

June 30th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Tuesday, 1st July 2025 at 7:00 pm** in **Hybrid, Church Street, Newtownards via zoom.**

Agenda

Agenda

(Attached)

 *Agenda.pdf*

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1. Apologies

2. Declarations of Interest

3. Matters Arising from the Planning Committee Minutes of 10 June 2025

 *PC.10.06.25 Minutes.pdf*


Not included

 *PC.10.06.25 Minutes PM.pdf*

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4. Planning Applications

4.1 LA06/2023/1556/O - Dwelling on a Farm - 50m NE of 51 Kempe Stones Road, Newtownards

 *Item 4.1 - LA06 2023 1556 O - Farm dwelling.pdf*

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 *Item 4.1a.pdf*

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4.2 LA06/2024/0532/F - Lands located approximately 120m east of 284 Bangor Road, Newtownards


Extension to the Ark Open Farm consisting of indoor play barn, including ancillary cafe, kitchen, party rooms, retail/reception area, toilets, offices and storage. New access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping and all associated site works. (Farm Diversification)

Speakers

Mr Andy Stephens - Presenting/Questions

Mrs Lyndy Birse - Presenting / Questions

Mr Stuart Birse - Presenting / Questions

 *Item 4.2 LA06 2024 0532 F Ark Farm Extension.pdf*

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4.3 LA06/2025/0336/A Land 38m NE of Ballycrochan Baptist Church, Donaghadee Road, Bangor

Council City Entrance Sign

📎 *Item 4.3 - LA06 2025 0336 A - Bangor Signage.pdf*

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Reports for Noting

5. Update on Planning Appeals

📎 *Item 5 - Planning Appeals.pdf*

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📎 *Item 5a - Appeal 2024-A0115.pdf*

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📎 *Item 5b - Appeal 2024-A0114.pdf*

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6. BT Group - Decommissioning/Removal of Telephone Kiosks

(Attached)

📎 *Item 6- BT Group - Notification of Removal of Phone Boxes.pdf*

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📎 *Item 6a BT notification - removal.pdf*

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📎 *Item 6b - List of units affected.pdf*

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ARDS AND NORTH DOWN BOROUGH COUNCIL

July 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 01 July** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

AGENDA

- 1. Apologies
- 2. Declarations of Interest
- 3. Matters arising from the Planning Committee minutes of 10 June 2025 (Copy attached)
- 4. Planning Applications (Reports attached)

4.1	LA06/2023/1556/O	Dwelling on a farm 50m NE of 51 Kempe Stones Road, Newtownards
4.2	LA06/2024/0532/F	Extension to the Ark Open Farm consisting of indoor play barn, including ancillary café, kitchen, party rooms, retail/reception area, toilets, offices and storage. New access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping and all associated site works. (Farm Diversification) Lands located approx. 120m east of 284 Bangor Road, Newtownards
4.3	LA06/2025/0336/A	Council City Entrance Sign Land 38m NE of Ballycrochan Baptist Church, Donaghadee Road, Bangor

Reports for Noting

- 5. Update on Planning appeals (report attached)
- 6. BT Group – decommissioning/removal of telephone kiosks (report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Councillor Cathcart	Councillor McCollum
Alderman Graham	Alderman McDowell
Councillor Harbinson	Alderman McIlveen
Councillor Hennessy	Councillor McKee
Councillor Kendall	Councillor Morgan
Councillor Kerr	Councillor Smart
Councillor McAlpine	Alderman Smith
Councillor McClean (Chair)	Councillor Wray (Vice Chair)

ITEM 8.2

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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 10 June 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine
McIlveen
Smith

Councillors:	Cathcart	Hennessy
	Harbinson	McCollum
	Kendall	McKee (zoom)
	Kerr (7.02 pm)	Morgan

Officers: Director of Place (B Dorrian), Head of Planning (G Kerr), Senior Professional and Technical Officer (A Todd), Service Unit Manager – Planning Enforcement and Trees (C Barker) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

Apologies for inability to attend were received from Alderman McDowell, Councillor Smart and Councillor Wray.

2. DECLARATIONS OF INTEREST

No declarations of interest were notified.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES DATED 6 MAY 2025

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED TO RECOMMEND, on the proposal of Alderman McIlveen, seconded by Councillor McCollum, that the minutes be noted.

(Councillor Kerr entered the meeting – 7.02 pm)

4. PLANNING APPLICATIONS

4.1 LA06/2023/2005/F – Spar, 102-104 Moat Street, Donaghadee (Appendices I – II)

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

DEA: Bangor Central

Committee Interest: The application had been brought before Planning Committee for consideration as it is a local application which has received six or more separate objections contrary to the case officer's recommendation.

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

Site Location: Spar, 102-104 Moat Street, Donaghadee

Recommendation: Grant Planning Permission

The Planning Officer (C Barker) outlined the detail of the application. The site was located within the settlement limits of Donaghadee as designated within Ards and Down Area Plan 2015. The site comprised the EUROSPAR, Petrol Filling Station (PFS) with two pump islands, associated parking provision, the former Moat Inn public house and restaurant and associated parking provision. The EUROSPAR and PFS was served by a separate entrance / exit arrangement whilst the Moat Inn site was served by a two-way access. The wider context of the site was residential in nature. Another Petrol Filling Station and small scale shop were located to the east of the site whilst the town centre was approx. 250m to the south east.

The Officer displayed visuals of the existing and proposed site layout plans.

The proposal included -

- 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 with a new canopy extension,
- Alterations to parking layout and creation of a single access to serve both the Eurospar and adjacent premises (former Moat Inn) including provision of four EV charging spaces.

The SPPS provided the policy context against which retail and other main town centre uses must be assessed.

The application site was located within the settlement of Donaghadee but outside the designated town centre. The existing retail building currently comprised two separate units – a Eurospar and an off-licence. A Certificate of Lawfulness for Proposed Use or Development had been granted for the amalgamation of the two retail units and associated internal alterations therefore establishing that the use of the floorspace for a single retail unit was lawful.

The application site also included the former Moat Inn premises and parking area located at No.102 Moat Street. A certificate of lawfulness had established that the change of use from the public house/restaurant to retail use was lawful.

(Councillor Harbinson withdrew from the meeting – 7.05 pm)

The current application proposed only a minor increase in retail floorspace, of 20sqm approximately, beyond that which had already been certified as lawful under the recent Certificates. That was 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.

The proposal would involve extensions to the front, side and rear of the building. The front extension would provide a new lobby and all extensions to the building would 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 was to be finished in stone cladding, white render and the roof slates would match those of the existing building. There was also to be an extension of the existing canopy to the front which was located over the fuel pumps plus the addition of an extra fuel pump.

