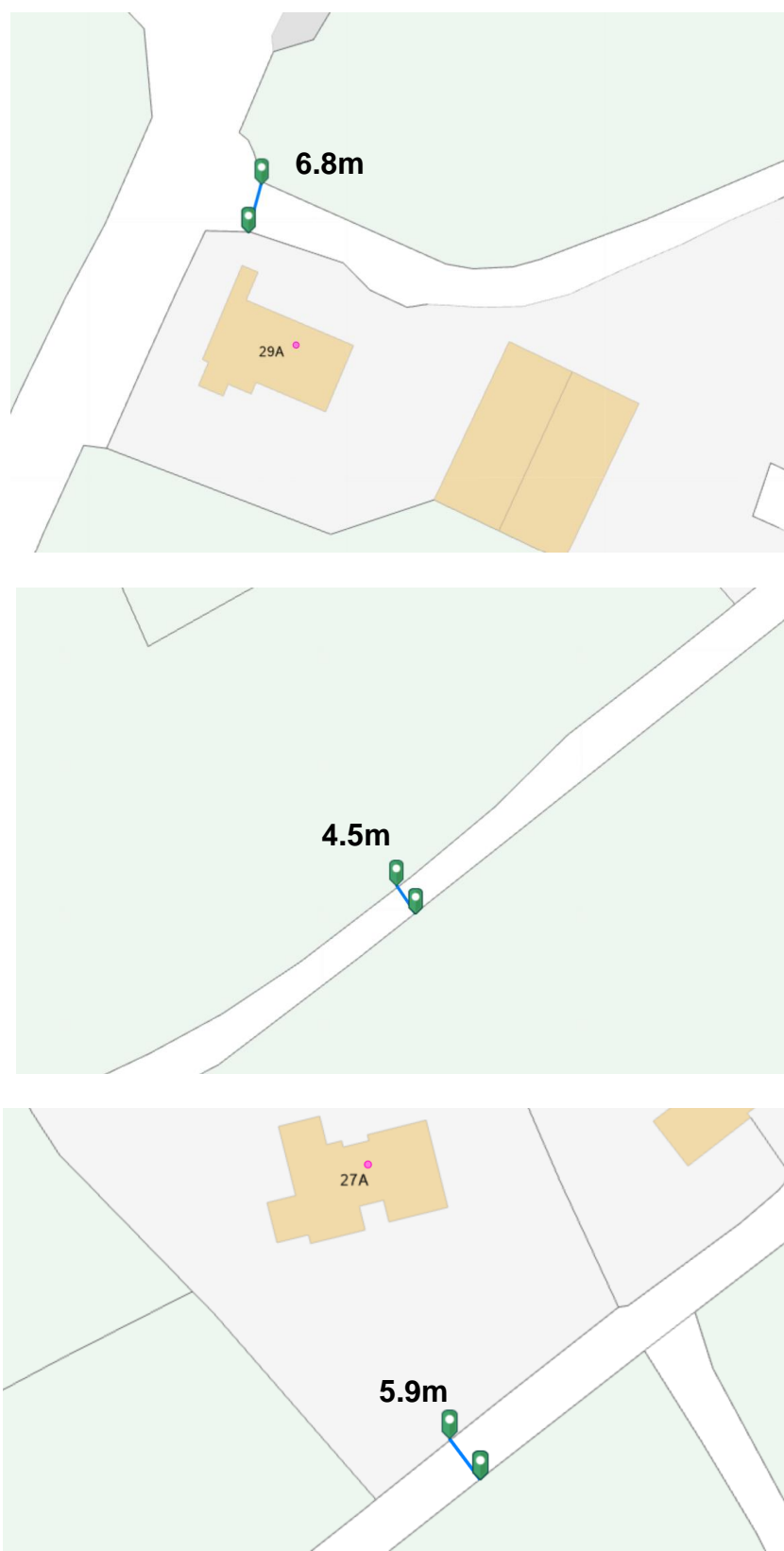


Figure 5 – Varying widths of lane

A total of 12 parking spaces are proposed which is in line with Parking Standards requiring 1 space per pitch (Pod) plus one space per staff. There would be space for

additional cars given the spacious site. It is therefore considered the Policy requirements as set out in PPS3 are satisfied.

Designated Sites and Natural Heritage

Part 1 of NIEA's Biodiversity Checklist was used as a guide to identify any potential adverse impacts on designated sites. None were identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In terms of protected and priority species, Part 2 of the Checklist was referred to and identified that an ecological statement was required. The statement concluded that, no further survey work was required.

A ecological statement was completed by Kerry Leonard, BSc, MSc, MCIEEM OF Sterna Environmental limited. *'Preliminary assessments are not expected to find or identify every species present or provide a detailed vegetation survey. Although this is a preliminary assessment all relevant full DAERA survey guidelines were followed, particularly Badger Meles meles and Otter Lutra lutra survey guidelines, so that the site was properly and fully assessed for those species as part of the NI Biodiversity Checklist process'*

The report considers (amongst others) badgers and found no evidence or other refuges within the survey area. A badger latrine (likely marking a territorial boundary) was found in the far corner of the field 75m outside of the red line. The site was assessed to have low foraging potential for bats and there was no evidence of other protected species on the site. No further survey work was required.

NIEA NED have been consulted and have no objections.

The proposed surfacing for parking areas is porous. It is considered that the proposal complies with policies NH1, NH2 and NH5 of PPS 2.

Built Heritage

There are no historic built environment features such as listed buildings and archaeological sites in close proximity or protected trees avoiding conflict under criterion (f) of TSM6.

Flooding

DfI Rivers have been consulted and considered the proposals under the relevant policy of the SPPS and PPS15. DfI Rivers have confirmed Flood Maps (NI) indicate that the proposed development lies outside of the 1 in 100 year fluvial flood plain. Under policy FLD3, while the proposals do not exceed any of the thresholds requiring a Drainage Assessment, with porous materials to be used for surfacing etc it is the applicant's responsibility to assess the flood risk and drainage impact and mitigate any risk. Policies FLD 2, FLD4 and FLD5 are not considered applicable to this site.

5. Representations

The main points in the objections have been highlighted below and those not already considered in the relevant sections of the planning report above are considered below.

- *Traffic/suitability of lane/use of lane/speed of vehicles on lane/blind spots on lane*

DFI Roads have been consulted on this application and have no objections. The lane is not owned by the applicant and certificate C has been completed on the application form and notice served on 2no. persons on 24/04/2024. Matters relating to the ownership of the private laneway are a civil matter. Granting of planning permission does not confer title of the lane and does not purport to convey any other approval or consent which may be required.

- *Impact on local environmental and wildlife*

Considered above

- *Noise, privacy and general disturbance*

Considered above

- *Littering and dogs causing health and safety concerns*

Public littering and dog behaviour are not material planning considerations. Any concerns once the facility has commenced operation should be reported to the Council's Environmental Health Department for investigation under separate legislation.

- *Right of way does not allow for further development on this site*

Planning permission does not purport to convey any other approval or consent which may be required.

- *Light pollution*

Environmental Health have been consulted on this application and have raised no concerns regarding light pollution from the proposed glamping site. The proposed site plan shows the number and positions of outdoor lighting to be included within the site. These are Hooded and directional external lights erected above the front door beneath the projecting roofs of the pods and low level hooded/louvered and directional lighting to all pathways. Given the separation distances to residential properties and the small scale nature of lighting proposed there is not considered to be an unacceptable level of light pollution from the proposal.

- *Potential for drainage problems*

Considered above

- *Design and access statement is misleading and inaccurate, it notes that TSM6 is positively worded in that provision for a holiday park “will be granted”. This is not an application for a “holiday park” and therefore is irrelevant to this application.*

Considered above. Glamping Pods fall within the definition in the Caravan Act.

- *Given pending and previous approvals, the current application appears to be overdevelopment and would adversely affect the immediate area.*

I am satisfied that the approval of the development will not result in any adverse impact on the area when considered cumulatively with other extant planning permissions in the immediate area.

- *Twelve car parking spaces are noted with the potential of up to forty-eight persons being on site (4 per car) and even taking it that there are only two persons per pod there would be a minimum of fourteen.*

Considered above

- *No passing places are incorporated along the proposed access lane. Any places where passing can take place are on land not owned or controlled by the applicant. They are on private property over which the applicant has no right of way.*

Considered above

- *It is noted that there is no site office indicated on the proposed site plan. From where is this proposed site to be administered and from where is it proposed to be maintained? From the adjacent dwelling being built by the applicant? Is it acceptable for a business to be run from this dwelling or from what appears to be a home office already on-site?*

The agent has confirmed that the business will be administered from the applicant's address. No additional staff or vehicles will be required. Annex A of PPS 4 allows for 'homeworking' from a residential dwelling where the overall character of the property's use as a single dwelling remains and this is expected to be the case in this instance. It would be common practice for many small scale glamping pod sites to be managed from the owners adjacent property.

- *The Checklist at Part 1 Section 7 indicates that the site is not greater than 0.5 hectares. Yet at Part 4 it details the size of the site as 0.74 hectares. What are the implications of the site being greater than 0.5 hectares and incorrect details being provided?*

It is acknowledged that Part one section 7 of the submitted biodiversity checklist is answered 'No' (Development in a rural location on a site greater than 0.5 Hectares in area.). However, the accompanying Ecological statement recognises the site as

0.74Ha. There are no implications of this inconsistency as the Ecological Statement has been completed and accepted by NIEA NED. EIA screening has also been completed given that the site is over 0.5 hectares (exceeds the threshold for screening under category 10 (B) of the EIA Regulations.

- *At Part 2 Section 4 would gorse not have to be trimmed back over time, therefore should the answer to this be "Yes"?*

Part 2 of the biodiversity checklist identifies scenarios where development proposals may impact on these species and where survey information may reasonably be required. If 'yes' is ticked to any of the questions an Ecological Statement is required. This has been completed. The NED response provides advice to the applicant stating, 'NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.'

- *Ecological Statement and Supplemental Notes were carried out on 28th February 2024. Given that this was in the depths of a very wet winter would the survey be totally representative of the ecology of the site. Would it not also be appropriate to carry out a further survey at a different time of the year to obtain a fully representative survey.*

The Biodiversity Checklist is intended to provide a 'step by step' tool which is aimed at applicants and their agents to use to identify what potential biodiversity impacts their development proposal may have and what ecological assessments or surveys would reasonably be required to be submitted with their planning application. Guidance does not require the list to be completed or repeated at particular times of the year.

- *Under Methods in the Ecological Statement and Supplemental Notes there is reference to "a careful examination" within the site and a minimum 25 metre buffer. As the writer of the report did not request permission from at least one of the owners to access this buffer zone, how was this assessment carried out? The Ecological Statement and Supplemental Notes includes a series of site photos. There is no map or index indicating to which areas of the site or outside the site the photos refer. It is therefore quite difficult to be certain to what the photos relate and are therefore of limited use in this application.*

The ES has been prepared by a qualified ecologist and no further information has been requested from NIEA NED.

- *Generally, this application would alter the character and landscape to such an extent that it should not be granted and there is limited if any benefit to the local community.*

Considered above

- *Water pollution/Low water pressure*

NIW have been consulted, and they have no objections to the proposal. Low water pressure is a matter for consideration of NIW.

- *Flooding of neighbouring fields during winter storms and risk of sewerage forced across the area destroying agricultural lands, clean watercourse and ecosystems.*

Considered above

- *Bats, badger's foxes owls and red squirrels have been seen adjacent to the proposed site.*

NED have recognised that badgers are active in the area so there is a probability that badgers will utilise the site as a foraging group. They advise that there is a possibility that a badger sett could appear within the site boundary, should this occur before or during the development phase the applicant should contact their ecologist or the NIEA Wildlife Team.

- *Safety of current residents on lane*

No concerns have been raised from DFI roads regarding safety on the current lane.

- *Run off of any contamination of this ground would run directly into strangford lough conservation area with further disastrous results for thousands of feeding fish and bird life.*

DFI rivers and NIEA Water Management unit have no objections to the proposal. WMU have referred the applicant to standing advice.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The visibility splays as shown on drawing no. 03, shall be permanently retained

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

3. All lighting shall be installed prior to commencement of use of the development hereby approved in accordance with the details as indicated on Drawing No. 02 and shall be permanently retained as such thereafter.

Reason: To ensure that the level of lighting will not result in any adverse impact on adjacent residential properties.

4. All hard and soft landscaping works shall be completed in accordance with Drawing No. 02 and the approved British Standard or other recognised Codes of Practice during the first available planting season after the erection of any glamping pod hereby approved.

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

5. Existing mature hedges along the North West boundary shall be retained, as indicated in green on Drawing No.02 and protected during construction, in accordance with British Standard 5837:2012. If within 3 years of commencement of development any identified hedge is removed, uprooted, or destroyed or dies, or becomes in the opinion of the Council, seriously damaged or defective, another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the continuity of biodiversity afforded by existing hedges.

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

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

7. The 'Glamping Pods' hereby permitted shall be used only for holiday letting accommodation and shall not be used as permanent residences.

Reason: The site is located within a rural area where is it the policy of the Council to restrict development and this approval is hereby granted solely by reason of its proposed tourism use.

8. No development shall take place on-site until a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site or the water environment.

9. All parking for the proposed development, as shown on Drawing 02 shall be provided prior to operation of any part of the development hereby approved and shall be permanently retained thereafter.

Reason: To ensure adequate parking on the site.

8. Informatives

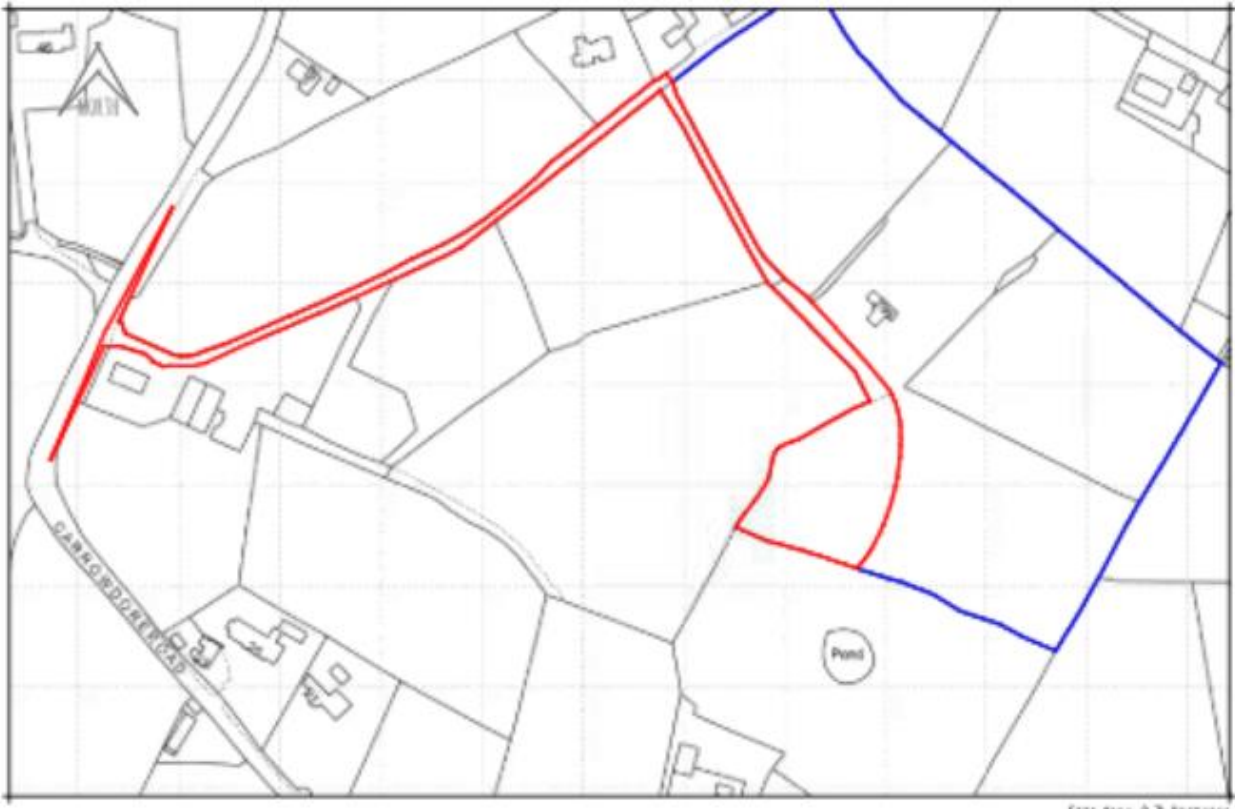
1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other Conditions, Informatives, Advice or Guidance provided by consultees,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

2. The proposed site will fall under the Caravans Act 1963 so shall comply with The Model Licence Conditions for Caravan Sites made under the legislation and will require a licence from the Council. This should be applied for once the Site Operator has obtained planning consent and is satisfied the appropriate amenities and fire prevention/protection measures stipulated in the Model Conditions have been provided.