The application proposed a new parking layout and creation of a single access to serve both the Eurospar and Moat Inn resulting in a reduction of access points on to the protected route.

The existing site provided 37 car parking spaces serving the EuroSpar and adjacent off license and 27 spaces to the rear of 102 Moat Street which totaled 64 spaces. The proposed layout on this application provided 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) equated to approximately 192sqm. Based on the GFA, an additional 14 parking spaces would be required to serve this extension. The proposed site layout plan showed an additional 12 spaces. Although that was slightly below the published standards it was considered acceptable given the site was well served by public transport and within easy walking distance of various residential developments. Lighting was proposed within the car park and Environmental Health were content that a condition would ensure that there was no harm to residential amenity.

In addition, DfI Roads was consulted, and it had no objection to the proposal in terms of access, parking and road safety.

In terms of impact on Character, 10 letters of objection from 9 separate addresses had been received in relation to the proposal. The specific concerns raised were set out and considered in detail in the case officer's report. The main concerns related to the impact of the development on the character of the area the loss of screening by the removal of trees and the impact on residential amenity.

In relation to the loss of trees the proposed development required the removal of a line of trees which ran between the car parking at the rear of no.102 and the Euro

Spar, one tree from the rear car park of no.102 and three trees from the corner of the car park of the petrol station/Euro Spar.

The trees proposed to be removed were all located within the site with limited views, they were not protected by a TPO and did not provide any screening or integration to any of the surrounding residential developments. The trees located along the rear boundary of no.102 were to be retained and it was recommended that a condition ensured their retention.

There were trees to the rear of the site protected by virtue of a TPO and the Council's Tree officer had been consulted. The agent had submitted detailed drawings identifying the TPO trees along with details of geocell to be used. A condition had been recommended to protect these trees.

As set out in the case officer's report, the Planning Department was also satisfied that the proposed development would not result in any unacceptable adverse impact on the privacy or amenity of neighbouring residents.

There were dwellings to the east, south and west of the site which had been considered with regards to overlooking, overshadowing and any dominant outlook.

The properties to the south (No.5 Manor Wood & No.9 Manor Wood) would share a boundary with the proposed parking area, located towards the rear of the site. The boundary consisted of mature vegetation which was to be retained and that would provide a visual buffer between the site and neighbouring properties. The lighting to be used within the car park would not result in obstruction to residential properties.

Whilst the proposal would extend the building by 6m to the west, the building would be located 22m from the closest neighbouring property in this direction (No.1 Manor Wood). and would be separated by a car parking area. Taking the separation distance and scale of the development into account, the proposal would not be detrimental to neighbouring amenity by way of dominance, overshadowing or overlooking.

Residential amenity also related to matters such as unpleasant odours, noise and general disturbance caused by new developments. It should be noted that there was an existing business operating on the site which was within an urban area. Notwithstanding this, the Council undertook extensive consultation with the Environmental Health Department in relation to odours, noise, contamination & light, and they had recommended conditions.

In summary, the proposal was considered to be acceptable taking account of the relevant policy requirements and guidance contained within the SPPS. The extensions and development of the site would provide an enhanced and modernised retail use for the use of the local community. The redevelopment of the building was a contemporary design in keeping with the character of the local area. There would be no unacceptable undue impact on the adjacent residential properties. Therefore, on this basis it was recommended that full planning permission should be granted subject to the stated planning conditions.

The Chair invited questions for Members.

Councillor McCollum highlighted the ongoing concerns from residents regarding the necessity for a pedestrian crossing in the area.

(Councillor Harbinson re-entered the meeting – 7.12 pm)

Following correspondence with DfI, they had visited the site to undertake a pedestrian vehicle survey and concluded that a pedestrian crossing was merited. DfI had felt it would be prudent to await the outcome of the planning application before making a decision as to how and where it could be accommodated. It was recognised that given the area it would not be straightforward to locate a pedestrian crossing. Referring to the access points, Councillor McCollum noted that the Planning Officer had referred to one single access point, and she sought clarity in its location.

The Planning Officer (C Barker) explained that the planning application contained two addresses, 102 Moat Street (The former Moat Inn) and 104 Moat Street (Eurospar). 102 Moat Street currently had its own access. The proposal brought a reduction in the accesses onto the protected route. The Officer highlighted the entry and exit points on the visuals.

Councillor McCollum asked if it was possible to condition an approval on the basis of a pedestrian crossing being provided. The Planning Officer stated that was not possible.

To add further clarity, the Head of Planning stated that for safety reasons for such developments, one entrance and one exit was required. Planning needed to consider the development within the red line. She was fully aware of the case for a pedestrian crossing however that was a separate issue and for DfI to progress.

Councillor McCollum hoped the development would bring the long awaited pedestrian crossing. In relation to the noise pollution, she believed the residents would welcome the conditioning in that regard. She referred to the objection in relation to trees and that some of the trees would act as a noise buffer.

Referring to the visual, the Planning Officer highlighted the trees along the boundary that were to be retained and were protected by a TPO. She referred to the trees that were being removed that were within the site.

The Mayor noted the concerns from residents in relation to the removal of trees from the residents of Manor Wood. The Planning Officer confirmed that those were the trees that were to be retained.

Councillor Cathcart referred to the former Moat Inn and raised a question regarding the redevelopment of the site and the change of use. The Planning Officer explained that the former Moat Inn would be redevelopment into an office licence as part of the application. The change of use was included.

The Head of Planning referred to page 8 of the case officer's report, which confirmed that the application site included the former Moat Inn. A certificate of lawfulness was established that the change of use from the public house/restaurant to retail use was lawful under the provisions of the Planning (General Permitted Development) Order.

Councillor Cathcart noted that terms of car parking there would be less car parking spaces than what would be ideally required, and he wondered if the land surrounding the former Moat Inn building was considered in that assessment. The Planning Officer confirmed that was considered as part of the parking assessment. The GFA was reviewed and two less spaces were deemed acceptable.

The Chair invited David Mounstephen (Agent), William Adams (Henderson Group), Mark Collins (Collins Rolston Architects) and Tim Cousins (Lisbane Consultants) to come forward who were speaking in support of the application.

Mr Mounstephen thanked the Committee for the opportunity to speak, on behalf of the Henderson Group, in support of the recommendation to approve. The proposed development was part of a £3M approx. investment in the Moat Street site. The proposal would create some 10 additional jobs, with some £125,000 of additional salaries and some £10,000 of additional rates income.

Mr Mounstephen highlighted that the nature of the proposal was set out in the case officer's report – it was an investment in and improvement of that well established and important local shop and forecourt. There had been some third-party objections dating back to September 2023 and he hoped those concerns had been allayed. As alluded to there were no objections from statutory consultees. The application had been subject to a range of assessments, including odour, lighting, trees, access and would operate safely and without adverse impacts on surrounding properties or the character of the area. Mr Mounstephen agreed with the content of the case officer's report, subject to planning conditions and, as such, he commended the recommendation to the Committee.

The Chair invited questions from Members.

Alderman McAlpine noted the EV charging points and wondered if the site was big enough to accommodate future provision of alternative fuels.

Mr Mounstephen stated that currently the proposal was for a standard fuels and EV charging points.

Mr Adams (Henderson Group) confirmed that currently the proposal was for standard fuels and EV charging. New fuels were starting to come to the market however there was no mass demand. The Henderson Group prided themselves on being adjustable and agile.

Councillor Hennessy asked the representatives if they could provide an indication of timescales, the length of time the development would take and if it would remain open. Mr Adams stated that on the basis of permission being granted, some procurement would be required. Extensive work would be undertaken to the former Moat Inn site and detailed surveys would be required. In terms of sequencing, it

would be important for the store to remain open for the customers. Step One would involve alterations to the former Moat Inn site to allow for the Off-licence to move. Followed by construction moving towards the current off-licence finishing by bringing the development together. For the scale of the proposal, it was envisaged that would take 36-40 weeks.

Councillor McKee referred to the size of the former Moat Inn building and asked if the off-licence would occupy the whole building or was there any other future aspirations for the building. Mr Mounstephen stated that some demolition may occur to the rear of the building to make in more in keeping. He stated that if Councillor McKee's concerns were there would be other uses for that building making an intensification of the site, then he reassured the Member that was not what was planned. The proposal would move the existing off-licence into a bigger space.

Alderman Graham referred to the condition in relation to the abatement of odours and asked how that would be managed. Mr Mounstephen stated the Henderson Group were experienced in relation to that matter. The current Eurospar had odour abatement undertaken at present. There would be a high level of odour abatement used with carbon filtration and extraction. An odour specialist had undertaken an assessment and made recommendations on the type of equipment that was required. The Council's Environmental Health department had also undertaken an assessment and were content. Henderson Group were very conscious of any concerns, and they wished to be good neighbours. Mr Mounstephen reassured that the concern in relation of odours had been addressed as part of the proposal.

In relation to lighting and residential amenity, Councillor Cathcart questioned if the lights could be switched off at nighttime and what type of lighting would be used overnight. Mr Adams explained that all the lighting would be turned off at night when the shop was closed. There may be a small security lighting which was fairly normal in any commercial setting. There would no light intrusion into the nearby residential properties. Quite often during works, the light could be shielded to ensure there was no glare or unwanted light.

Mr Mounstephen referred to the condition No 12 which stated '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'. He felt that should instead read drawing No.06.

As there were no further questions, the representatives returned to the public gallery.

The Chair invited further questions from Members.

Alderman Graham referred to the condition regarding odours and stated that he was quite confident Henderson Group would be considerate to their neighbours. He questioned how that condition could be enforced.

The Planning Officer explained that as with any condition it would be the Planning Enforcement team that would look at such a complaint. They would liaise with the Environmental Health department with regards to odours as they were in the experts in that field.

The Head of Planning stated that there was already cooking undertaken within the garage and odour abatement currently took place. Henderson Group were well used to managing such odours and if there was a complaint that would be looked at by Planning.

Proposed by Councillor Cathcart, seconded by The Mayor, Councillor McCollum, that the recommendation be adopted, that planning permission be granted.

Councillor Cathcart welcomed the application which was good asset for Donaghadee. He believed the concerns had been fully considered and assessed.

The Mayor agreed, the objections had been comprehensively addressed. The EuroSpar was well used. She was hopeful that the ongoing serious issue of the pedestrian crossing would be looked at.

RESOLVED, on the proposal of Councillor Cathcart, seconded by The Mayor, Councillor McCollum, that the recommendation be adopted, that planning permission be approved.

4.2 LA06/2022/0563/F - Lands approx. 15m NE of 5 Creighton's Green Road Hollywood
(Appendix III)

DEA: Hollywood & Clandeboyne

Committee Interest: The application had been brought before Planning Committee for consideration as it is a local application which had received six or more separate objections contrary to the case officer's recommendation.

Proposal: Detached garage and associated site works

Site Location: Lands approx. 15m NE of 5 Creighton's Green Road, Hollywood

Recommendation: Grant Planning Permission

The Planning Officer (C Barker) outlined the detail of the application. The site comprised of an area of hardstanding with 2 steel containers and a portacabin. The south, east and western boundaries were defined by trees and hedgerows. The northern boundary was adjacent to a public pedestrian right of way path. A steel gate and 1m high post wire and fencing enclosed the site.

The site lay within the countryside just outside of Hollywood, with the immediate area containing a mixture of detached residential dwellings with agricultural fields to the north and east.

The proposal sought to replace the existing containers (one had the benefit of a CLEUD) and portacabin on site which were both immune from enforcement action, with a new single-storey garage. It was 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.

Planning Policy Statement 21 set out planning policies for development in the countryside. As the domestic use of the site had already been established through the approval of the CLEUD, the principle of a building for domestic purposes on the site was acceptable under policy CTY1 of PPS21 and policy EXT1 of PPS7 Addendum.

The proposed garage would be sited in the southern portion of the site, in place of the two existing containers on site. The garage would measure 8.9m x 5m, creating approximately 50sqm of floorspace. The garage would have a pitched roof design with a ridge height of 5m and would be finished in painted render, with roof tiles to match those of the existing dwelling at No. 5.

Although separated from the established domestic curtilage of No. 5 by the road the Council were content that the garage was sympathetic to the main dwelling in relation to scale, massing and design. It was considered that the proposed garage would result in a betterment as the existing containers and portacabin were not considered to be sympathetic to the rural character of the area.

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 location of the proposed garage would be sited in a similar position to the existing container and portacabin. There would only be a very brief view of the garage from the existing access when approaching from the East 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. A condition was recommended to retain the boundary treatment.

The nearest third-party property was 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.

In terms of impact on character, 22 letters of objections were received from 8 different addresses in relation to the proposal. The specific concerns raised were set out and considered in detail in the case officer's report. The concerns raised include related to the impact on the character of the area, road safety, the loss of screening by the removal of trees and the impact on residential amenity.

In relation to the impact on the character of the area the ridge height had been reduced from 6m to 5m to reduce any undue prominence of the building on the site. The site was currently accessed from Creighton's Green Road which was not a protected route. This access had been in situ for over 5 years and was therefore immune from enforcement action. However as a result of concerns raised through objection DfI Roads were consulted and no concerns were raised.