Further information and an application for can be obtained on request by contacting: EHP&Dadmin@ardsandnorthdown.gov.uk.

3. The applicant shall ensure that all onsite Glamping Pods comply with all requirements and fire safety standards as specified in Section 5 of the N.I.F.R.S Fire Safety Guide for Caravan Site Operators available at www.nifrs.org.

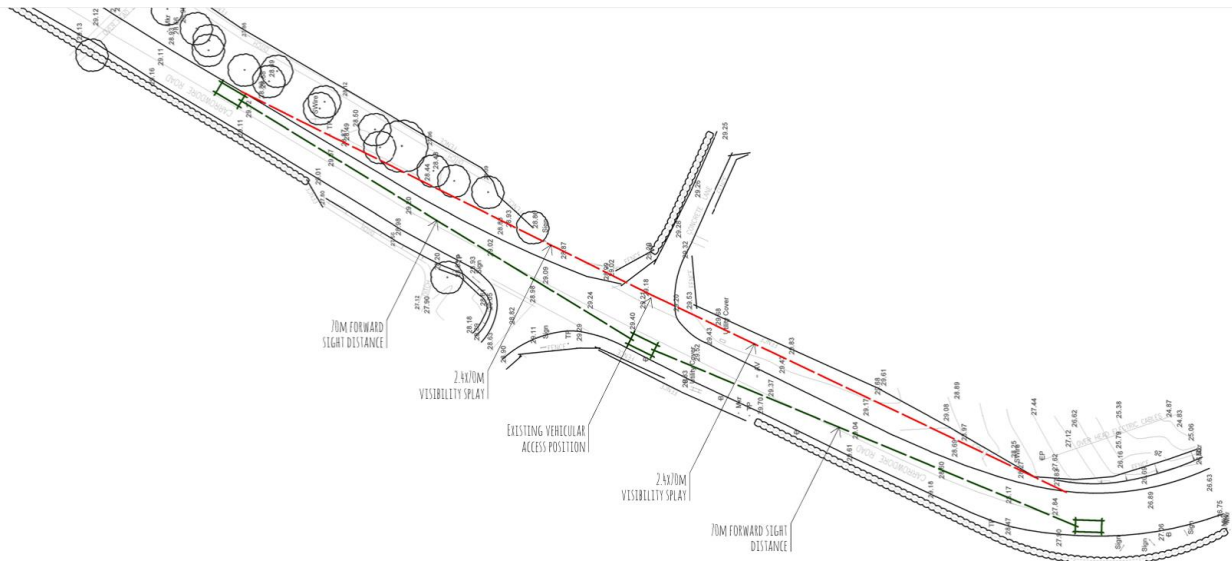
Annex 1



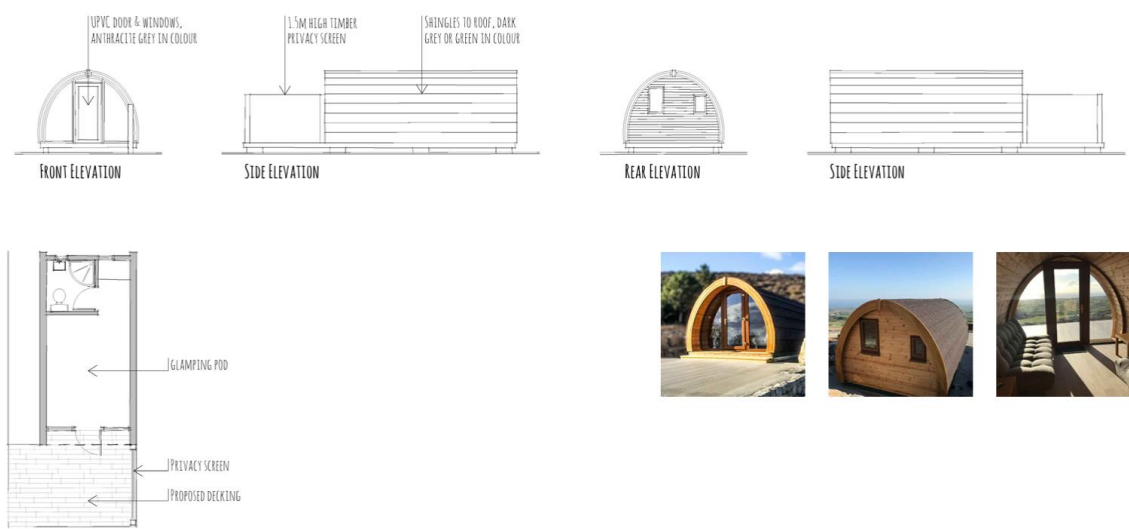
Drawing 01 – Site location plan



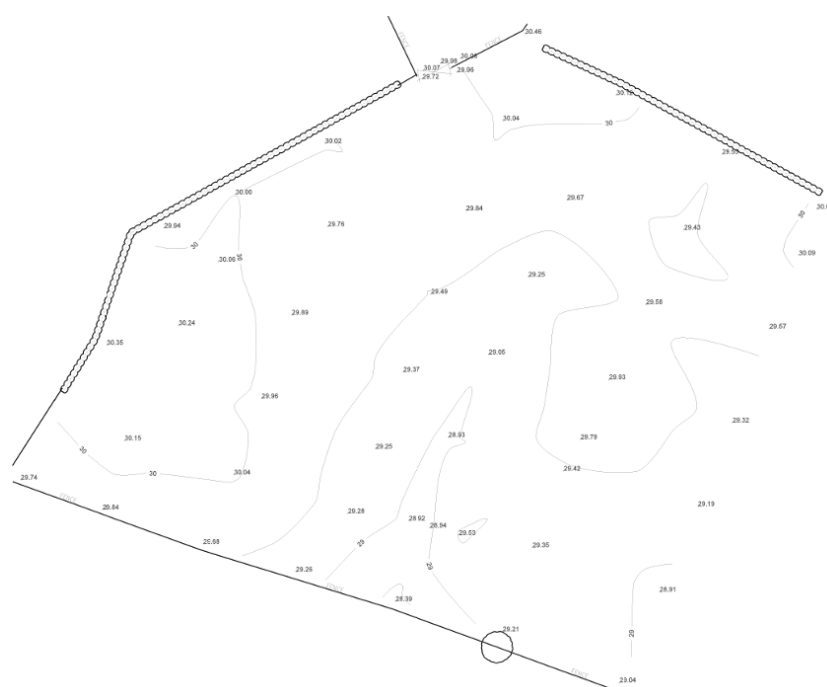
Drawing 02 – Site layout



Drawing 03 – Access detail



Drawing 04- Proposed plans and elevations



TOPOGRAPHICAL SURVEY BY LSS - JANUARY 2024


Drawing 05 – Site Survey



View 01 – Looking towards site from Carrowdore Road (adjacent to 21 Carrowdore Road) - site is located 3 fields back and not visible



View 02 – Looking towards site from 17 Carrowdore Road – site located 3 fields back on lower ground and not visible

Development Management Case Officer Report				 Ards and North Down Borough Council	
Reference:	LA06/2023/2476/F	DEA: Holywood & Clandeboye			
Proposal:	Community growing space with shed, polytunnel, fencing and associated works	Location:	Lands 93m east of 47-55 Firmount Crescent, Holywood		
Applicant:	Ashley Burns				
Date valid:	13/02/2024	EIA Screening Required:	No		
Date last advertised:	07/03/2024	Date last neighbour notified:	02/05/2025		
Consultations – synopsis of responses:					
Environmental Health		No objection subject to conditions			
DAERA Regulation Unit		No objection subject to conditions			
Letters of Support	0	Letters of Objection	0	Petitions	0
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of Development • Design, Visual Impact and Impact on Character of the Area • Residential Amenity • Access and Roads Safety • Designated Sites and Natural Heritage Interests • Other Planning Matters 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal planningregister.planningsystemni.gov.uk/simple-search					

1. Site and Surrounding Area

The application site is located on the eastern edge of Redburn Country Park adjacent to the existing Council Depot and the dwellings at Firmount Crescent. The area is currently open ground made up of open grassland and scrub.

The site is located within the settlement limit of Hollywood and is also located within an Area of Existing Recreation and Open Space (OS/HW/0023), Redburn Country Park (ND/CP02), Redburn Local Landscape Policy Area (HD 19), Site of Local Nature Conservation Importance (SLNCI) (HD 13/05) and Area of Constraint on Mineral Developments (ND 08/12).

There is residential development to the west, trees and a cemetery to the north and Redburn Country Park to the east.

2. Site Location Plan



3. Relevant Planning History

No planning history on site.

4. Planning Assessment

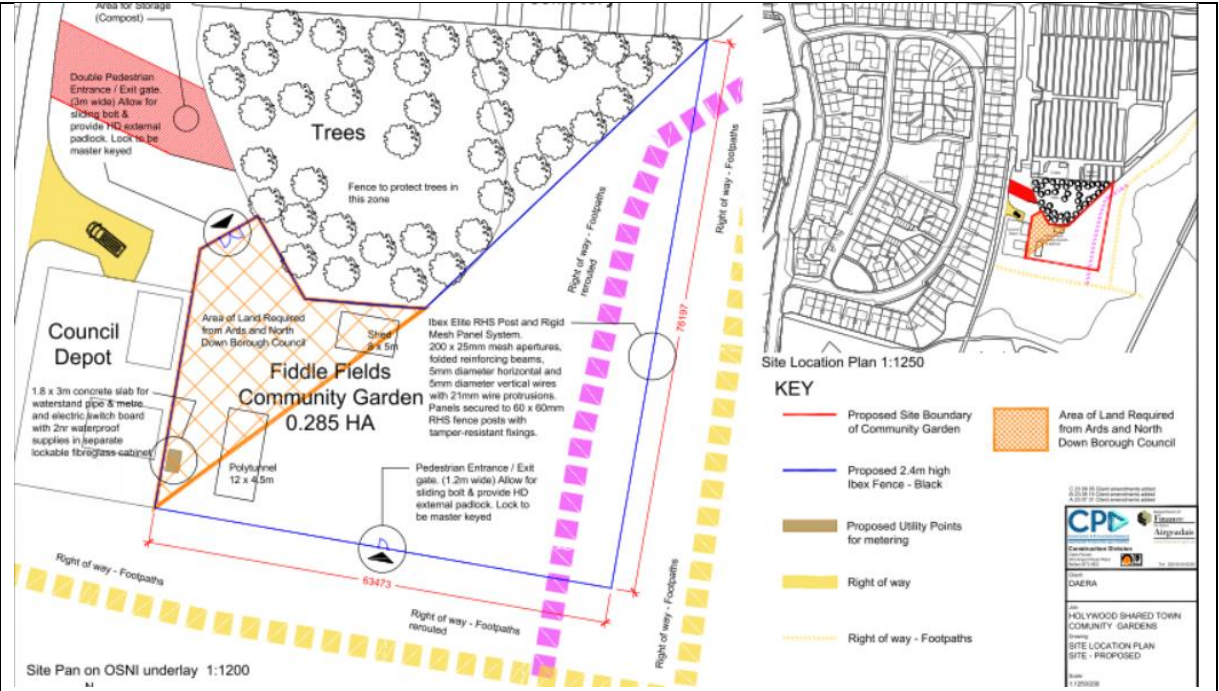
The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (DBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

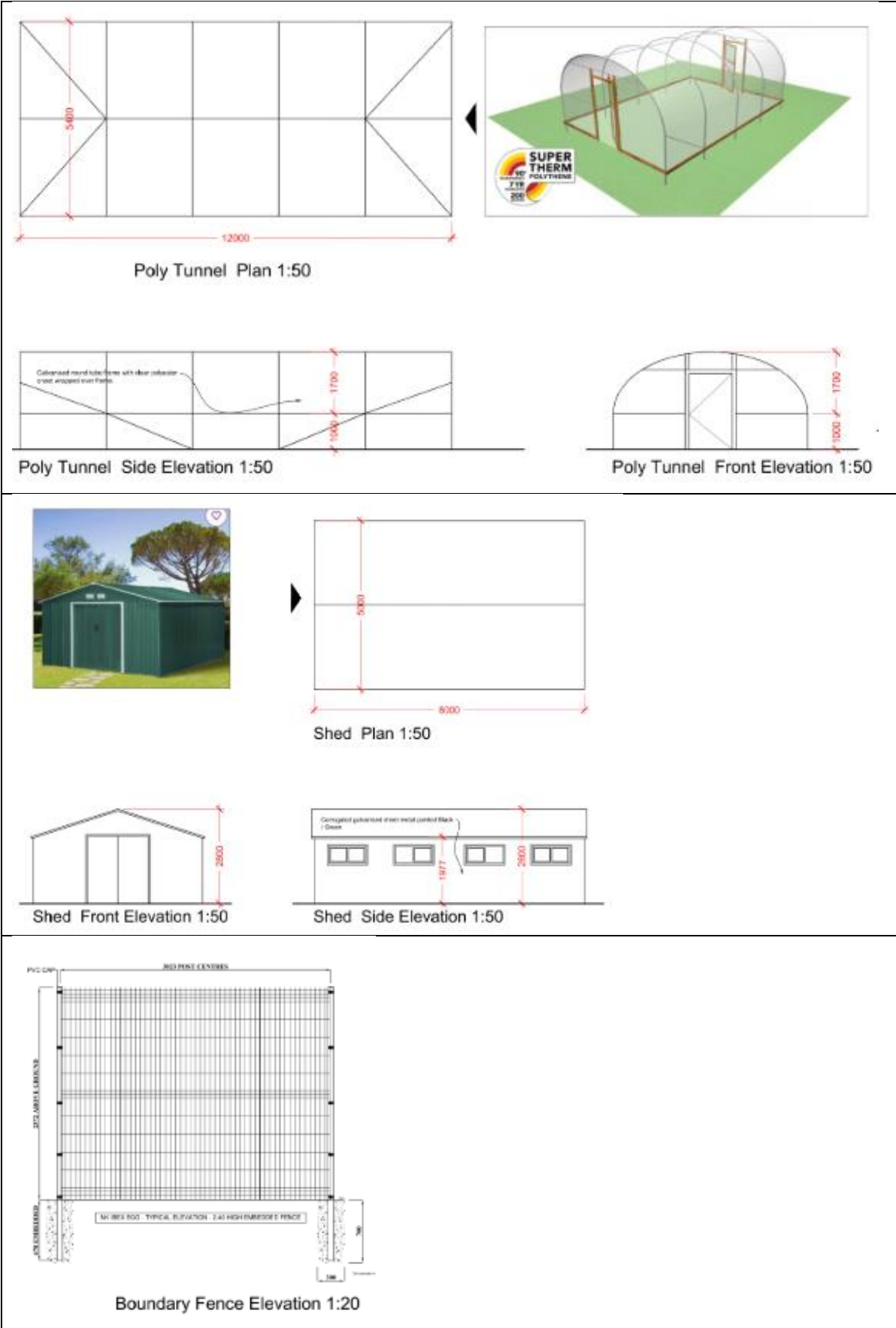
Principle of Development

The proposal involves the use of an area of existing open space as a community garden. The site is partially owned by the Council and therefore it will go before the Planning Committee.

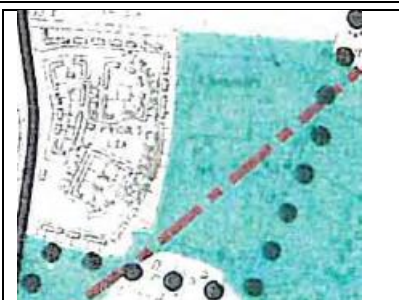
The proposed structures on the site include a shed and a polytunnel and these will be erected to the east of the existing Council Depot. A 2m high mesh fence is also proposed around the boundary of the community garden.



Proposed site plan



Proposed Structures



North Down and Ards Area Plan 1984-1995

The North Down and Ards Area Plan 1984 - 1995 (NDAAP) operates as the LDP for the area. The site was identified as proposed open space and a special road is identified through the site.

In Draft BMAP 2015, the site was identified as an 'Area of Existing



Draft BMAP 2015

Open Space' and a 'Site of Nature Conservation Importance and Area of Constraint on Mineral Developments'.

The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently it must be disregarded. A further consequence of the Court of Appeal judgment is that the draft BMAP (dBMAP), published in 2004, is a material consideration in the determination of this proposal.

It was confirmed by DFI at a meeting of the Strategic Planning Group on 19 September 2019 that the Department had not abandoned work on BMAP. The DFI's then Chief Planner clarified in his update of 25 November 2019 that the draft BMAP remains as an emerging plan and, as such, the draft plan, along with representations received to the draft plan and the PAC inquiry reports, remain as material considerations to be weighed by the decision-maker.

It does not appear that any objections were received to the designations of Open Space Sport and Outdoor Recreation in the North Down Area. Therefore, it is likely that when dBMAP is lawfully adopted, the designation of the site as an 'Area of Existing Open Space' will be adopted.

Policy OS 1 of draft BMAP 2015 relates to the protection of land for the provision of open space. The Adoption Statement considered objections to Policy OS 1 and recommended that the policy is omitted from the Plan. The Department accepted this recommendation and therefore it is likely when BMAP is adopted that this policy will not be included.

The assessment of the proposal will be subject to the policies in Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation.

Policy OS 1 of PPS 8 relates to the protection of open space. Development will not be permitted if it would result in the loss of existing open space. As previously stated the site is zoned as being existing open space. The proposal is for a community garden.

A definition of open space is provided at Annex A of the policy. In paragraph A2, (vii) allotments and community gardens is stated as a type of open space which is of public value. The proposal therefore does not involve the loss of any open space.

Hollywood Shared Town Chair advised that the area will be used to grow vegetables, along with some fruit. They may also grow decorative flowering plants to bring additional colour to the space. The principle of the community growing space is that the produce will be distributed to those local volunteers who are involved in its production. They intend to have sufficient produce to enable other members of the community to enjoy healthy, organic fruit and vegetables that are grown on site.

To ensure that the area will remain as open space for community use, it has been sited to avoid any disruption of access to the forest park and to ensure that the existing paths and dog walking routes remain fully accessible.

Hollywood Shared Town is a charity with its purpose being to forge and grow relationships between organisations and individuals in the Hollywood Area. They carried out an independent public consultation which involved a series of public consultations and meetings to gauge community views and surveys to ascertain participation. The project will follow their community development principles and already has a sizeable number of interested volunteers/participants eager to get involved.

Design, Visual Impact and Impact on Character of the Area

A double pedestrian entrance is provided on the northern side of the Council Depot site. An area for storage of compost will be provided at this location.

The two proposed structures, the shed and polytunnel, are of low elevation and are not of such scale to be obtrusive in the landscape. The backdrop of the rising land and the adjacent trees provide landscaping which will integrate the proposed development.

A 1.8 x 3m concrete slab is proposed for a waterstand pipe and metre and electric switch board with 2 no. waterproof supplies in separate lockable fibreglass cabinet.

2m high mesh fencing will enclose the site with only pedestrian gates into the site.

Overall, it is considered that the scale, massing and design of the proposal is acceptable and will not detract from the overall character and quality of the surrounding area.

Impact on Residential Amenity

The site is suitably removed from the residential properties in in Firmount Crescent and as it is located to the rear of the Council Depot, views of the proposed structures will be limited as the Council Depot is bounded by a mature hedgerow.

The separation distance between the community garden and the private amenity areas will prevent an unacceptable adverse impact on residential amenity.

Access, Road Safety and Car Parking

Parking and vehicular access to the site is not proposed as the site is to be utilised by the local community. Users will arrive on foot and therefore no parking is required.

Archaeology and Built Heritage

There are no archaeological, built heritage or landscape features to protect or integrate into the overall design and layout of the development.

Designated Sites/Other Natural Heritage Interests

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify 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 been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

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 be reasonably required. The proposal does not involve the demolition of any buildings or removal of trees.

Contamination

The site of the proposed development is located in close proximity to Redburn cemetery. This land use type has the potential to contaminate land and pose a risk to human health. Subsequently there exists the possibility that this land may present a risk to human health if the development proceeds without proper consideration of these risks.

A Preliminary Risk Assessment (PRA) has been provided by Tetra Tech in support of this application. Tetra Tech identify no potentially complete pollutant linkages at the site and the overall risk associated with the proposed development is assessed as very low to low. Regulation Unit (RU) Land and Groundwater Team and the Council's

Environmental Health Department have considered the submissions and offered no objection subject to conditions.
5. Representations
No letters of representation have been received.
6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease, and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed in writing with the Council, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors and public health to ensure the site is suitable for use.</p> <p>3. After completing all remediation works required, and prior to operation of the development, a verification report shall be submitted to and be agreed in writing with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks. The verification report shall present all the remediation, monitoring and waste management works undertaken and demonstrate the effectiveness of the works in managing all development wastes and risks and in achieving the remedial objectives.</p>

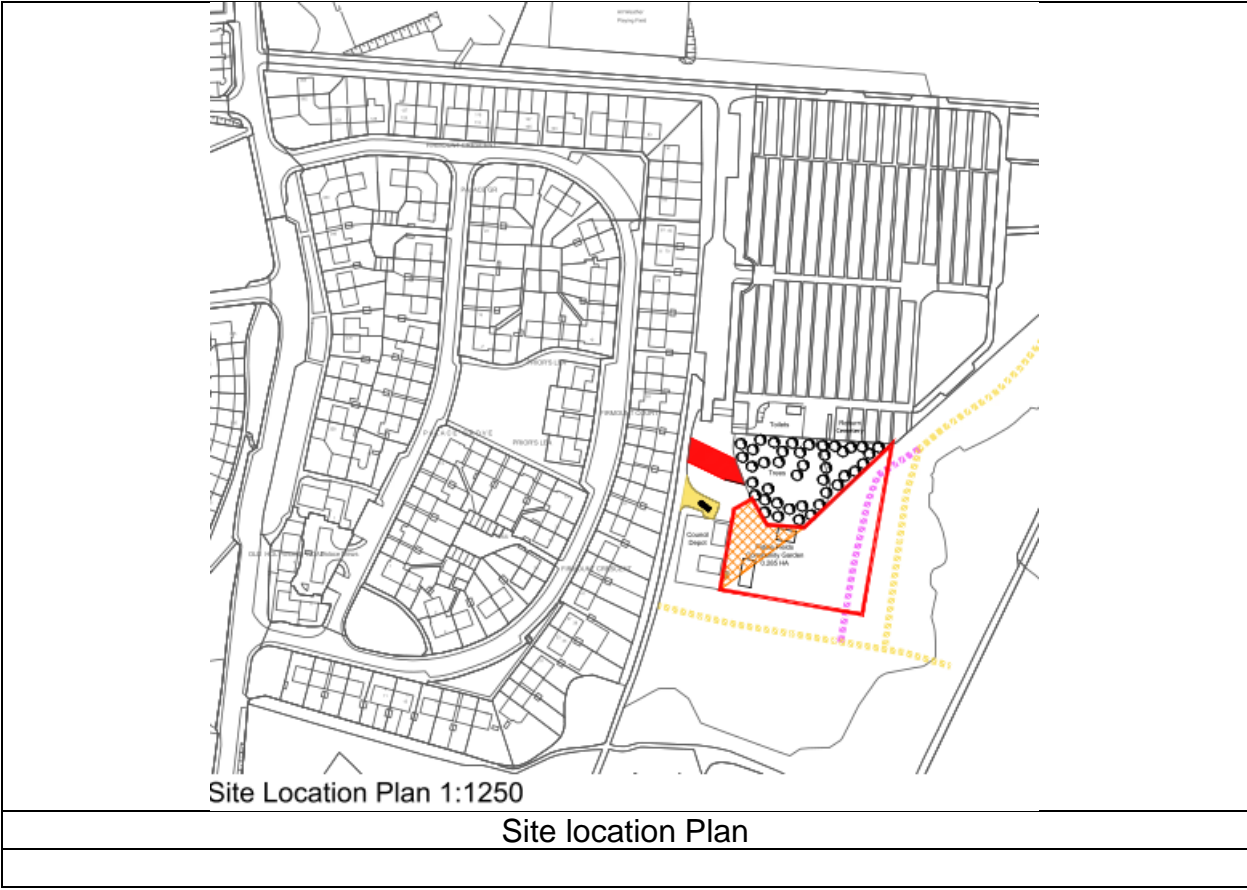
Reason: Protection of environmental receptors and public health to ensure the site is suitable for use.

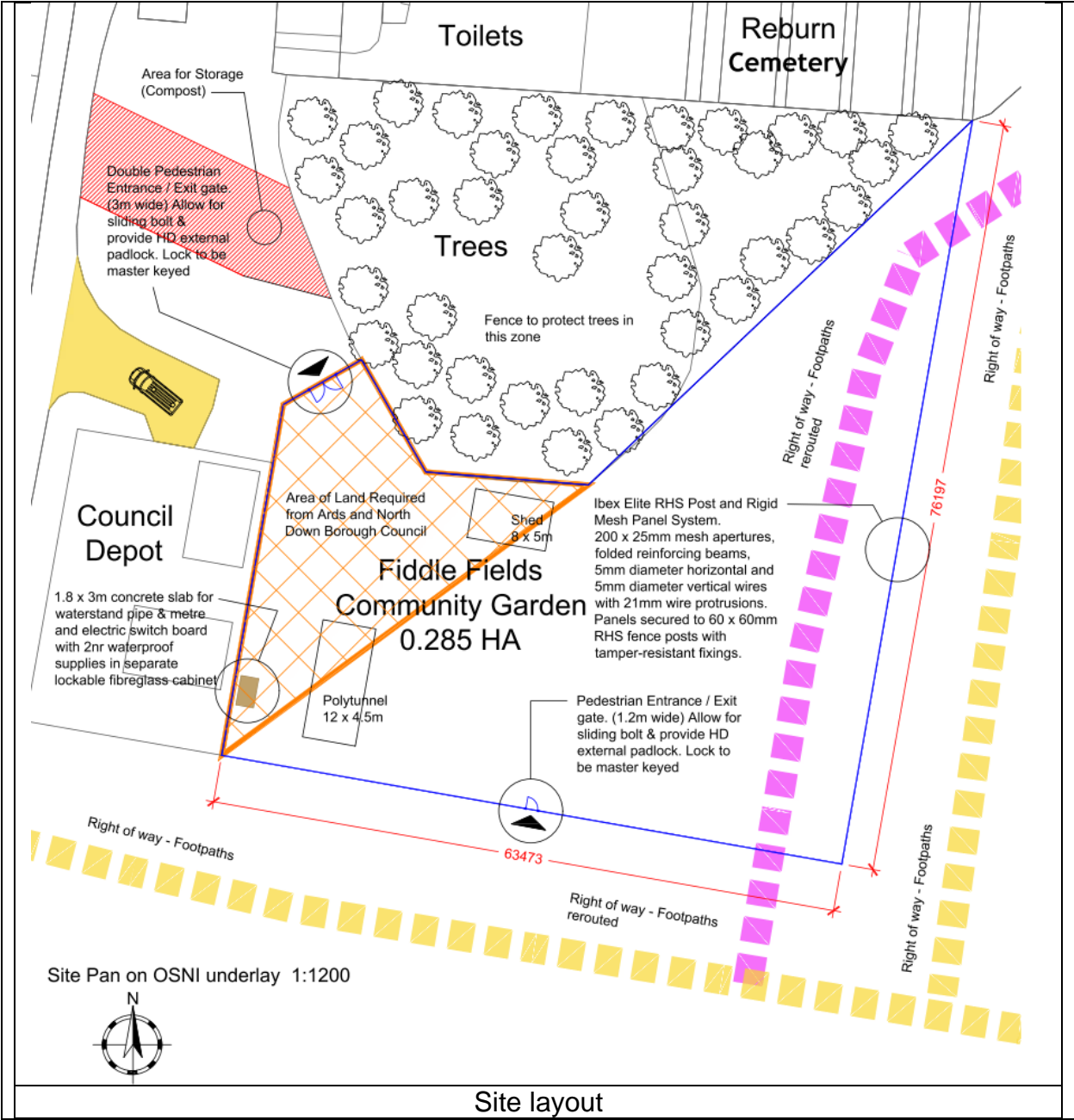
4. All hard and soft landscaping works shall be carried out in accordance with the approved details on Drawing No. 01. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