In connection with this, concerns were also raised in that the access interfered with a frequently used footpath and its retention was vital for pedestrian safety. A public right of way was indicated on the Council's GIS maps and it was noted that the path/right of way remained unobstructed. While the existing access to the site came

out onto the right of way that was close to the public road and the right of way itself was unaffected. As detailed the vehicular access had been used since at least 2010.

In summary, the proposal was considered to be acceptable. The development of the site would result in a betterment/planning gain as the existing containers and portacabin were not considered to be sympathetic to the rural character of the area. There would be no unacceptable undue impact on the adjacent residential properties. Therefore, on this basis it was recommended that full planning permission should be granted subject to the stated planning conditions.

The Chair invited questions from Members.

The Mayor, Councillor McCollum felt there was undoubtedly a blind corner which could be seen clearly in the visuals. She referred to the proposal being immune from enforcement due to the five year rule and questioned was that due to the proposal not being objected to within the 5 year period.

The Planning Officer explained that the site had been in use for a considerable period of time. If a building or use was there for 5 years or greater it was immune from enforcement action. It was therefore a lawful use of site and it was considered that the application was a betterment. With regards the access, that also had been used for a period greater than 5 years.

The Mayor found it staggering that DfI did not have concerns. She questioned if they had of provided comments would that have overridden the reasoning.

The Planning Officer explained due to the site being immune, it was a lawful access. DfI had been consulted and had been commented that on the basis that there was existing established use on the site with no intensification, they had no concerns.

The Chair invited Mr Andy Stephens (Agent – Matrix Planning) to come forward who was speaking in support of the application.

Mr Stephens stated that the application had been in the system since 6th June 2022, and following discussion and deliberation with officers, amendments were made to reduce the proposal to a single storey. The case officer's report provided an excellent chronology of process history of this case, including consideration of the status of the existing structures on the subject site. He believed it was a fair and balanced consideration, and he thanked officers for their time and effort to conclude this application.

There were no objections from the statutory Roads Authority to the proposal in respect of access, movement and parking and in respect of road safety. There had been no evidence presented to the contrary of this expert opinion, which remained a material consideration to this determination. Likewise, there was no history of any road traffic accidents, at this location.

Whilst there have been 22 objections submitted on the application, many of those were duplications, repeating the same concerns. Those had been thoroughly examined in the case officer's report.

It was noted that since the scheme was amended and reduced to a single storey garage that 5 objections were received, which reiterated the earlier points of concern. Mr Stephens noted that there was a lack of evidence to substantiate the concerns, and they did not pay regard the existing structures and there was a fall-back position.

The proposal amounted to a rationalisation and consolidation of the existing 3no structures on site, with a single storey garage, resulting in planning gain and betterment as the existing structures were not sympathetic to character of the area, and were not high quality in design and finish. The proposed permanent garage was sympathetic to the existing built and natural environment and was of an appropriate scale, massing, and design, which would blend unobtrusively into this rural landscape setting.

In conclusion, Mr Stephens stated that the case officer's report confirmed that the proposal was compliant with all aspects of the local development plan, draft plan, regional prevailing policy, and that all material considerations had been considered. The Planning system did not exist to protect the private interests of one person against the activities of another, it was there for consistent decision making. Planning decisions could only be taken in an evidential context and all the evidence including the response from DfI Roads would indicate there was a lack of sustainable objection to this proposal or demonstrable harm.

Mr Stephens fully supported the positive recommendation before members, and asked that the Committee endorsed the grant of planning permission.

The Chair invited questions from Members.

Councillor Cathcart was curious as to the history of the site. Mr Stephens explained that he was initially instructed to the case in 2019. From his understanding, the applicant originally had a business in Hamilton Road, Bangor beside Wilson Nesbitt Solicitors. The applicant retired, he had a number of items from his business and had put the containers on the site for storage. As alluded to, as long as the development was in plain site, a certificate of lawfulness could be applied. Mr Stephens stated that the proposal provided a rationalisation of what was currently on the site and considered that to be a betterment.

Councillor Cathcart questioned if the application site had always been associated with the property. Mr Stephens was of the understanding that was the case. He was aware in the objections that reference had been made to a Chancery case as regards to the right of way however that was a civil matter. The application did not impact the right of way and therefore was not relevant in the determination of the application.

Councillor Cathcart asked where the vehicular access would be. Mr Stephens explained the access and the vehicular movements whilst referring to the visual. The CLUED established the use and the access. DfI had not objections and there was no history of traffic accidents. The bend slowed the traffic down due to the physicality and curvature of the bend.

Alderman Graham asked if there were any plans to tidy the boundary of the site. Mr Stephens that two of the conditions related to the landscaping. The boundary vegetation was to be retained to 3m in height. In terms of the right of way, landscaping had not been included and he was happy to feed that back to the applicant. In terms of the visual impact, Mr Stephens stated that the proposal was a betterment and an enhancement.

The Mayor was curious as to the purpose of the huge garage. Mr Stephens advised that the garage would be used for domestic storage. He did not believe it to be huge, he viewed it as modest in size and in keeping with garages in the area. The conditions would ensure that the proposal was ancillary to No 5, removed the permitted development rights and dealt with the concerns.

Mr Stephens referred to condition 2 and believed container should be plural and therefore should read 'Prior to the commencement of development, the existing **containers** and portacabin as indicated in Green on drawing No. 01A shall be permanently removed from the site'.

As there were no further questions, Mr Stephens returned to the public gallery.

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

Councillor Cathcart stated that there was lawful use on the site and the proposal would tidy up the area.

Councillor Kendall wished to be recorded as against.

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

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

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Ards Peninsula

Committee Interest: The application was being presented to Planning Committee as 6 or more objections had been received contrary to the officer's recommendation to approve.

Proposal: Proposed glamping site comprising 7No glamping pods, parking, open space and associated landscaping

Site Location: Lands 100m south of 29E Carrowdore Road, Greyabbey

Recommendation: Grant Planning Permission

The Planning Officer (A Todd) outlined the detail of the application, the site was in the countryside accessed via a private lane off the Carrowdore Road. The area was

characterised by agricultural land interspersed with dwellings and farm holdings. The site occupied the western corner of a larger agricultural field which was on relatively flat ground and set back approximately 250m from the road.

The Officer displayed some photos of the site taken from the existing private lane. As could be seen the topography was relatively flat and the field boundaries were defined by mature hedgerows.

The proposal was for 7 individual glamping pods with associated parking, landscaping and communal open space. The slide showed the proposed layout with the pods located around the edges of the site close to the existing hedgerows and facing onto the central area of open space.