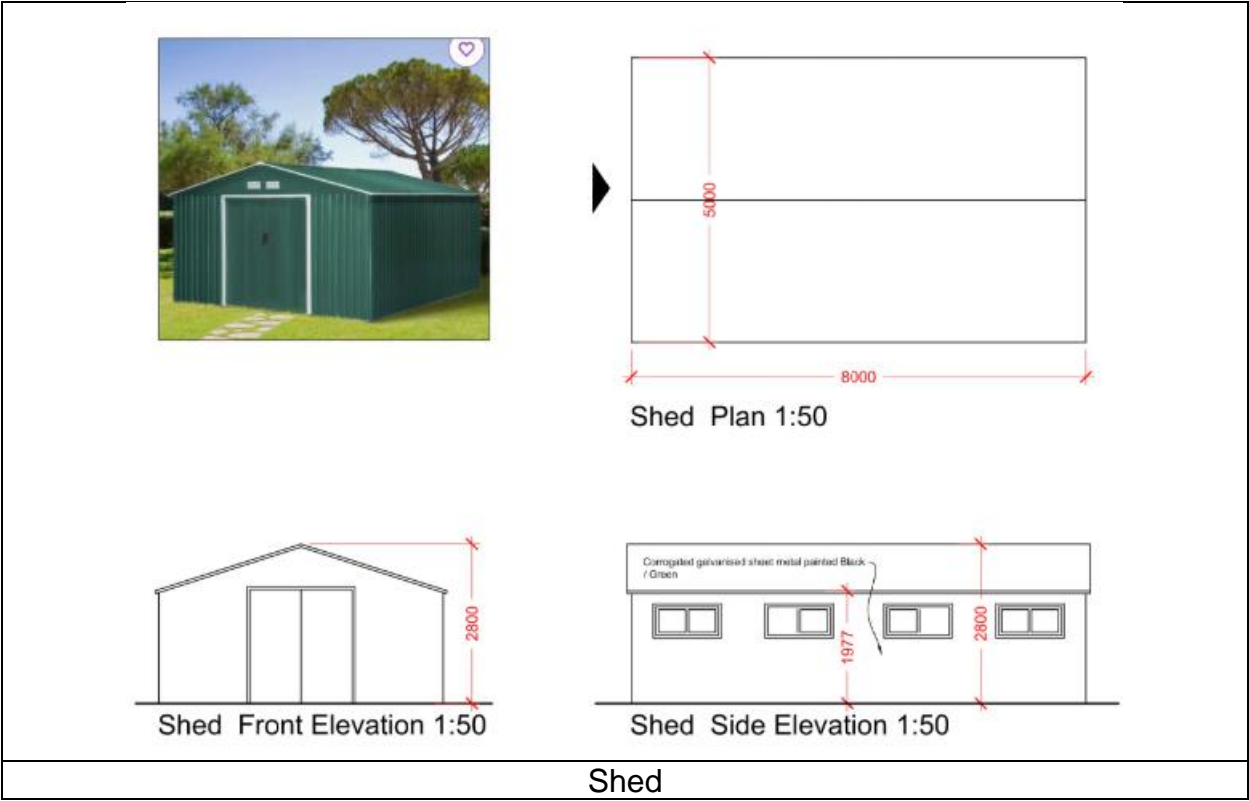
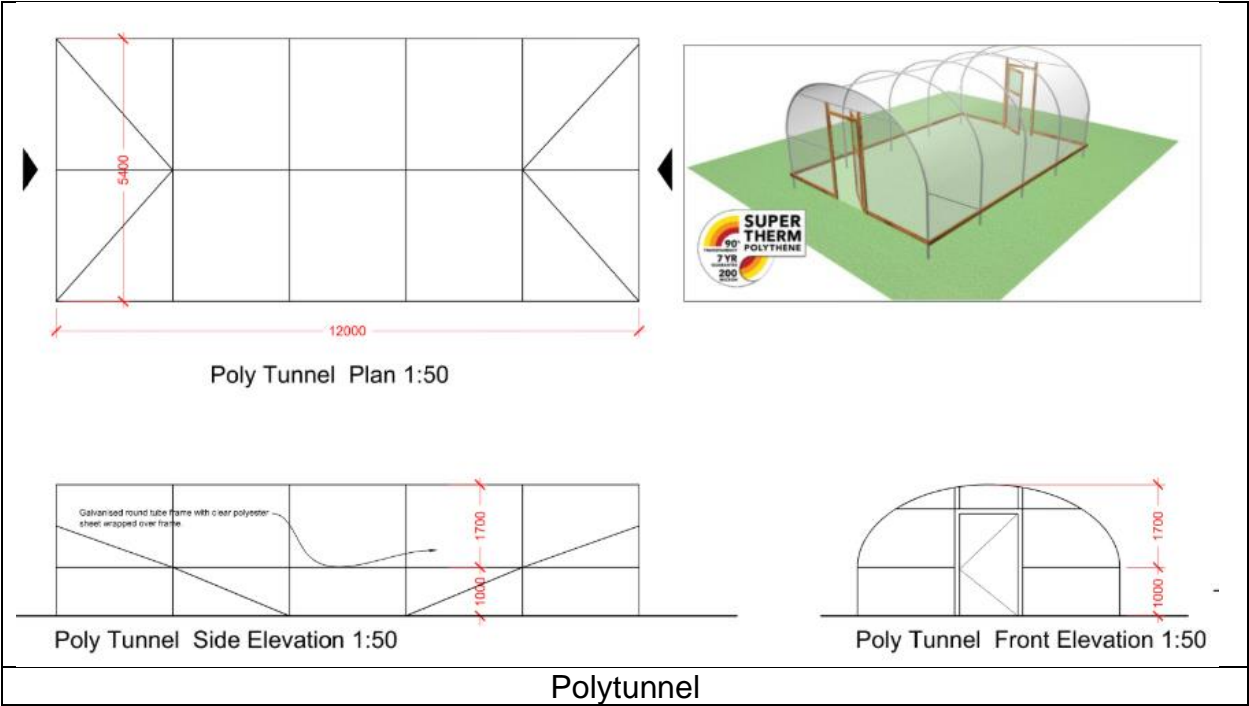
Reason: In the interests of the character and appearance of the area.

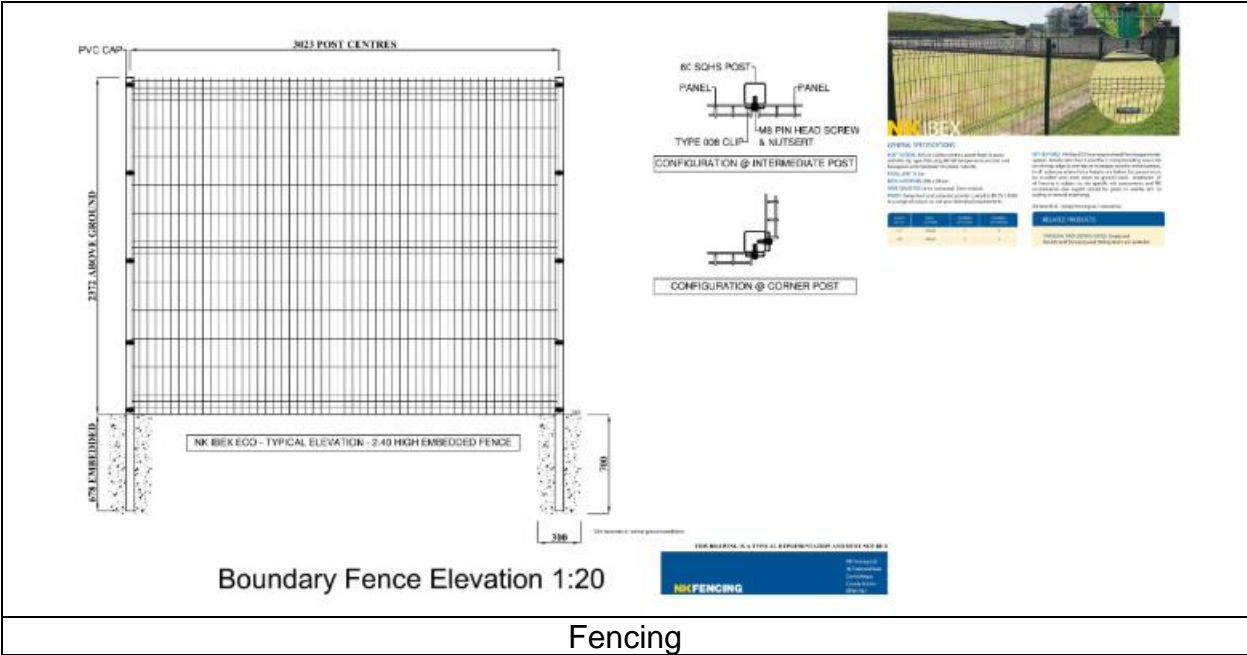
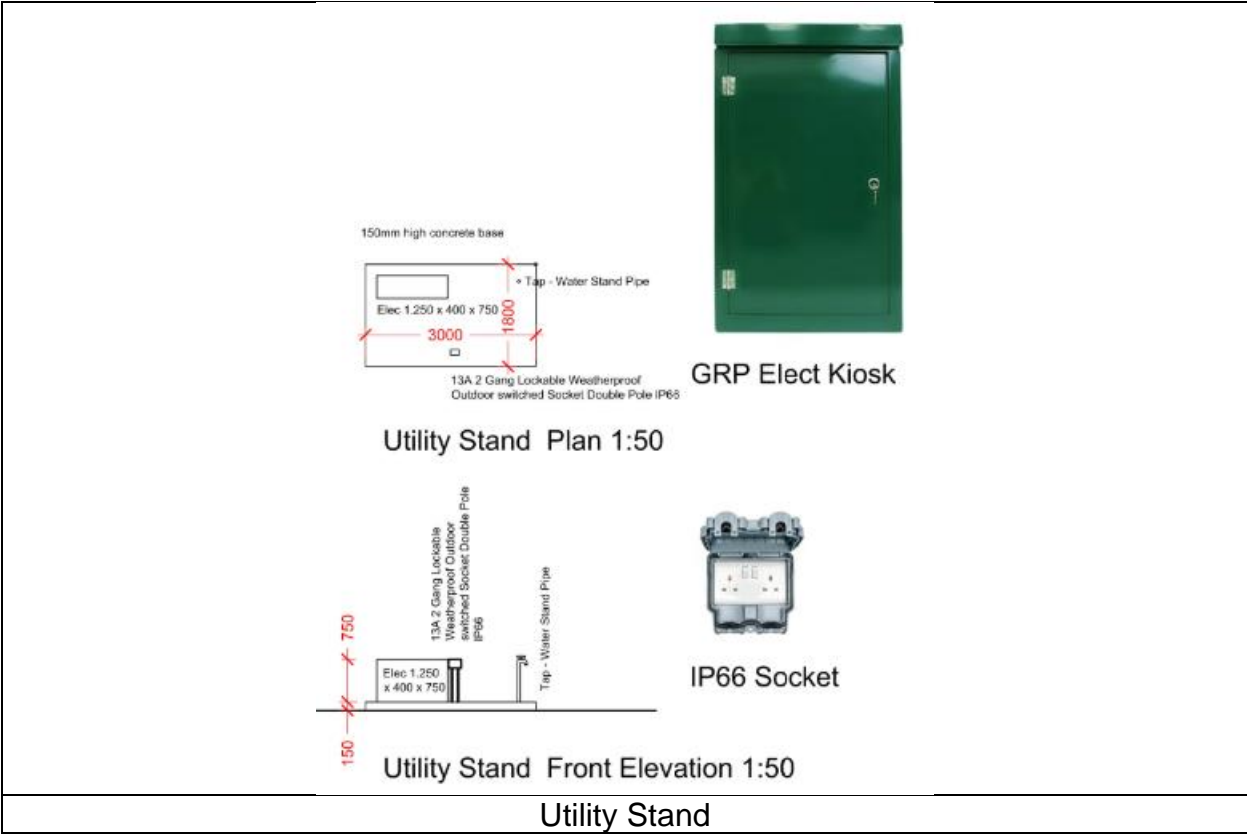
Informative

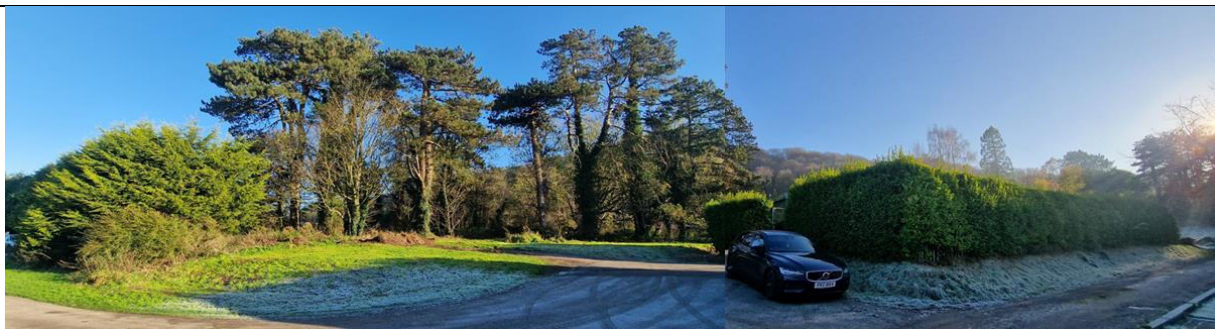
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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











Entrance to the site and Council depot on the right



Site

Unclassified

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ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	10 June 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 May 2025
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	Item 5a - PAC decision 2023/A0018

Appeal Decisions

- The following appeal decision was received on 8 May 2025.

PAC Ref	2023/A0018
Council Ref	LA06/2019/0891/F
Appellant	Mrs M Mounce
Subject of Appeal	Refusal of single dwelling
Location	50m North of 43 Newtownards Road, Donaghadee

The Council refused this application on the 15 March 2023 for the following reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3 – Access, Movement & Parking (Policy AMP2 and AMP 3) in that it has not been demonstrated that a safe and satisfactory access arrangement to the site can be provided.

Not Applicable

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The main issue in this appeal is whether or not the proposed development would prejudice road safety.

The appeal proposal seeks full planning permission for 1No. detached dwelling which would be two storeys in height. The proposed dwelling would be served by an individual driveway which would provide for a minimum 3No. in-curtilage parking spaces. This driveway leads from the existing shared drive serving the appeal site and No. 43 Newtownards Road which is accessed directly from the Newtownards Road. The Council considered that the appeal development would prejudice road safety due to insufficient visibility splays.

Policy AMP2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where two criteria are met; firstly that such access will not prejudice road safety or significantly inconvenience the flow of traffic and secondly, that the proposal does not conflict with Policy AMP 3 'Access to Protected Routes'.

Given that the A48 Newtownards Road is designated as a protected route, the second criterion of Policy AMP 2 of PPS 3 is engaged. The consequential 2023/A0018 amendment to Policy AMP 3 of PPS 3 states that planning permission will only be granted for a development proposal involving access onto a Protected Route in four instances, one of which is criterion (d) of the policy which states that approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot be reasonably obtained from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. Similar to Policy AMP 2, Policy AMP 3 goes on to state that access arrangements must be in accordance with the Department's published guidance.

DfI require (x) by (y) distances of 2.4m by 120m in both directions to ensure adequate site splays to facilitate drivers emerging from the shared access. DfI state that on the ground visibility splays of 2.4m x 40m would be achievable on the nearside of the road (towards Six Road Ends) and 2.4m by 55m would be achievable on the offside of the road (towards Donaghadee). On this basis, DfI conclude that given that the required visibility splays cannot be achieved, and as the appeal proposal would intensify an existing sub-standard access, the proposal would increase the potential of collisions and therefore would not provide a safe access at this location. The Commissioner noted that Drawing No. 05 'Sightlines' date stamped by the Council on 24th June 2020, show that sightlines to the east measuring some 2.6m x 54m and some 2.7m x 36.5m to the west are achievable. Regardless of the minor differences in measurements between the parties, both these sets of measurements confirm that the existing access is substandard.

The Commissioner concluded that the current access is substandard and requires careful driver caution on exit. Given the extent to which a vehicle has to emerge before the driver gains visibility, the intensification of the access, as proposed, would prejudice road safety for emerging vehicles, pedestrians on the footpath and drivers on the priority road. Whilst the access currently serves the existing dwelling at No.43, that is a longstanding arrangement and would not, in itself, justify the addition of a second dwelling and its associated vehicle movements.

Not Applicable

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The Commissioner considered that the existing access is substandard and it was not demonstrated that the required sightlines are achievable. He concluded that the appeal development as proposed would prejudice road safety because it would not provide a safe and satisfactory access arrangement to the site in accordance with the published guidance. For these reasons, the appeal proposal was found to be contrary to Policy AMP2 of PPS 3 when read as a whole and the related provisions of the SPPS. The Council's sole reason for refusal and the related concerns of the third party were sustained to the extent specified above.

New Appeals Lodged

2. The following three appeals were lodged between 16th April and 14th May:

PAC Ref	2025/E0006 – 29th April
Council Ref	LA06/2022/0296/CA
Appellant	Andrew Lawther
Subject of Appeal	Alleged I. Unauthorised laying of hardcore to form a level surfaced area; II. Unauthorised erection of one wooden building and eco composting facility; III. Unauthorised erection of one yurt with pier foundations; IV. Unauthorised laying of hardcore stone laneway
Location	Lands opposite 49 Holly Park Road, Killinchy, Down within forested area (wet woodlands) on eastern side of Holly Park Road, approx. 140m back from Holly Park Road and approx. 520m north of Derryboy Road

PAC Ref	2025/E0009 – 28th April
Council Ref	LA06/2023/0470/CA
Appellant	Jonathan Martin
Subject of Appeal	Alleged unauthorised laying of raised hardstanding laneway
Location	Land immediately south of 102 Comber Road, Killinchy

PAC Ref	2025/A0016 – 29th April
Council Ref	LA06/2023/2363/O
Appellant	June Butler
Subject of Appeal	Refusal of 2 dwellings
Location	Between 47 & 47A Ballyvester Road, Donaghadee

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

RECOMMENDATION

It is recommended that Council notes the report and attachment.



Appeal Decision

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Appeal References:	2023/A0018
Appeal by:	Mrs Mounce
Appeal against:	The refusal of full planning permission
Proposed Development:	One Dwelling
Location:	50m North of 43 Newtownards Road, Donaghadee
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2019/0891/F
Procedure:	Written representations with Commissioner's site visit on 28 th April 2025
Decision by:	Commissioner Kevin Gillespie, dated 8 th May 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether or not the proposed development would prejudice road safety.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site is in the countryside and within an Area of Constraint on Mineral Developments. The A48 Newtownards Road is designated as a protected route in the ADAP but there are no operational policies within the Plan pertaining to the protected route. As the rural policies in the ADAP are now outdated, having been overtaken by a succession of regional policies for rural development, limited weight can be attached to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. In this Council area, no PS has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning

Policy Statements including Planning Policy Statement 3: Access, Movement and Parking (PPS 3) and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and it sets out the arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the two must be resolved in favour of the provisions of the SPPS. As no conflict arises between the policy provisions of the SPPS and retained policy in PPS 3 and PPS 21 in so far as it relates to the appeal proposal, PPS 3 and Annex 1 of PPS 21 titled 'Consequential Amendment to Policy AMP 3 of PPS 3' provide the relevant policy context for the appeal proposal. Guidance contained in Development Control Advice Note 15 – Vehicular Access Standards (DCAN 15) is also of relevance.

6. The appeal site comprises an irregularly shaped piece of land on the northern side of the A48 Newtownards Road. It lies some 2 – 3 metres below the level of the road and forms part of the residential curtilage of No. 43 Newtownards Road which comprises a two storey detached dwelling and a number of detached outbuildings. It is part bounded by a 1.8 metre (approx.) high mature hedge and part bounded by a 2 metre (approx.) high fence along its northern boundary, by a stepped concrete wall along its eastern and western boundaries and by a 2 metre (approx.) high concrete wall with fence inserts along its southern (roadside boundary). No. 43 is accessed directly from the Newtownards Road with a 'spur' from this entrance providing access to the appeal site via a 2 metre (approx.) high gated entrance.
7. To the north and east of the appeal site lies the remainder of the residential curtilage of No. 43, to the south lies the Newtownards Road and to the west lies Nos. 45, 47, 47a and 49 Newtownards Road which comprise a mix of detached dwelling of various heights. A bus stop is positioned broadly opposite the entrance to No. 43 on the opposite side of the Newtownards Road.
8. The appeal proposal seeks full planning permission for 1No. detached dwelling which would be two storeys in height. The proposed dwelling would be served by an individual driveway which would provide for a minimum 3No. in-curtilage parking spaces. This driveway leads from the existing shared drive serving the appeal site and No. 43 Newtownards Road which is accessed directly from the Newtownards Road.
9. The Council and the third party considered that the appeal development would prejudice road safety, due to insufficient visibility splays. The third party also pointed to the existing entrance being sited in a dip in the road, which could give rise to unsafe traffic movements if additional vehicular traffic were allowed to use this entrance.
10. Policy AMP2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where two criteria are met; firstly that such access will not prejudice road safety or significantly inconvenience the flow of traffic and secondly, that the proposal does not conflict with Policy AMP 3 'Access to Protected Routes'.
11. Given that the A48 Newtownards Road is designated as a protected route, the second criterion of Policy AMP 2 of PPS 3 is engaged. The consequential

amendment to Policy AMP 3 of PPS 3 states that planning permission will only be granted for a development proposal involving access onto a Protected Route in four instances, one of which is criterion (d) of the policy which states that approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot be reasonably obtained from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. Similar to Policy AMP 2, Policy AMP 3 goes on to state that access arrangements must be in accordance with the Department's published guidance.

12. From the evidence, I note that planning permission was granted for an infill dwelling on the appeal site under X/2012/0027/O in 2012 and that this was subsequently renewed under LA06/2015/0978/O in 2016. Condition 2 of X/2012/0027/O and Condition 5 of LA06/2015/0978/O required the reserved matters application to show the access to be constructed with visibility splays of 2.4m x 120m in both directions. On this basis, the Council confirmed that the principle of development was acceptable and that an infill dwelling was permissible on the appeal site. The appeal proposal would therefore comply with Policy CTY 8 and CTY 1 of PPS 21. This element of Policy AMP 3 of PPS 3 is therefore met in that the proposed development represents a category of development acceptable in the countryside. Moreover, given that I have not been provided with any persuasive evidence to demonstrate that access can reasonably be obtained from an adjacent minor road, criterion (d) of the policy directs that proposals will be required to make use of an existing vehicular access onto the Protected Route. As the appeal proposal would make use of the existing vehicular access onto the Newtownards Road, Policy AMP 3 of PPS 3 is therefore met. Criterion (b) of Policy AMP 2 is also satisfied in so far as stated.
13. The appellant asserts that the proposal would not represent an intensification in the use of the existing access. He refers to the planning history of the appeal site and in particular to planning applications X/1981/0695/F for the change of use of an outbuilding to car sales and car repairs and X/1982/0291/F also for car repairs and also claims that in January 2019 DfI Roads stated that 'if the existing use was abandoned, there was no need to improve the existing sightlines as the development would not result in an intensification of the access'.
14. The Councils evidence however points out that planning application X/1981/0695/F was refused, and I was not provided with any factual evidence from the appellant to corroborate what may or may not have been discussed with DfI Roads in January 2019. Moreover, the matter of abandonment (or not) of the car repairs business is not before me for consideration.
15. During my site visit, I observed no evidence of a car repair business being operated at this location. Section 169 of the Planning Act (Northern Ireland) 2011 is titled 'Certificate of Lawfulness of existing use or development' (LDC) and states '*that if any person wishes to ascertain whether – (a) any existing use of buildings or other land; or (b) any operations which have been carried out in, on, over or under land, are lawful, that person may make an application for the purpose to the appropriate council specifying the land and describing the use, operations or other matter*'. No such certificate has been issued in respect to the car repair business. In the absence of the car repair business currently operating or evidence that such

a use is lawful, I am unable to attach determining weight to this element of the planning history.

- 16 Paragraph 1.2 of Development Control Advice Note 15 'Vehicular Access Standards' (DCAN 15) indicates that intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more. The proposal would add an additional dwelling. This would result in two dwellings utilising the existing access thereby intensifying its use by 50% and therefore engaging criterion (a) of Policy AMP 2.
17. Policy AMP 2 goes on to state that the acceptability of access arrangements will be assessed against the Departments published guidance and that consideration will also be given to a number of factors including: the nature and scale of the development; the character of existing development; the location and number of existing accesses; and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase. I also note that Paragraph 5.16 of the Justification and Amplification (J&A) of the policy states that DCAN 15 'Vehicular Access Standards' (DCAN 15) sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads.
18. In its evidence, DfI Roads (DfI) state that 'good visibility is essential to enable drivers emerging from the minor road or access to see and be seen by drivers proceeding along the priority road'. In respect of the required visibility splay standards, DfI go on to state that 'the requirements for the minor road (x) distance depend on how busy this road is and the speed of traffic on the priority road. In addition, when a minor road is busy, a greater (x) distance may be required to allow more than one vehicle to accept a gap in traffic on the priority road. The priority road distance (y) distance requirement depends on the speed of traffic on that road'.
19. In its evidence, DfI state that the A48 Newtownards Road, which has a carriageway width of some 6 metres, is an 'A' class road/protected route carrying some 6,500 vehicles per day between Donaghadee and Six Road Ends and that observations indicate that the speed of vehicles using the road in the vicinity of the appeal site is some 55 miles per hour (mph) and that during the period between January 2020 and the present day, 1No. collision occurred on the road near the appeal site. From my own assessment which was based on stationary observations from the appeal site frontage as well as driving behind other vehicles on the road in both directions, I agree with DfI that traffic speed on the Newtownards Road in the vicinity of the appeal site is around 55 mph in both directions.
20. DfI require (x) by (y) distances of 2.4m by 120m in both directions to ensure adequate site splays to facilitate drivers emerging from the shared access. I note that these visibility splay requirements are the same as that previously requested by DfI to provide a safe and satisfactory access arrangement at the appeal site in respect to the previous planning applications for the infill dwelling approved under X/2012/0027/O and LA06/2015/0978/O. Given that these previous outline approvals have now both expired with no 'reserve matters' applications having been submitted, I attach little weight to them in the overall planning balance.

21. DfI state that on the ground visibility splays of 2.4m x 40m would be achievable on the nearside of the road (towards Six Road Ends) and 2.4m by 55m would be achievable on the offside of the road (towards Donaghadee). On this basis, DfI conclude that given that the required visibility splays cannot be achieved, and as the appeal proposal would intensify an existing sub-standard access, the proposal would increase the potential of collisions and therefore would not provide a safe access at this location. I note that Drawing No. 05 'Sightlines' date stamped by the Council on 24th June 2020, show that sightlines to the east measuring some 2.6m x 54m and some 2.7m x 36.5m to the west are achievable. Regardless of the minor differences in measurements between the parties, both these sets of measurements confirm that the existing access is substandard.
22. The appellant did not dispute these measurements or provide any additional supporting evidence, such as a traffic survey, to justify a reduction in the required visibility splays of 2.4m x 140m.
23. Having exited the existing access myself, I found the visibility to be inadequate in both directions. I had to edge my car very slowly out and found myself wholly on the pavement which runs along the site frontage and slightly on to the main road before my visibility was unobstructed. It was only then could I discern oncoming traffic on the Newtownards Road. The current access is substandard and requires careful driver caution on exit. Given the extent to which a vehicle has to emerge before the driver gains visibility, the intensification of the access, as proposed, would prejudice road safety for emerging vehicles, pedestrians on the footpath and drivers on the priority road. Whilst the access currently serves the existing dwelling at No.43, that is a longstanding arrangement and would not, in itself, justify the addition of a second dwelling and its associated vehicle movements.
24. As the existing access is substandard and it has not been demonstrated that the required sightlines are achievable, in my judgement, the appeal development as proposed would prejudice road safety because it would not provide a safe and satisfactory access arrangement to the site in accordance with the published guidance. For these reasons, I find the appeal proposal contrary to Policy AMP2 of PPS 3 when read as a whole and the related provisions of the SPPS. The Council's sole reason for refusal and the related concerns of the third party are sustained to the extent specified above.
25. As the Council has sustained its sole reason for refusal, the appeal must fail.

This decision is based on the following drawings:

Drawing No.	Title	Received by the Council
01/A	Site Location	
02/A	Ground floor, First floor	24 th June 2020
03	Front elevation, rear elevation, side 1 elevation, side 2 elevation	2 nd September 2019
04	Elevation to Newtownards Road, View, Levels	2 nd September 2019
05	Sight Lines of approved car sales X/1982/0291/F/Sightlines available/Possible	24 th June 2020
06	Block Plan, Landscaping	24 th June 2020

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:-	Ards and North Down Borough Council – Statement of Case
Appellant:-	Ballantyne Hollinger (agent) - Statement of Case Ballantyne Hollinger (agent) – Rebuttal Statement

ITEM 6**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	10 June 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 May 2025
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	Q4 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 October 2024 – March 2025 is attached.

Key achievements:

- Further to achieving the 15- week processing time for Quarter 4 (13.8 weeks), in respect of applications in the local category of development, YTD is recorded as 16.4 weeks
- Three major applications processed between 1 October 2024 and 31 March 2025 of which one (Queen’s Parade – LA06/2024/0559/F) was processed within the statutory target time of 30 weeks (33 weeks). The other 2 applications were the Comber Greenway (LA06/2019/0308/F) and Beverley Walk (LA06/2023/2248/F) This marks an improvement from the same reporting period from last year.
- The Unit processed 153 applications in the householder category of development of which 58 (38%) were processed within the internal processing target of 8 weeks, whilst 94 (61%) were issued within the statutory processing target of 15 weeks for local applications.
- Appeals – there were 5 appeals against refusal of planning permission of which 4 were dismissed and 1 was upheld. For the one upheld, (PAC ref: 2024/A0055 - 7 Glenburn Park Bangor) the site had an approval for a Certificate of Lawful Development which was a material consideration in determining whether further development was acceptable.

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
- Work continues to be undertaken in respect of undertaking health and condition surveys on TPOs alongside appointed arboriculturist support.

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 Council note this report.

Not Applicable






Half Yearly Performance Report - Planning

Generated on: 23 May 2025

Last Update H1 2024/25

Performance Data Traffic Light Icon	PI Short Name	Performance Data Current Value	Performance Data Current Target
	% spend against budget	100.95%	100%

Last Update H2 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	289	30
	Process local development applications with target performance time of 15 weeks	16.4	15
	Process householder development application within 8 weeks	38%	75%
	LDP – preparation of Draft Plan Strategy	0%	100%
	% staff attendance	89.28%	94%
	% of completed Employee Appraisals in the period September 2023 to March 2025	100%	100%
	Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	43.6%	70%
	Implementing recommendations within NIPSO Report – Strengthening Our Roots: Prepare and publish a guidance document on Trees and Development in the Borough.	0%	100%
	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

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ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	10 June 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 May 2025
File Reference	
Legislation	The Planning (NI) Act 2011 & The Planning (Local Development Plan) Regulations (Northern Ireland) 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	Department for Infrastructure (DfI) - Public Consultation- Developer Contributions for Wastewater Infrastructure
Attachments	Item 7a - DfI Public Consultation- Developer Contributions for Wastewater Infrastructure Item 7b draft response from Ards and North Down Borough Council

Background

The purpose of this report is to seek Members' agreement on the draft response (Item 7b) to the Department for Infrastructure's (DfI) public consultation Developer Contributions for Wastewater Infrastructure (copy attached at Item 7a).

The Department for Infrastructure (DfI) has launched a consultation on Developer Contributions for Wastewater Infrastructure seeks views on whether and, if so, how DfI should introduce developer contributions to help fund necessary improvements to our wastewater infrastructure.

Detail

Not Applicable

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When a developer in Northern Ireland wants to build housing and wishes to connect to the Northern Ireland Water network, they contact NI Water to enquire if there is capacity in its network to cope with any new demands that the proposed development may create. NI Water can then apply their pre-planning and pre-development enquiry process to advise on any constraints or capacity issues in the area.

If there is a wastewater capacity issue in relation to a housing development, NI Water will then work with the developer to identify what works would be required to enable a wastewater connection to be made. It may be possible in certain circumstances for these works to be completed and paid for by the developer. NI Water is, however, currently precluded by law from accepting direct payments from developers for connections to the NI Water network for the provision of sewerage services for a dwelling where the required improvement involves the upgrading of an existing NI Water asset.

The consultation is seeking views on whether this position should change and, specifically, on options for DfI to introduce arrangements for developer contributions to help fund the wastewater infrastructure improvements that will release capacity in the wastewater system, thereby enabling more wastewater connections.

The consultation proposes two potential options:

- Voluntary Developer Contributions for Wastewater Infrastructure – developers could voluntarily pay to offset the costs of upgrading or replacing the wastewater infrastructure preventing new connections in the specific areas where they are unable to build.
- Compulsory Developer Wastewater Contribution Levy – introduction of a compulsory wastewater levy, requiring a financial contribution from developers which would be used on prioritised needs basis across the whole of the North of Ireland, not just in the areas where they would directly benefit.

RECOMMENDATION

It is recommended that Council note the content of this report, consider and approve the draft response to the DfI consultation and that the response be issued to DfI before closing date of 27 June 2025.