Policy CTY1 of PPS21 identified a range of types of development which in principle were considered acceptable in the countryside. It identified that tourism proposals may be considered against the relevant tourism policies contained in PPS16. Specifically in this instance, policy TSM6 'New and Extended Holiday Parks in the Countryside' was applicable. As confirmed by the Council's Environmental Health Department, the proposed Glamping Pods fall under the definition of a caravan under Section 15 of the Caravans Act (NI) and the site would require a Caravan site licence. Therefore, the proposal falls to be considered under policy TSM6. The principle of holiday parks including small groups of glamping pods was acceptable in the countryside under PPS16. Policy TSM6 showed advised that planning permission would be granted for a new holiday park where it was demonstrated that the proposal would create a high quality and sustainable form of tourism development. The siting and design of the holiday park must also respect the surrounding landscape and rural character of the area.

In terms of the potential impact on the character of the area, as already mentioned, the site itself was set back a considerable distance from the road at approximately 250m. Given this significant setback and the small scale of the proposed pods, it was considered that the overall development would integrate very well into its surrounding landscape. The slide showed the long-distance view towards the site from 21 Carrowdore Road and the views towards the site from 17 Carrowdore Road demonstrating that the development would not be prominent or visible from those public viewpoints. The pods themselves were of timber construction and were small in scale with a height of just over 3m. Each pod would be constructed off site and transported to the site therefore construction works on site would be minimal. The pods were not intended for self-catering with no kitchen facilities incorporated enabling visitors to support local food and beverage businesses.

A landscaping scheme was proposed which would include the planting of 18 heavy standard native species trees to help further integrate the development into its rural setting.

Policy TSM7 of PPS16 also listed general criteria for tourism development including the requirement that developments must not harm the amenity of nearby residents. A number of representations had been received from nearby residents in relation to the potential for the development to cause an unacceptable level of noise and disturbance from both the use of the site and traffic on the existing lane. It was

considered that the proposed glamping pods would be located a sufficient distance away from the closest residential properties which would ensure there would be no unacceptable levels of noise or disturbance. As demonstrated on the slide, the separation distances would be generous between 119m and 208m. The Planning Department was satisfied that these distances along with intervening mature hedgerows would be sufficient to mitigate against any noise associated with the use of the pods. However, it was not anticipated that the level of noise would be significantly greater than that associated with existing nearby dwellings and farm holdings.

The development would include some lighting for safety. The location and type of lighting was shown which included low 1m high bollard lighting around the car park and to the front of each pod and lights positioned above the front door of each pod. All of those lights would be hooded to direct light and avoid spillage and would comply with the recommended lux levels.

Concerns had also been raised by nearby residents regarding the increase in traffic using the existing lane as a result of the proposed development. While the development would result in an increase in vehicle movements, it was not considered that increase in itself would be significant or result in any unacceptable impact by way of additional noise or disturbance. It was also considered that each of the existing dwellings were set back off the lane to a sufficient degree to mitigate against any potential noise from additional traffic. Environmental Health had also been consulted on the application and had raised no concerns with regard to potential noise or disturbance.

In terms of road safety, DfI Roads had been consulted and was content with the proposal, raising no objections. The existing access onto the Carrowdore Road was shown on slide 13. Sight splays of 4.4 x 70m were already in place here and met with the standards. Some concerns had been raised by objectors in terms of the width of the existing lane and its capacity to accommodate the additional traffic generated by the proposal.

The width of the lane does vary along its extent from just under 4.5 m to around 7m. The visual showed a few measurements taken off the Council's GIS map for reference. While it was acknowledged that the lane narrows at certain points, it was also considered that there were a sufficient number of wider sections along the lane where vehicles would be able to pass safely.

In summary, the Planning Department was satisfied that the proposed glamping pod development meets all of the requirements of policies TSM6 and TSM7 of PPS16. Policy TSM6 operated a presumption in favour of this type of tourist accommodation in the countryside. As already outlined, the site could comfortably accommodate the proposed development without any adverse visual impact on the character of the surrounding countryside. Adequate communal amenity space, landscaping and car parking were all provided for the pods and for the reasons outlined in this presentation the Planning Department was content that the development would not cause any unacceptable adverse impact on the amenity of existing residents. All of the statutory consultees had also advised that they had no objections to the proposal and therefore on this basis it was recommended that full planning should be granted.

The Chair invited questions from Members.

Alderman Graham noted that the development would require a caravan licence and would come under those regulations. The pods were not intended to be self-catering however he viewed a barbeque as self-catering outside. He referred to incidences of concerns in connection with such facilities in other parts of the Country and presumed they would have been of the control of the caravan licence.

The Planning Officer (A Todd) stated that Environmental Health would deal with such licencing matters. Planning were satisfied that there were sufficient mitigation measures in place. There were significant distances between the development and the nearby houses. There were mature hedges that acted a buffer and further planting was proposed.

Alderman McIlveen noted that access to the site was a long and existing laneway and he questioned how many properties used the laneway. The Planning Officer stated that the access was of the Carrowdore Road and before the turn off to the site there were three properties. There were further houses beyond and at least one farm holding.

Alderman McIlveen stated that there were 7 pods and asked if camping pitches were proposed. The Planning Officer stated that there was nothing proposed in that regard. There was a communal space in the middle of the proposal, but she believed that would not lend itself to a camping area.

Alderman McIlveen wondered if that was the only site that was owned by the applicant. The Planning Officer reminded the Committee what was being considered was the site within the red line.

Alderman McIlveen expressed concerns that due to the pods not being self-catering that would increase traffic movements for visitors exiting to get meals. He was mindful of previous applications which had been approved for houses and then a further access had subsequently been required. He questioned if those considerations had been taken on board. The Planning Officer stated that DfI Roads had been consulted. She felt that generally with tourist pods people were out during day. The width of lane had been looked at. There was guidance within Creating Places which stated that minimum widths of 5.5m. The lane allowed for two service vehicles to pass each and there were significant stretches of sufficient width.

The Chair invited Mr Colin McAuley (Agent - via zoom) to be admitted to the meeting, who was speaking in support of the application.

Mr McAuley stated that the application was before the Committee that as a result of there being a total of 6 objections from different postal addresses. Following consideration of those objections, planning policy and all other material considerations, officers had justifiably recommended the application for approval. He welcomed this recommendation for the undernoted reasoning.

From a planning policy perspective, rural policy was presently framed to facilitate development in appropriate locations where that would maintain and enhance the attractiveness of the countryside as a place to both live and work.

In respect of tourism proposals, the SPPS aimed to manage the provision of sustainable and high-quality tourism developments in appropriate locations. The SPPS and the RDS both recognise that tourism proposals were a key element underpinning sustainable economic growth in Northern Ireland.