Department for
Infrastructure

An Roinn

Bonneagair

Department für

Infrastructure

www.infrastructure-ni.gov.uk

Developer Contributions for Wastewater Infrastructure

21 MARCH 2025



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MINISTERIAL FOREWORD

1. Ministerial Foreword

This consultation on Developer Contributions for Wastewater Infrastructure seeks your views on whether and, if so, how my department should introduce developer contributions to help fund necessary improvements to our wastewater infrastructure.

Access to reliable wastewater infrastructure is essential for all of us. We depend on it daily for our homes, businesses, schools, and healthcare services to function effectively. The proper treatment and management of wastewater is crucial for protecting our environment, ensuring public health, and supporting economic prosperity.

The Executive has identified increasing housing stock, particularly social housing, as a key priority in its Programme for Government 2024-2027 (PfG). My department and NI Water play a vital role in ensuring that the necessary wastewater infrastructure is in place to support this vision and enable new housing development. I am clear that making this happen is one of my priorities going forward.

Due to years of historic underfunding, our current drainage and wastewater infrastructure is, however, sadly ageing and in urgent need of upgrades. As a result, there are areas right across the North which have limited or no capacity for new wastewater connections to the network, impacting housing development, economic growth, environmental sustainability, and public service delivery.

Improving our sewerage systems will be a significant undertaking, costing billions and spanning multiple decades. I am clear that the introduction of developer contributions would not alone present the funding needed to implement the improvements that are needed.

Finding a solution will take time, creativity and a commitment from all of us. I am currently taking a three-pronged approach to begin the journey towards having the infrastructure system we all need. This includes working with Executive colleagues to try and increase wastewater investment, launching this public consultation to explore options for developer contributions and introducing the Water, Flooding and Sustainable Drainage Bill to the Assembly to enable my department to issue future guidance on the design, maintenance, and adoption of Sustainable Drainage Systems.

Progress *is* being made. In December, my predecessor, John O'Dowd, was able to announce an additional £19.5m of ringfenced funding which allowed some 2,300 new properties to connect to the water and sewerage infrastructure. Launching this consultation is another major step forward.

It is important that everyone has the opportunity to express their views on whether and, if so, how developer contributions could be introduced to help bridge the funding gap for improving our wastewater infrastructure.

Your feedback will be invaluable in shaping future decisions.
Thank you for your participation and input.

LIZ KIMMINS MLA
Minister for Infrastructure

1 - CONSULTATION ARRANGEMENTS

1. Consultation Arrangements

Timetable

This consultation document will be available for comment and response for a period of 14 weeks from 21 March 2025 to 27 June 2025. The document can be viewed, downloaded and responded to from the consultation section of the Department's website <https://www.infrastructure-ni.gov.uk/consultations/developer-contributions-wastewater-infrastructure>.

How to respond

We welcome your views on whether and, if so, how developer contributions should be introduced.

Responses should be submitted using the online survey.

When you respond, tell us whether you are doing this for yourself or for an organisation.

If you are responding on behalf of an organisation, please tell us,

- Who the organisation represents.

Please note that responses to the consultation must be received by noon on 27 June 2025.

Alternative Formats

The consultation document can also be made available in alternative formats. Requests should be made to **developercontributions@infrastructure-ni.gov.uk**

Impact Assessments

The following impact assessments are available to view on our website <https://www.infrastructure-ni.gov.uk/consultations/developer-contributions-wastewater-infrastructure>

Equality Impact Assessment

A high-level section 75 screening has been carried as part of the preparations to launch this consultation.

No impacts were identified for any specific group at this stage. The Department recognises that equality screening is a live process that will be considered alongside the consultation process as it evolves.

Further s75 screening (and, if deemed appropriate) Equality Impact Assessments will be carried out as decisions are made and policies developed in response to this consultation.

Human Rights Impact Assessment

The Department has carried out a Human Rights Impact Assessment and considers the options laid out in this document are fully compliant with the Human Rights Act 1998.

Rural Needs Impact Assessment

The Department has carried out a Rural Needs Impact Assessment to assess any impacts of the proposed options on those in rural areas.

Regulatory Impact Assessment

The Department has carried out a Regulatory Impact Assessment to assess any impact on the proposed options on the wider business community including the voluntary and community sector.

Freedom of Information Act 2000 - Confidentiality of Responses

UK General Data Protection Regulation

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

The Freedom of Information Act 2000 and Environmental Regulations 2004 give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication should be made public or treated as confidential.

The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR).

Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published.

If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the DfI Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy. For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

Next Steps

After consideration of all the responses received by the deadline, a Consultation Responses Report will be prepared and published.

2 - BACKGROUND AND CONTEXT

2. Background and Context

This consultation is seeking your views on whether and, if so, how the Department for Infrastructure (DfI) should introduce developer contributions to help fund the wastewater infrastructure improvements needed to unlock housing development constraints and enable more homes to be built. Subject to the outcome of this consultation and any future policy direction taken, further consultation on the specifics of how developer contributions should operate may be required.

This section explains the wider context within which this consultation sits, including the background to the current situation in respect of wastewater infrastructure.

What is wastewater infrastructure?

Wastewater is water that comes from households or businesses and includes water from sinks, showers, toilets, and washing machines. This wastewater contains a mix of organic and inorganic substances, such as food particles, oils, chemicals, and human waste. Wastewater infrastructure includes sewer pipes, storage tanks, pumps, and treatment works, all of which are required to operate safely to collect and dispose of wastewater.

The preferred means of sewage collection and disposal is by connecting a property to the public sewerage network (which includes both foul and combined sewers) provided by NI Water and transporting the wastewater to a wastewater treatment plant, where contaminants are removed. The treated water is then returned to the environment via a watercourse or the sea. An alternative, primarily used in rural areas, is to install a self-contained septic tank that operates on a smaller scale for individual properties or a small collection of properties.

Paying for the delivery of wastewater infrastructure to households

The cost of delivering sewerage services throughout Northern Ireland is met from the Executive's budget and is administered through DfI. The Department is the sole shareholder of NI Water, which is both a Government Owned Company and a Non-Departmental Public Body. NI Water is operationally responsible for the delivery of all wastewater services in Northern Ireland.

In a single day NI Water collects over 360 million litres of wastewater from over 750,000 homes and businesses across Northern Ireland. Approximately 10% of wastewater is discharged through the storm overflow system: the other 90% produced is collected and travels through NI Water's 16,500km network of sewers. It is then taken to one of over 1000 wastewater treatment works where it is treated before being safely returned to the environment.

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It costs around £680 million each year for NI Water to deliver water and wastewater services in Northern Ireland. This is funded through government subsidy, revenue raised by non-domestic charging and through borrowing. Using part of this £680 million, NI Water invests capital in the water and sewerage infrastructure – such as plant facilities including wastewater treatment works, pumping stations, combined sewer overflows, sewerage pipes and other assets.

Price Control

NI Water is a regulated utility and as such is subject to regulatory price controls undertaken every six years by the Utility Regulator. The Price Control (PC) is a formal process that determines the total revenue NI Water needs to provide efficient water and wastewater services. In the PC process NI Water submits a business plan to the Utility Regulator in line with the Department's Social and Environmental Guidance and the Utility Regulator makes a determination on the capital programme that is needed during the next six-year period at the most economic level of investment required to provide best value for the customer.

In May 2021 the Utility Regulator published its final PC determination for NI Water for the period April 2021 - May 2027, known as "PC 21". The PC sets out the price limits NI Water can charge its non-domestic customers and the outputs to be delivered during the PC period. Much of NI Water's Business Plan and PC21 reflects the requirement for the on-going operation and maintenance of our water and wastewater infrastructure. At the time, PC 21 recommended some £2.1 billion of investment over the period to 2027. A mid-term review in September 2024 assessed that the cost of delivering PC21 has risen to £2.37 billion, mainly as a consequence of inflation.

The detail of the PC is published and is available on the Utility Regulator's website at [PC21 price control determination published | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/price-control/price-control-determinations/2021-2027).

The current state of wastewater infrastructure

The funding of wastewater infrastructure in Northern Ireland has been a challenge for government for many years. Following decades of underinvestment, upgrades to the wastewater system have not been able to proceed at the pace required. Much of the wastewater infrastructure is ageing and needs upgraded, meaning that there are areas across Northern Ireland where there is limited or no capacity to allow for new connections to the NI Water sewerage network. This is having an effect not just on the development of new housing, but also on economic growth, the environment and the delivery of public services across Northern Ireland.

Currently there are over 100 areas where the wastewater system is operating near or above design capacity and therefore cannot accommodate any additional wastewater connections. In addition, given the increasing pressure on the wastewater and sewer

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network, NI Water has indicated that a further 30 economically constrained areas may emerge during the PC21 period. The position on development constraints is constantly changing, and NI Water publishes up to date wastewater system capacity information by council area on its website at <https://www.niwater.com/capacity-information/>.

Due to these development constraints, the provision of wastewater connections has become one of the main barriers to building new dwellings, and so substantial investment in our drainage and wastewater infrastructure is needed to deliver significant progress on increasing the supply of housing.

To enhance capacity and allow for new wastewater connections to the NI Water network, a range of wastewater network improvement works may be required, depending on the area in which developers wish to build. These range in scale from comparatively minor, such as installing larger diameter sewerage pipes or undertaking storm water offsetting, through to major works such as upgrading combined sewer overflows, large wastewater pumping stations or wastewater treatment works.

Housing

The NI Executive has identified increasing housing stock, particularly social housing, as a key priority in its Programme for Government 2025-2027. The Executive-endorsd Housing Supply Strategy 2024-2039 is one of the main drivers for meeting this PfG commitment.

The vision of the strategy is that everybody has access to a good quality, affordable and sustainable home that is appropriate for their needs and is located within a thriving and inclusive community. The strategy also outlines several objectives to meet this vision alongside a key ambition of creating a housing system that can deliver 100,000 homes and more, with one third of these being social homes.

DfI and NI Water have a vital role to play in both ensuring that the necessary wastewater infrastructure is in place to help meet this vision and enabling new housing to be built. As explained above, there are, however, several areas across Northern Ireland where there is currently limited or no capacity to allow for new wastewater connections to be made.

While new developments will deliver significant benefits - including the provision of new homes and jobs - they can also place additional pressure and have adverse impacts on existing wastewater infrastructure, which needs to be managed.

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Environmental issues and the Northern Ireland Environment Agency

The Northern Ireland Environment Agency (NIEA) is an Executive Agency within the Department of Agriculture, Environment and Rural Affairs (DAERA).

NIEA is responsible for protecting and enhancing Northern Ireland's environment. A key aspect of this duty is ensuring that freshwater and the marine environment are protected from damage caused by human action. NIEA enforces environmental laws and ensure compliance with regulations regarding sewage treatment and discharge.

Compliance with wastewater flow and treatment standards set out in legislation is a key determining factor in any decision by NI Water to declare that an area is at capacity for further wastewater connections. NIEA is working closely with NI Water on a regulatory reform programme, some elements of which are required to be in place by 2027.

What DfI is doing about the capacity issues - the three-pronged approach

Improving our sewerage systems will be a huge exercise, costing billions, taking decades and spanning multiple PC periods. The Minister for Infrastructure is taking a three-pronged approach to work towards resolving this issue. This approach includes working with Executive colleagues to try and increase wastewater investment, launching this public consultation to explore options for developer contributions and introducing the Water, Flooding and Sustainable Drainage Bill to the Assembly to enable the Department to issue future guidance on the design, maintenance, and adoption of Sustainable Drainage Systems (SuDS). DfI is also working at a strategic level with colleagues in the Department for Communities and DAERA to identify steps which can be taken to maximise the building of houses and with NI Water to identify projects that can release capacity.

3 - DEVELOPER CONTRIBUTIONS FOR WASTEWATER INFRASTRUCTURE

3. Developer Contributions for Wastewater Infrastructure

What are developer contributions?

When a developer in Northern Ireland wants to build housing and wishes to connect to the NI Water network, they contact NI Water to enquire if there is capacity in its network to cope with any new demands that the proposed development may create. NI Water can then apply their pre-planning and pre-development enquiry process to advise on any constraints or capacity issues in the area.

If there is a wastewater capacity issue in relation to a housing development, NI Water will then work with the developer to identify what works would be required to enable a wastewater connection to be made. As explored in the next section, it may be possible in certain circumstances for these works to be completed and paid for by the developer. NI Water is, however, currently precluded by law from accepting direct payments from developers for connections to the NI Water network for the provision of sewerage services in respect of a dwelling where the required improvement involves the upgrading of an existing NI Water asset. This consultation is seeking views on whether this position should change and, specifically, on options for DfI to introduce arrangements for developer contributions to help fund the wastewater infrastructure improvements that will release capacity in the wastewater system thereby enabling more wastewater connections.

To what extent are developer contributions currently permitted?

Where appropriate, developers may be permitted to facilitate specific housing developments by directly funding the wastewater improvement works required. These are sometimes referred to as 'developer-led and financed solutions' or as being 'developer-funded'. Where a developer-led solution could enable a connection to a development, NI Water will provide the developer with a cost.

Some examples of the developer-led solutions that are currently permitted are stormwater offsetting, flow transfer schemes and Package Wastewater Treatment Plants.

Stormwater offsetting

Storm water offsetting is the removal of storm water from a combined foul and storm drainage system to free capacity within the wastewater network or treatment works. The aim is to free capacity for a foul only discharge from a new development. The work will usually involve the disconnection of a surface water discharge entering a combined sewerage system and diverting it to a nearby watercourse, river or separate storm-only infrastructure.

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Flow Transfer Schemes

Flow transfer schemes can be used to divert flows from drainage areas which have reached capacity to another wastewater network area where capacity exists, freeing space to connect a new development. Flow transfer schemes are often used in areas where storm water offsetting is not possible.

Package Wastewater Treatment Plants

If, following NI Water advice, developer-constructed sewage treatment is the only option, a suitable wastewater treatment plant which can meet the specification for NI Water adoption will be considered. This may involve a developer constructing a Package Wastewater Treatment Plant whereby they buy, install and maintain a standalone treatment works for their development. They are used more in rural areas.

Individual package wastewater plants can cause pollution if they are not properly maintained. Any increase in the number of such plants would be of concern to the NIEA in its role as the environmental regulator of NI Water.

Are developer contributions used elsewhere?

Within Great Britain, payments to water companies to improve wastewater treatment are primarily made through customer water bills, which fund the investments required by water companies to upgrade their wastewater treatment facilities. This process is regulated by organisations like the Water Services Regulation Authority, ensuring that these funds are used for necessary improvements and monitored to ensure compliance with environmental standards; this includes investments in infrastructure to tackle storm overflows and reduce sewage pollution.

In some jurisdictions, there is also a mechanism for developers to facilitate development by financially contributing to local councils through the Community Infrastructure Levy (CIL). The CIL is a standardised, non-negotiable charge that local authorities can impose on new developments with the aim of mitigating the impact of a development by providing funding or infrastructure. The CIL funding can support the delivery of new or improved infrastructure for water supply, wastewater, flood protection and drainage facilities as well as for transport, education, telecommunications, and waste management. In Ireland, where at present Uisce Éireann does not apply charges for water supply and wastewater services provided to domestic customers, local authorities use Development Contribution Schemes to require developers to contribute funding or infrastructure to offset the impact of new developments.

The NI Water funding model is unique to other jurisdictions in the UK, in that there are no direct domestic customer water charges in place which is used to fund many of the wastewater infrastructure improvement schemes elsewhere. Similarly, unlike other administrations where local councils manage key services such as roads, schools, housing

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and water, Northern Ireland operates on a more centralised system. Instead of individual councils handling these responsibilities within their own council area, central government departments are in control of these matters. This contrasts with other areas where local authorities have broader autonomy in managing essential services.

There is therefore limited direct experience from elsewhere on which to draw. However, there are some principles which may prove useful for comparison purposes and it is clear that there is an expectation in other jurisdictions that developers will provide some form of financial contribution towards infrastructure costs.

How much does wastewater infrastructure cost?

The cost of wastewater infrastructure improvements can vary greatly depending on several factors including the nature of the works required, the specific site affected, construction complexities, and the nature of any existing infrastructure. As such, each improvement scheme needs to be assessed individually to provide an accurate cost for each project.

Works such as installing wider diameter sewerage pipes or building new stormwater storage tanks, are quicker and easier to complete. It would be more expensive to upgrade, for example, a small pumping station. These types of comparatively more minor works, costing up to £0.5m, will unlock a comparatively small number of additional housing connections to the network.

Major works such as upgrading or replacing a wastewater treatment works are significantly more expensive and take longer to complete but facilitate many more connections. These major works range in costs from £10m - £200m.

For example, the Belfast wastewater treatment works at Duncrue Industrial Estate was originally designed to treat a domestic and trade population equivalent of 290,000 and serves most of the City of Belfast. The necessary upgrade of this treatment works will cost approximately £170million with the initial cost of ensuring the compliance to the existing standards being £10m.

NI Water Developer Services have indicated that potential projects releasing development capacity over the next two years would cost £84m and would allow 5,300 houses to connect and future-proof capacity for a further 2000 connections. An additional £19.5m was allocated in October 2024 to facilitate the connections for 2,300 houses across five local council areas.

It is important to recognise that there is no expectation that developer contributions will provide all, or even most, of the significant funding needed to address the full capacity challenges within the existing wastewater infrastructure network. Without introducing

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some method for providing additional funding however, even limited improvements will not be possible and the current situation in terms of housing development constraints will continue.

Impacts of introducing Developer Contributions

Any contribution towards upgrading or replacing wastewater infrastructure would increase the costs to the developer of building new houses. In some instances, a developer may make the commercial decision not to proceed with a development rather than make a contribution. Where the developer does make a contribution, it is likely that in many instances they will seek to pass on some or all of this cost to the purchaser which would increase house prices. There may also be an impact on the pricing of land for development as the added cost of building houses would need to be factored into the cost analysis undertaken by the developer. This would be the case for both private and social housing developers, with the cost of the former being met by private purchasers and the cost of the latter most likely by government.

However, if the current constrained budgetary climate persists and the Price Control is unable to be fully funded, then without the introduction of a pathway for developer contributions as a partial solution, the existing situation of limitations being place on new housing will remain unchanged.

4 - OPTIONS FOR INTRODUCING DEVELOPER CONTRIBUTIONS

4. Options for Introducing Developer Contributions

Introduction

It is important at this juncture to reiterate that neither option for introducing developer contributions will result in the level of funding that is required to address the historical underfunding of wastewater infrastructure investment in Northern Ireland. However, either option will result in additional funding which will help to release capacity to enable wastewater connections.

In essence there are two main pathways through which developer contributions could be introduced: an optional contribution to upgrade or replace the existing wastewater infrastructure at a specific location to enable further wastewater connections; or a general levy applied on Northern Ireland - wide needs basis.

The following section explains these options in more detail but at a high level the main difference is that the first option allows developers to voluntarily choose to offset the costs of improving the wastewater systems which connect to land that they own to allow them to build houses which connect to the wastewater system, while the second option would instead make it compulsory for any person seeking to build a house in Northern Ireland to pay a levy for general use in improving wastewater connections at any location in Northern Ireland.

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Option 1: Voluntary Developer Contributions for Wastewater Infrastructure

Option 1 would establish a system where developers, currently unable to build due to a lack of wastewater capacity in their locality, could opt to pay to offset the costs of upgrading or replacing the infrastructure preventing new connections.

Legislation would be introduced to enable developers liaising directly with NI Water about the upgrades to NI Water's sewerage, drainage, or wastewater treatment assets that are needed before their proposed housing development can proceed, to make a financial contribution to NI Water to pay some or all of the cost of those works. Developers could choose to make individual contributions for specific sites or pool payments to meet the required level of funding to NI Water if identified infrastructural improvements can benefit multiple development sites. This pooling mechanism is already in place in other UK jurisdictions.

Developer contributions could help offset costs in a range of scenarios. Where, for example, work would free up capacity for a limited number of additional connections, through installing a new storage tank or increasing the capacity of an existing sewer or pumping station, developers may wish to meet the full costs. Where more expensive remedial work is required, developers may wish to offer a contribution towards the costs to expedite the process.

This voluntary contribution option allows developers to decide whether and how much to contribute, in consultation with NI Water. The works funded through these optional developer contributions are most likely to be on the lower end of the spectrum, such as paying for storm water offsetting, enlarging or replacing sewers, or other comparatively lower-cost improvements.

To aid in determining whether to contribute, the developer would liaise with NI Water regarding the proposal site where wastewater capacity may constrain development. NI Water would undertake a cost assessment - involving site inspections and data analysis - and advise the developer of the cost to complete the improvements to the required standard.

Option 1 could be implemented either through:

- (A) An upfront payment of an agreed amount paid directly to NI Water to cover the cost of the works (including an adequate contingency) which NI Water would use to undertake the works either itself or using its own specialist contractors; or
- (B) The developer submits a secured financial bond to NI Water to cover the cost of the agreed works which would only be used in the case of the developer defaulting.

The upfront payment a) is the simplest approach and the easiest to administer. The bond method b) would be somewhat similar to that already in place in relation to the

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development of roads, whereby prior to construction, a developer is required to enter into an agreement with DfI Roads, which is secured by a bond that may be used by DfI Roads to complete the road works should the developer default.

One factor which may favour only making provision for direct payment and not for a bond arrangement would be concerns about what could happen if a developer defaulted or became bankrupt and the infrastructure they put in place is not of an adoptable standard. Another is the complex nature of construction for wastewater infrastructure and the expertise required to undertake work to the required standard, at scale, taking appropriate account of the implications for the environment, the existing network and properties, and future potential developments which would be a barrier to anyone other than NI Water carrying out the works.

Key Considerations

Financial

NI Water would be responsible for assessing the anticipated cost of infrastructure improvements for the relevant developer's proposal. NI Water would also require a mechanism to receive the funds, and a means of ensuring that the received monies are allocated to the specific intended works.

As mentioned earlier, there could be an opportunity for the relevant developers to liaise with NI Water and pool the improvement payments in order to meet the level of funding required to complete the works to facilitate connections at more than one development site.

Planning

The planning authorities would not be party to the agreement nor the transfer of funds, between the developer and NI Water. The existence of such an agreement would, however, be a material consideration in the determining of the relevant planning application and be included in any planning approval to provide assurance to all parties that the required wastewater connections to facilitate the development will be available. This would ensure the planning approval is viable and is not dependent on future wastewater connections that may not be available.

It is envisaged that through the planning development management consultation process, NI Water would reference the financial agreement (that is, the contribution payment or bond) in place and ensure compliance with that agreement by including a negative condition on any planning approval.

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Legislation

As it is not currently possible for developer contributions to be made to NI Water for wastewater infrastructure improvements, legislation would need to be introduced in order to facilitate this pathway. Amendments to the Water and Sewerage Services (Northern Ireland) Order 2006 would be required to enable developers to make direct financial contributions to NI Water for this purpose. This would involve an Executive Bill and the associated legislative procedures.

Fairness

Allowing developers to make financial contributions to enable their sites to proceed by privately funding the necessary improvement works may result in them being fast-tracked ahead of other sites, which could affect the prioritisation of wastewater infrastructure projects. This approach may also lead to high-value housing being delivered ahead of other types of housing, as private developers are more likely to invest in improving wastewater infrastructure in areas where they can sell houses for higher prices. Consequently, this could impact the Executive's target for delivering social housing, necessitating additional government funding to mitigate these effects.

In a similar scenario, a developer might invest in upgrading the wastewater infrastructure to facilitate housing development on their site. If these improvements are 'future-proofed' so that they allow for additional connections, future developers could then benefit from the existing work without incurring any of the costs - in other words they would have been subsidised by the first developer.

To address this, a reimbursement scheme could be introduced. In essence this would allow the initial developer to recoup some of the costs from subsequent developers who later rely on the enhanced infrastructure. This practice is currently employed by NI Electricity (NIE) through the Electricity (Connection Charges) Regulations (Northern Ireland) 1992. In this scenario, if works such as the installation of a transformer, an underground cable or overhead line, are required to facilitate an electricity connection for a domestic dwelling and another connection comes off this network within five years from when it was initially energised, then that new customer must pay a contribution, via NIE and less NIE administrative fees, towards the original payee for sharing these assets.

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Option 2: Compulsory Developer Wastewater Contribution Levy

Option 1 for the introduction of developer contributions outlined an approach whereby developers could choose to offset the costs of wastewater improvements in a specific location that is where it would directly benefit them. This second option would instead introduce a compulsory wastewater levy, requiring a financial contribution from developers which would be used on a prioritised needs basis across Northern Ireland.

The introduction of a compulsory levy whereby a fee would be paid by anyone wishing to build a new house in Northern Ireland would create a ring-fenced fund to be used exclusively for the purpose of improving wastewater infrastructure to unlock new housing connections. It would, help to offset the funding gap between the amount that NI Water receive from the Executive and the amount that is needed to address wastewater constraints. While bringing in the levy would never close the entire wastewater investment gap that has arisen due to historical underfunding, it would generate monies that could be set against the £84m that NI Water has indicated would enable projects to go ahead over the next two years allowing 5,300 houses to connect and future proofing capacity for a further 2,000 connections.

A compulsory levy has several advantages over voluntary contributions. Firstly, it would ensure that all developers contribute to the costs of wastewater infrastructure improvements, creating a more fair and equitable system. This prevents situations where only some developers bear the costs while others benefit without contributing. It would also provide an additional consistent and predictable source of (albeit limited) funding dedicated to wastewater infrastructure, assisting with advance planning for improvements and reducing delays caused by the uncertainty of ad-hoc funding. This would help with long-term planning and investment, ensuring that wastewater systems are resilient and capable of supporting sustainable development to meet current and future demands. This, in turn, unlocks housing development constraints, enabling more homes to be built and supporting economic growth for the entire community.

A compulsory levy also enables the pooling of resources, ensuring that essential wastewater infrastructure improvements are made based on need and impact, supporting compliance with environmental regulations and prioritising the protection of our environment.

There are however, also potential drawbacks in introducing a compulsory levy which need to be factored into any consideration of the options, and which may need to be mitigated in the design of any future levy.

As with option 1, the levy would increase costs to developers. However, unlike that option which allowed developers to make a choice, a levy would automatically increase the overall cost of development projects. These additional costs would either need to be absorbed (which could impact profit margins and financial viability) or be passed on to buyers, which would lead to higher housing prices. Increased house prices could affect

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housing affordability and market demand, which could in turn impact on the ability to reduce housing waiting lists across Northern Ireland.

Higher development costs might also deter some developers from pursuing new projects, especially in areas with tight profit margins, which could lead to a reduction in the overall supply of new housing. Developers might also be more likely to focus on properties which have a high value, potentially leading to a concentration of new housing in more affluent areas.

There might also be a perception of the levy creating an unfair burden on some developers, as those who propose to build on sites with existing wastewater capacity might feel that they are being unfairly made to contribute to a fund for improvements they do not directly benefit from. Smaller developers might also find it more challenging to absorb the additional costs compared to larger developers.

Additionally, establishing and administering a compulsory levy would be administratively complex, including setting up the legal framework, calculating the levy amounts, collecting payments, and ensuring compliance, which may also offset some of the immediate benefits.

Implementing a levy would also not provide an immediate solution. Depending on when the fee is collected (e.g., at the planning permission stage or upon completion of construction), it could take some time before the fund accumulates enough to significantly impact housing. This creates a paradox: the fund cannot grow until houses are built, but houses cannot be built without the necessary funding to improve wastewater infrastructure. A potential resolution could involve the Executive investing an initial amount to stimulate the fund, possibly with a match-funding approach.

Key Considerations

Levy amount and calculation method

The amount of any levy imposed would need to be carefully calculated in order to mitigate the impact on developers and buyers whilst still achieving the aims of releasing capacity to enable connections to wastewater infrastructure. A methodology for calculating levy amounts would also need to be consulted upon, with options including a flat rate, a rate based on the number of wastewater connections, or a sliding scale that adjusts based on the size and type of development to be agreed.

Purpose of levy

There would need to be clear and transparent criteria governing how levy funds would be allocated, including defining the specific purposes for which the funds can be used and how decisions would be made in terms of prioritisation of wastewater infrastructure improvements.

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Legislation that clearly defines the rules and regulations governing the levy would need to be drafted and consulted on, including specifying who is required to pay, when the payment would need to be made, how the funds will be used, and the penalties for non-compliance. A regulatory process in terms of audits and checks would also be needed, and a system for public reporting on the use of the levy developed.

Exemptions / Reduced Rates

Consideration would also need to be given to whether there should be exemptions or reductions to the levy to address any potential inequalities. This may include, for example, an exemption for new rural housing which require septic tanks, or reduced rates for certain types of developments, such as social housing, to ensure that the levy does not disproportionately impact vulnerable groups.

Combining Options 1 and 2

It would also be possible to combine options 1 and 2. In this scenario, the option for developers to voluntarily contribute to upgrading or replacing wastewater infrastructure that benefits them could be introduced in the short-term. Meanwhile, the longer-term process of designing and consulting on the specifics of a levy could be undertaken. Since option 1 is purely voluntary, it would not impact the later introduction of the levy. Developers would retain the ability to offset the wastewater funding required to upgrade a specific location in addition to paying the levy if they chose, though there would be no expectation that they would do so.

5 - CONSULTATION QUESTIONS

5. Consultation Questions

Question 1 -

Do you agree with the principle that a pathway for developer contributions should be introduced in Northern Ireland? (Tick only one answer)

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Question 2 -

Referring to Section 4 of the consultation report which option do you think would be the best pathway? (Tick only one answer)

- ☐ Option 1: Voluntary Developer Contributions for Wastewater Infrastructure
- ☐ Option 2: Compulsory Developer Wastewater Contribution Levy
- ☐ Both Option 1 and Option 2
- ☐ Other -please specify in box below

DEVELOPER CONTRIBUTIONS FOR WASTEWATER INFRASTRUCTURE

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Regardless of how you answered Question 2, we would welcome your responses to questions 3, 4, 5 and 6 below

Option 1: Voluntary Development Contributions for Wastewater Infrastructure

Question 3 - If voluntary developer contributions are introduced, how should these be made? (Tick only one answer)

- ☐ Upfront payment
- ☐ Bond
- ☐ Both an upfront payment and a bond
- ☐ Not Sure
- ☐ Other - please specify

Question 4 - If voluntary developer contributions are introduced, do you agree that there should be a reimbursement scheme? (Tick only one answer)

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Please Explain:

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Option 2: Compulsory Developer Wastewater Contribution Levy

Question 5 - What are your views on how a compulsory levy should be introduced?

You might want to tell us about what factors you think should be taken into consideration in designing the levy process, such as whether there should be an exemption or reduction scheme introduced, how the amount of the levy might be calculated, what that amount should be and how you think it should operate.

Impact Assessments

Question 6 -

Do you have any comments to make on any of the impact assessments that accompany this consultation?

The link to all the impact assessments is available on page 4 of this consultation.

- ☐ Yes- please use the comment box below
- ☐ No

Please explain:

Glossary of Terms

Term	Definition
Asset	An asset is a resource with economic value that an individual company or country owns or controls with the expectation that it will provide a future benefit.
Combined Sewer Overflow	Combined sewer overflows are pipes and pumps that carry both stormwater and sewage which allow excess flows of highly diluted wastewater - which in many cases pass through screens to remove plastic and rags - to be returned into watercourses/rivers and the sea to help prevent homes and businesses from being flooded.
Combined Sewers	These pipes carry both wastewater from homes and businesses, and rainwater (also known as storm water) which runs off from roads, drives and roofs (impermeable surface areas) to wastewater treatment works.
Drainage Infrastructure	A term used to collectively describe all the assets within a drainage system.
Drainage Network	A collective term to cover a system of open channels, watercourses or pipes that convey surface water.
Foul (wastewater)	Foul wastewater is wastewater that has been used for washing, cooking, or in a sanitary convenience. It can be contaminated with chemicals, effluent, or other pollutants.