One of the stated regional strategic objectives was to sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas.

The SPPS stated that a positive approach should be adopted in determining applications for sustainable tourism development which were of a high quality, of an appropriate scale and design, and which respond positively to the site context. The application was well supported from the outset with a preliminary ecological appraisal, supporting design & access statement, detailed planning policy consideration and a high-quality landscaping scheme.

PPS 16 Policy TSM 6 is the appropriate policy context in this instance and it stated that planning permission '*...will be granted for a new holiday park where it is demonstrated that it will create a high quality and sustainable form of tourism development.*'

The modest glamping site proposed respected the surrounding landscape character by keeping the glamping pods small in scale thereby enhancing integration. They were designed to respect their rural context, reflecting the form and profile of the traditional vernacular barrel-vaulted farm sheds commonplace in the Northern Irish rural landscape.

Each pod was set into its own generous landscaped plot, set into the landscape with a light touch, respecting the site contours, further enhanced with informal gravel pathways, layered landscaping and informal tree planting and mounding enclosing the site to the east.

During the course of the application a total of 6 objection letters were received. The issues raised by objectors had already been comprehensively summarised and addressed in the case officers report, as such he did intend to repeat those issues. However, he wished to address concerns raised over the proposed use of the existing laneway. As demonstrated in the case officers report, the laneway was of sufficient width along the vast majority of its length to facilitate the passing of vehicles at numerous locations. Visibility splays were also already in place to the required standard at the junction with Carrowdore Road. As such, DfI Roads raised no road safety concerns and had responded with no objections. Objections concerning use of the existing laneway were civil matters which were not to be presided over in the context of determining a planning application. Notice had been served on the owners of the laneway informing them of the proposed development. Notwithstanding this, the applicant enjoyed a full and unencumbered right of way

over the existing laneway leading to the site which could be lawfully utilised for any purpose, including access to the glamping site proposed.

In conclusion, Mr McCauley stated that the proposed glamping site represented a sustainable form of tourism development and enhances the rural tourism offer in the Borough Council area. As endorsed in the officer's report, the development proposals are compliant with the general policy requirements set out in the Ards & Down Area Plan, the SPPS, traffic & transportation issues covered by PPS 3, and Tourism policies contained within PPS 16. Mr McCauley was pleased to endorse the officers' recommendation to approve this application and commended the development proposals for positive consideration by committee members.

The Chair invited questions from Members.

Alderman McAlpine was of the understanding that the pod would not include self-catering facilities and asked if that was correct. Mr McCauley stated that there was no specific kitchen in the pods, they may have a convenient microwave or something similar along with a barbeque area.

Alderman McAlpine asked if any concerns had been expressed regarding the nuisance values around barbeques. Mr McCauley stated that not been raised by third parties. There was a central communal area in the proposal where people could also barbeque.

Alderman Graham asked about the surface of laneway. Mr McCauley stated that it was a concrete laneway along the majority of its length with some small areas of compacted gravel. There was sufficient width for cars to pass along the majority of its length.

As there were no further questions, Mr McCauley was returned to the virtual public gallery.

The Chair invited questions from Members.

Councillor Kendall referred to the bio-diversity checklist and noted that there was a condition in relation to badgers. She was unsure how that could be conditioned. The Planning Officer stated that NIEA had been consulted with the bio-diversity checklist and the accompanying ecological statement which was comprehensive in reviewing the potential protected species. NIEA were content with the findings and had not recommended conditions. There was a need to ensure that there were no badger sets on the site and what was found was a badger latrine and was at a good distance away.

Alderman Smith asked where the applicants was from a management perspective. The Planning Officer highlighted the applicants house on the visuals from her understanding.

The Head of Planning highlighted that page 3 of the case officer's report displayed the land ownership and the applicants dwelling.

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

Councillor Morgan was content that the proposal met policy and was needed for tourism within the area. It was for 7 pods, which was not extensive and believed the facility could be appropriately managed.

Alderman Graham stated that he had no objection to the principal of the development which he believed had been designed very well. However, he expressed his concerns regarding the access. The neighbouring properties had decided to live in a rural location and the proposal would generate extra traffic leading to disruption to the rural environment.

Councillor Kerr was in agreement with Alderman Graham. He was also concerned about the laneway. He was supportive of the principal of the development and he felt it would benefit tourism.

The proposal put to the meeting and declared CARRIED, with 8 voting For, 2 Against, 3 Abstentions and 2 Absent. The vote resulted as follows:-

FOR (8)
Aldermen
McAlpine
Smith

AGAINST (2)
Aldermen
McIlveen
Graham

ABSTAINED (3)

ABSENT (3)
Alderman
McDowell

Councillors
Cathcart
Harbinson
Hennessy
McKee
McCollum
Morgan

Councillors
McClean
Kendall
Kerr

Councillors
Smart
Wray

RESOLVED, on the proposal of Councillor Morgan, seconded by Councillor Hennessy, that the recommendation be adopted, that planning permission be granted.

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

DEA: Hollywood & Clandeboye

Committee Interest: Application on land in which the Council has an interest.

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

Site Location: Lands 93m east of 47-55 Firmount Crescent, Hollywood

Recommendation: Grant Planning Permission

The Head of Planning outlined the detail of the application. Members should note that there was no planning history associated with the site and there were no

objections to the proposal wither from statutory consultees or the public. The application had been submitted by Hollywood Shared Town which was a charity with its purpose being to forge and grow relationships between organisations and individuals in the Hollywood Area. The project would follow their community development principles and already had a sizeable number of interested volunteers/participants eager to get involved.

The area would be used to grow vegetables, along with some fruit with possibly some decorative flowering plants. The principle of the community growing space was that the produce would be distributed to those local volunteers who were involved in its production. They intended 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 would remain as open space for community use, it had 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.

Referring to the visual, the Head of Planning explained that the application site was located within the development limits of Hollywood on the eastern edge of Redburn Country Park adjacent to the existing Council Depot and dwellings at Firmount Crescent.

The area was currently open ground made up of open grassland and scrub. The site was 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).

In the wider area there was residential development to the west, trees and a cemetery to the north and Redburn Country Park to the east. To provide some context, the Head of Planning displayed a series of images of the site and area. It was proposed to use an area of existing open space as a community garden, and the proposed lay out could be seen from the image.

Proposed structures included a shed and a polytunnel to be erected to the east of the existing Council Depot. A 2m high mesh fence was also proposed around the boundary of the community garden. The Head of Planning highlighted that the application was a good example of how Planning projects could enable community projects work together to achieve a worthwhile project.

The Chair invited questions from Members

Councillor Morgan felt the project was great and wondered why it had taken so long to get to this stage with the application having been received in February 2024.