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Term	Definition
NI Water	Northern Ireland Water is the water and sewerage undertaker for Northern Ireland.
Northern Ireland Environment Agency (NIEA)	NIEA is responsible for protecting and enhancing Northern Ireland's environment.
Package Wastewater Treatment Plant	Package wastewater plants are pre-manufactured treatment facilities used to treat wastewater in small communities or on individual properties.
Price Control (PC)	The Price Control (PC) is a formal process that determines the total revenue NI Water needs to provide efficient water and wastewater services.
Pumping Station	A pumping station is a structure that moves water or wastewater to a different location. They can be used for groundwater, surface water, or sewage.
Sewage	The flow in foul and combined water that is produced by a community of people. For example, from toilets, sinks, washing machines, baths and showers. Typically used to describe the contents of foul and combined sewers, which can also be called wastewater. Sewage is one of the main components of wastewater.
Sewage Treatment	Sewage treatment is the process of removing contaminants from sewage to make it safe for reuse or release into the environment.

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Term	Definition
Sewerage Network	This term is used to describe all of the NI Water sewers, overflows, storm tanks and pumping stations that convey flow to either a wastewater treatment works or to a receiving water (such as a river lake or sea).
Sewerage Pipe	A sewerage pipe is a pipe that carries waste and dirty water away from e.g. homes and factories.
Stormwater Offsetting	Storm water offsetting is the removal of storm water from a combined foul and storm drainage system to free capacity within the wastewater network or treatment works.
Stormwater Storage Tank	A stormwater storage tank is a designed structure that temporarily holds excess rainwater runoff from storms, collecting it from impervious surfaces like roofs and roads, and then releases it at a controlled rate to prevent flooding and manage water flow in drainage systems.
Sustainable Drainage Systems (SuDS)	Drainage systems designed to mimic nature and typically manage rainfall close to where it falls. They control the quantity and quality of run-off waters by providing storage, for example in tanks or ponds. This delays or prevents discharge to streams or rivers until there is capacity to accommodate it.
Surface Water	This is caused by rainwater that falls on the ground, roofs, roads pavements and paths. It can either evaporate back into the air, infiltrate the ground, pond on the surface or flow into a receiving water (such as a river lake or sea) via a wide range of flow paths

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Term	Definition
Utility Regulator	The Utility Regulator is the economic regulator for the water, gas, and electricity industries in Northern Ireland.
Wastewater	This is sewage plus other materials such as trade effluent (wastewater from commercial processes) and leachate (polluted water from landfill sites) that could also be discharged into sewers or directly to a wastewater treatment works by a tanker.
Wastewater Connection	A wastewater connection is a link between a property and the public sewerage system that carries wastewater away.
Wastewater Improvement Works	Wastewater improvement works refers to construction or maintenance projects aimed at enhancing the quality of wastewater by improving the efficiency and effectiveness of sewage treatment processes, typically including upgrades to existing wastewater treatment plants or sewerage systems to remove more pollutants and contaminants before returning back into the environment.
Wastewater Infrastructure	Wastewater infrastructure is a network of pipes, pumps, tanks, and other facilities that collect and treat wastewater from homes, businesses, and industries.
Wastewater Treatment Works	Wastewater treatment works have four main stages of treatment - preliminary, primary, secondary, and tertiary. The number of stages depends on what quality the treated wastewater needs to reach before it can be safely returned into rivers or the sea.
Watercourse	A channel or passage through which water flows.

DEVELOPER CONTRIBUTIONS FOR WASTEWATER INFRASTRUCTURE

Consultation Questions

Question 1 –

Do you agree with the principle that a pathway for developer contributions should be introduced in Northern Ireland? (Tick only one answer)

- ☐ Strongly agree
- ☒ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Question 2 –

Referring to Section 4 of the consultation report which option do you think would be the best pathway? (Tick only one answer)

- ☐ Option 1: Voluntary Developer Contributions for Wastewater Infrastructure
- ☐ Option 2: Compulsory Developer Wastewater Contribution Levy
- ☒ Both Option 1 and Option 2
- ☐ Other -please specify in box below

Engagement is required with Council Planning Authorities regarding the use of negative planning conditions for voluntary contributions and the costs to Councils regarding the enforcement thereof.

While supportive of voluntary contributions, certain developers could take on a disproportionate amount of costs for an upgrade whereby other developers would benefit whilst contributing nothing.

Regardless of how you answered Question 2, we would welcome your responses to questions 3, 4, 5 and 6 below

Option 1: Voluntary Development Contributions for Wastewater Infrastructure

Question 3 – If voluntary developer contributions are introduced, how should these be made? (Tick only one answer)

- ☒ Upfront payment
- ☐ Bond
- ☐ Both an upfront payment and a bond
- ☐ Not Sure
- ☐ Other – please specify

Question 4 – If voluntary developer contributions are introduced, do you agree that there should be a reimbursement scheme? (Tick only one answer)

- ☐ Strongly agree
- ☒ Agree
- ☐ Neither agree nor disagree
- ☐ Disagree
- ☐ Strongly disagree

Please Explain:

It is assumed without knowing addition detail that the reasoning behind the proposed reimbursement scheme is to ensure the process is fair and proportional – we would be supportive of this

Further clarification would be welcome on if it is proposed that this scheme is secured via planning condition - Section 76 previously would have been the traditional mechanism to secure monies from a developer under the planning act and as referred to in SPPS.

A bond would be similar to the current procedure in DFI Roads to enable the Department to complete a road in event of a default.

Option 2: Compulsory Developer Wastewater Contribution Levy

Question 5 – What are your views on how a compulsory levy should be introduced?

You might want to tell us about what factors you think should be taken into consideration in designing the levy process, such as whether there should be an exemption or reduction scheme introduced, how the amount of the levy might be calculated, what that amount should be and how you think it should operate.

Consideration as stated in the consultation regarding the levy and its proportionality depending on the scale of housing being built. Also clarification on the exemptions.

In terms of compulsory infrastructure levy – agree that this should be proportionate to scale of development. Difficult to comment on this without knowing likely cost of such a levy. Would need to be reasonable to ensure that it does not discourage development or adversely impact house prices.

It is assumed that all parties would be required to pay under such a scheme even if a site is not directly affected by capacity issues? With regard to exceptions – this should include social housing or other specialist housing.

Impact Assessments

Question 6 –

Do you have any comments to make on any of the impact assessments that accompany this consultation?

The link to all the impact assessments is available on page 4 of this consultation.

- ☐ Yes- please use the comment box below
- ☒ No Please explain

Please explain:

Unclassified

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	10 June 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	19 May 2025
File Reference	
Legislation	The Planning (NI) Act 2011 & The Planning (Local Development Plan) Regulations (Northern Ireland) 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	Department for Infrastructure (DFI) - 'Transforming Planning - Appointed Persons, Independent Inspectors Project'
Attachments	Item 8a Letter from DFI Climate, Planning and Public Transport , Interim Director of Projects, (Planning)

Background

Following a successful bid by DFI Planning to the Executive's Transformation Fund, the Interim Director of Projects has written to Council Chief Executives and Heads of Planning to give an update on the project which is envisaged to have the potential to facilitate the progress of Local Development Plans, in addition to speeding up consideration of any regionally significant and called-in planning applications.

Detail

The letter highlights how the project team for the Transforming Planning Project, itself sits outwith DFI Planning directorates and will be responsible to the DFI Climate, Planning and Public Transport Group's Deputy Secretary, Judith Andrews.

Not Applicable

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The initial work of this Project Team is outlined (in Itemxa) as detailing the project plan and to establish the appropriate administrative protocols, guidance, procedures and monitoring arrangements. DFI has also sought independent experts - experienced senior persons in the fields of planning and appeal work - to act as critical friends in this Project.

The letter advises that to assist project oversight the interim Public Sector Transformation Board will also be regularly briefed and engaged with on progress.

Timelines

DFI officials are reviewing project timelines and hope to be able to have the process ready before the end of this financial year.

RECOMMENDATION

It is recommended that Council notes the content of this report.

Climate, Planning and Public Transport



To:

Chief Executives
and Heads of Planning (Councils)

James House
Gasworks Site
2 - 4 Cromac Avenue
Belfast
BT7 2JA
Tel: 0300 200 7830

Email: Alistair.beggs@infrastructure-ni.gov.uk

Your Ref:
Our Ref:

15 May 2025

Dear Chief Executives & Heads of Planning

RE: TRANSFORMING PLANNING – APPOINTED PERSONS, INDEPENDENT INSPECTORS PROJECT

I am writing to give you an update on the above project which has the potential to facilitate the progress of councils' local development plans, in addition to speeding up consideration of any regionally significant and called-in planning applications in your council area.

We have all had concerns about the potential for considerable delays in such work stemming from the resource issues at the Planning Appeals Commission, and in response the Department is looking to utilise its powers under the Planning Act (NI) 2011 to appoint independent inspectors to deliver reports and recommendations to the Department on the planning and environmental considerations of such work.

As part of this we made a bid to the Executive's Transformation Fund to allow us to undertake the project, and on 4th March 2025 the Minister of Finance advised that we had been successful in securing Executive agreement for £3m of ring-fenced funding for the project up to the end of the 28-29 financial year.

This funding finally allows us to develop the project, and we are currently putting together the project team to develop the detailed project plans and to progress the scheme. Uppermost in our minds at this early stage is the issue of the appropriate governance to ensure that the outcome for all stakeholders in the planning system is that of quality independent reports and recommendations being made by inspectors.

In that respect there is a lot of groundwork to be done before any independent inspectors are appointed. The project team itself sits outwith DfI's planning directorates and will be responsible to our Climate, Planning and Public Transport Group's Deputy Secretary, Judith Andrews. Their initial work will be to detail the project plan and to drive forward the establishment of the appropriate administrative protocols, guidance, procedures and monitoring arrangements. We are also keen to look at innovative ways of carrying out this work, for example the benefits of webcasting and potential use of AI.

The project team will have an experienced project manager in place to lead the work and two senior professional planners on secondment from councils will be joining the team shortly - the latter being able to give us a valuable council perspective. More staff may be brought into this intensive project development phase as required.

To assist in governance and to challenge the project to achieve its aims we have approached independent experts - very experienced senior persons in the fields of planning and appeal work - to act as critical friends. Their experience, from outwith Northern Ireland, will contribute positively to the diverse perspectives we require to make the project robust. We hope to be able to confirm their names shortly.

In terms of wider stakeholder engagement, we will keep you up to date with major developments, and in addition to any high-level engagement you think would be helpful we will reach out to you and your officials where appropriate. We have also had very positive early discussions with the community sector (Community Places) and the RTPI who represent a wide spread of public and private sector planners.

To assist project oversight the interim Public Sector Transformation Board will also be regularly briefed and engaged with on progress, and they will want in turn to engage with our independent experts and stakeholders.

I am sure you will agree that this is a positive development which will allow us to create an alternative route to allow hear and report work to progress at pace, and allow for scope to prioritise and align resources and work with the needs of the wider planning system to deliver both wider central and local governmental objectives with respect to the economy, environment and society. While we are reviewing project timelines, we hope to be able to have the process ready before the end of this financial year.

I hope this gives you an idea as to where we are at this very early stage of the project and that it reassures you that we recognise that this is a project to serve us all as stakeholders in the planning system.

Yours faithfully



Alistair Beggs
Interim Director, Projects

cc Denis McMahon
Judith Andrews
Rosemary Daly
Kathryn McFerran

ITEM 9

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	10 June 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	22 May 2025
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Tree Preservation Orders and 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 14 November 2024 (date of previous report) to 13 May 2025.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that the Council notes the content of this report.

Not Applicable

Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
Provisional	10/3/2025	Lands at nos 22 and 24 Ardmore Heights, nos 1 and 3 Ardmore Manor and 26 The Brae, Ballygowan
Provisional	24/2/2025	Lands at no. 2a Whinney Hill and no. 4 Three Acres, Holywood
Provisional	10/4/2025	Lands between nos 1-4 Plas Merdyn and 129 Church Road, Holywood
Provisional	20/2/2025	Lands at 26 Old Cultra Road, Holywood
Provisional	12/3/2025	Lands to the north east and south east of Kiltonga Industrial Estate, Newtownards
Provisional	27/3/2025	Lands at Mountain Road, Newtownards

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders		0
Address	1) 23 Downshire Lane, Bangor	
	2) 93 Victoria Road, Holywood	
	3) 1 Woodland Avenue, Helens Bay	
	4) 15 Kathleen Avenue, Helens Bay	
	5) 39 Broomhill Park, Bangor	
	6) Lands at and adjacent to 1 Manor Farm Court, Donaghadee	
	7) 2 Ballydrain Road, Comber	
	8) 126 Bangor Road, Holywood	
	9) 1 Kathleen Drive, Helens Bay	
	10) 160 High Street, Holywood	
	11) Lands to the rear of 10 Prospect Road, Ballygowan	
Conservation Area	0	0

* 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.

Not Applicable

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Detail

Works to Trees

Tree Preservation Order Protection

1. **23 Downshire Lane, Bangor** – felling of three trees
 - These works were required for safety reasons given the close proximity of the trees to both residential properties and the coastal path, their restricted location on a sloping bank and susceptibility to windthrow.
 - Replacement planting was not considered appropriate in this case given the restricted nature of the site for replanting.
2. **93 Victoria Road, Holywood** – carrying out of works to one tree
 - This work was required for management and maintenance reasons.
3. **1 Woodland Avenue, Helens Bay** – felling of one tree
 - The tree was located just a few metres from the gable of the house, was uplifting the driveway and evidence had been provided that the root structure of the tree had previously and is still blocking drains. This tree was considered to have outgrown its position.
 - Replacement planting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be planted within the curtilage of the property and carried out during the next available planting season.
4. **15 Kathleen Avenue, Helens Bay** – carrying out of works to 15 trees
 - This work was required for management and maintenance reasons.
5. **39 Broomhill Park, Bangor** – carrying out works to one tree
 - This work was required for management and maintenance reasons.
6. **Lands at and adjacent to 1 Manor Farm Court, Donaghadee**– carrying out works to five trees
 - This work was required for management and maintenance reasons.
7. **2 Ballydrain Road, Comber** – the felling of one tree and carrying out of works to one tree
 - The tree to be felled had extensive ash dieback and therefore removal was required for safety reasons.
 - Works to the remaining tree was required for management and maintenance reasons.
 - Replanting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season.
8. **126 Bangor Road** – carrying out of works to one tree
 - This work was required for management and maintenance reasons.

Not Applicable

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9. **1 Kathleen Drive, Helens Bay – felling of one tree**
 - The tree to be felled was located approximately 2m from the rear elevation of the house, the stem had a significant lean towards to dwelling and the crown overhung the roof. It was considered that this tree has outgrown this position.
 - Replanting planting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season.

10. **160 High Street, Hollywood – felling of two trees and carrying out of works to 39 trees**
 - Both trees to be felled were located to the roadside boundary and had extensive ash dieback therefore removal was required for safety reasons.
 - Replacement planting was conditioned with 2 no. standard native trees at a height of 3- 3.5m to be located to the roadside boundary and carried out during the next available planting season.

11. **Lands to the rear of 10 Prospect Road, Ballygowan – felling of one tree and carrying out of works to three trees**
 - The tree to be felled was very poor in condition and form and was located immediately adjacent to the boundary and in close proximity to the dwelling, therefore removal was required for safety reasons.
 - Works to the remaining trees were required for management and maintenance reasons.
 - Replacement planting was not a requirement in this case due to the close proximity of the tree to be removed to the boundary, the existing tree coverage and limited scope for replanting.