The Head of Planning highlighted that Officers within Planning had left and the application had been reallocated. Even though the application was a good worthwhile project, the statutory consultees still needed to be notified, and the responses received. Furthermore, the community group had needed guidance in respect of the drawings.

Councillor Morgan viewed the processing time as excessive.

Proposed by The Mayor, Councillor McCollum, seconded by Alderman Graham, that the recommendation be adopted, that planning permission be granted.

The Mayor advised that Holywood Shared Town had worked on the application diligently and the proposal had universal support in the area. She viewed it as a splendid project, and it was policy compliant.

RESOLVED, on the proposal of The Mayor, Councillor McCollum, seconded by Alderman Graham, that the recommendation be adopted, that planning permission be granted.

5. UPDATE ON PLANNING APPEALS
(Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching 5a - PAC decision 2023/A0018. The report detailed the undernoted:-

Appeal Decisions

1. 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.

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

The appeal proposal sought 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 was 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 stated that planning permission would 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 were 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 was designated as a protected route, the second criterion of Policy AMP 2 of PPS 3 was 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.

Dfl required (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. Dfl 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, Dfl 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.

The Commissioner considered that the existing access was 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.

RECOMMENDED that Council notes the report and attachment.

The Head of Planning spoke to the report highlighting the salient information.

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

6. Q4 SERVICE UNIT PERFORMANCE UPDATE (Appendix VII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching report for October 2024 – March 2025.

The report detailed that Members would be aware that Council was 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 had in

place a Performance Management Policy and Handbook. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan 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 would contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Reporting Approach

The Service Plans would be reported to relevant Committees on a half-yearly basis as undernoted:

Reference	Period	Reporting Month
Quarter 2 (Q2)	April – September	December
Quarter 4 (Q4)	October – March	June

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		

RECOMMENDED that Council note this report.

The Head of Planning spoke to the report.

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

Councillor Cathcart felt it was important to highlight the achievement of an under 15 weeks processing time for quarter 4. There was an incorrect perception that every planning application took along time to process and the inaccuracy of that information needed to be communicated to the public. A quick planning system helped grow the local economy and noted that there would be some exceptions. He viewed the figures encouraging and hoped that could continue.

The Head of Planning advised the Committee that she had recently hosted an event with the Royal Society of Ulster Architects . She had received favourable feedback from an agent as their application had been processed within 5 weeks. That was encouraging news. The categorisation for local planning applications was far too wide with a house extension in the same category as a small housing development.

Alderman McIlveen asked when the processing time commenced for applications. The Head of Planning stated that was from when the application was received and validated.

Alderman McIlveen noted the delays in getting responses from statutory consultees and therefore the figures could have been improved if those responses were received more efficiently. The Head of Planning stated that as Members were aware was an ongoing issue .

In relation to a monthly meeting being held with DfI Roads, Alderman McIlveen asked if that was streamlining the process. The Head of Planning stated that there were still issues. However, Officers could now get an informal view before a formal submission, feedback could then be given to agents before a formal submission.

Alderman McIlveen asked if DfI Roads were attending Pre-application discussions (PADs). The Head of Planning advised that DfI have stated that they had limited resources.

(Councillor Kendall withdrew from the meeting – 8.39 pm)

The Head of Planning stated that the informal approach had assisted. It was difficult to get all statutory consultees on board.

Alderman McIlveen was encouraged that once the application was received it was processed quickly however noted there was further work to be done to improve processing times.

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

7. DEPARTMENT FOR INFRASTRUCTURE (DFI) - PUBLIC CONSULTATION- DEVELOPER CONTRIBUTIONS FOR WASTEWATER INFRASTRUCTURE
(Appendix VIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching draft

response from Ards and North Down Borough Council. The purpose of this report was to seek Members' agreement on the draft response (Item 7b) to the Department for Infrastructure's (DfI) public consultation Developer Contributions for Wastewater Infrastructure.

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

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

If there was a wastewater capacity issue in relation to a housing development, NI Water would 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 those works to be completed and paid for by the developer. NI Water was, 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 involved the upgrading of an existing NI Water asset.

The consultation was 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 would release capacity in the wastewater system, thereby enabling more wastewater connections.

The consultation proposed 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.

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.

The Head of Planning outlined the detail of the suggested response.

(Councillor Kendall re-entered the meeting – 8.42 pm)

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

Councillor Cathcart advised that he had held a meeting that day with a representative from NI Water and an Agent following a planning application which had which had been passed by Council. The agent had already gone to considerable expense and was no further forward regarding the matter. NIW had been unable to find capacity. At one stage, they had looked a nearby school to see if it discharged all of its wastewater into the combined network however it had been found to be discharged into a stream. Councillor Cathcart could not understand why money had been spent undertaking such investigations when such detail should be available on plans. In well-established residential areas, capacity was very limited. In terms of planning conditions, Councillor Cathcart noted this Council did not allow development to progress until approvals were received from NI Water. Belfast City Council and other Council areas allowed for construction to begin but could not be operated. In terms of discussions with developers, Councillor Cathcart asked what was preferred.

The Head of Planning stated that the issue had been recently debated at a Head of Planning meeting. Last year the Council had started to apply negative conditions and she had advised NIW that was occurring. Planning approval was only one part of the jigsaw and depending on the development other approvals were required. The negative condition was prior to commencement. Other Council's allowed to build to first floor level and that was being explored. Talks had been occurring with a representative from NI Water. Planning was also encouraging applicants to speak with NI Water before they submitted their planning application and NI Water were open to that.

Alderman McIlveen agreed in principal that something needed to be done. It could be seen from the applications coming through, that it was a crisis point. There were capacity issues across the Borough. He agreed with the response and felt it was of the right tone.

The Mayor cautiously welcomed the response however there was so little detail in the consultation itself. She was concerned how long the matter would be consulted on, there was sufficient demand and already information that could have progressed the matter.

Alderman Graham raised a question in respect of reimbursement. Referring to the suggested response, the Head of Planning stated that it had to be fair and proportional and further clarity was welcomed.

Alderman Graham wondered where the money would come for the reimbursement. The wastewater was a big problem, it was at crisis point and needed tackled by Central Government.

Councillor McKee was in favour of wider developer contributions. He referred to such applications like Item 4.1 which was considered, where it was acknowledged a pedestrian crossing was required. In such examples, if DfI had requested a pedestrian crossing could a developer contribution be asked for as part of the

application. The Head of Planning noted that Councillor McKee's question was beyond the scope of the consultation response. However, she explained that developer contributions were associated with very large-scale developments. Item 4.1 was a small example, and a private agreement may be a better approach in such examples. Planning had to consider what was in the red line along with the information in the supporting statement.

Councillor McKee asked if there was any opportunity for the Council to bring such discussions into the conversation for the betterment of an area. The Head of Planning stated that Members needed to be mindful of the limits of the Committee. With regards to future charges the appropriate legislation was required.

The Chair was sceptical of transferring too much of the burden.

Councillor Morgan referred to question 3 which referred to an upfront payment and noted for small builder that could be a big expense. She worried about such consultations and because they were so vague the detail and the consequences could not be fully understood.

Councillor Kendall referred to question 5 and welcomed the exceptions for charges being recommended around social and specialist housing to meet the need and homelessness issue. She appreciated the response and thanked the Officer's for that. A blanket scheme would not be wise. In terms of the conditions, she asked if there would be risk amending conditions to build to the first floor as that could result in houses only being half built.

The Head of Planning explained that currently an applicant had five years to commence development however there was no time set on when that was required to be finished by.

Alderman Smith was happy with the response and felt the guarded response was wise. The voluntary contribution was welcome, and developers were keen to progress that to remove barriers.

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

RECESS

The meeting went into recess at 9 pm and resumed at 9.11 pm.

8. DEPARTMENT FOR INFRASTRUCTURE (DFI) - 'TRANSFORMING PLANNING - APPOINTED PERSONS, INDEPENDENT INSPECTORS PROJECT' (Appendix IX)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching letter from DfI Climate, Planning and Public Transport , Interim Director of Projects, (Planning). The report detailed that following a successful bid by DfI Planning to the Executive's Transformation Fund, the Interim Director of Projects had written to

Council Chief Executives and Heads of Planning to give an update on the project which was 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.

The letter highlighted how the project team for the Transforming Planning Project, itself sits out with DfI Planning directorates and would be responsible to the DfI Climate, Planning and Public Transport Group's Deputy Secretary, Judith Andrews.

The initial work of this Project Team was outlined as detailing the project plan and to establish the appropriate administrative protocols, guidance, procedures and monitoring arrangements. DfI had 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 advised that to assist project oversight the interim Public Sector Transformation Board would also be regularly briefed and engaged with on progress.

DfI officials were reviewing project timelines and hope to be able to have the process ready before the end of this financial year.

RECOMMENDED that Council notes the content of this report.

Proposed by Alderman Smith, seconded by Councillor Kendall, that the Council take note the report and writes to the Minister for Infrastructure to request that she undertakes an immediate review of the Local Development Plan (LDP) process as recommended by the NIAO Report 'Planning in Northern Ireland' (2022) to reduce the timescale and cost to Councils of producing their LDP to ensure that a more proportionate and effective approach is adopted. Furthermore, that we also write to all other councils seeking their support.

Alderman Smith stated that the frustrations from both Members and Officer's in relation to the LDP process had been talked about on many occasions. There was frustrations and concerns, and he felt that it was time those be put on record. He thanked Officers for their sterling work on the LDP process. As alluded to in the report a letter had been received from DfI detailing 'transforming planning'. He was concerned the letter was another incremental approach and a more fundamental review was required. There was 11 Council's trying to progress their LDPs using the same bank of bodies required for responses and Alderman Smith alluded to some of those. He recognised that a letter would be not transformational but would allow for the Council to articulate its concerns on the long, complicated, expensive process and it was time to do something about it. Progress had been glacial with the goal posts having been changed. The process and strategy from the department needed to change.

Councillor Morgan expressed her extreme frustration regarding the LDP process. The latest correspondence did not provide her with any confidence. Planning should be an enabler for new housing, industrial areas and for all the things that would like to be seen within the Borough. But with the delay and excessive process was

stopped progression and that was unsatisfactory. The issues were well known, and the Council would like its LDP progressed in a timely manner.

Alderman McIlveen expressed his frustrations regarding the matter. He noted that when the LDP's were first suggested there was target of 40 months and now 10 years had gone by, and the draft plan strategy had not even been passed. DfI had been changing the goal posts, and it was such a failure from the Department, not looking how such was run in other areas. Not one Council in Northern Ireland had fully adopted their plans.

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

9. UPDATE ON TREE PRESERVATION ORDERS AND WORKS (Appendix X)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity attaching table setting out the figures from the date of the last report to Committee.

This report presented 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 provided information from 14 November 2024 (date of previous report) to 13 May 2025.

RECOMMENDED that the Council notes the content of this report.

The Planning Officer (C Barker) outlined the detail of the report.

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

Alderman McIlveen referred to the report that had identified that some of the TPO's were not legal and he questioned if the Council were now at a stage where those had been reviewed, and Officers were satisfied the requirements had been met. He noted the situation along the Belfast Road, where a lot of trees had been lost, and he did want a situation like that occurring again.

The Planning Officer stated that as work was progressing, it was not just about identifying those TPO's that were not legal. In respect of the 6 TPO's that had been served those were in relation to sites which had been determined not legal. Sites had to be reviewed and assessments carried out. Officers were aware of the majority of the TPO's that were not legal and were trying to work through those to have worthy sites, that were well protected and updated health and condition surveys.

In response to a further question from Alderman McIlveen, the Planning Officer explained due to an issue with its legislation, the Council could not revoke TPO's and had to go through the Department. Some of the Council's TPO's were outdated with the oldest being from 1979. There was the aim to have updated records, that were tree specific and exclude trees that were not worthy or too close to a house.

Councillor McKee referred to works to trees at 23 Downshire Lane, for the fallen there was no mention of damage. Those TPO trees dated from before the houses were built.

The Planning Officer stated that there were detailed reports for each of the TPO's and he was happy to furnish that to Councillor McKee. She reassured the member, that when it was stated that works were required for safety reasons that decision was not taken lightly.

Councillor McKee stated that the particular trees had a local significance. He conveyed the disappointment of the residents and even with the justification he could not understand why that occurred.

The Chair agreed it was awful shame to see those trees lost and welcomed the additional detail.

Alderman McAlpine asked if there was a way of collating the information on the trees within the Borough including their species, age, lifespan etc.

The Planning Officer believed that would be a difficult task and she was unsure if it would be feasible. There were approximately 160 TPO's. Officers were hoping to get to stage where they have updated assessment for each of the sites however some of those sites may have in excess of 400 trees. Site specific there would be a health and condition survey however she noted the majority of those would be individually owned by landowners.

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

EXCLUSION OF PUBLIC/PRESS

AGREED, on the proposal of Alderman McIlveen, seconded by Alderman Graham, that the public/press be excluded during the discussion of the undernoted items of confidential business.

10. QUARTERLY UPDATE ON ENFORCEMENT MATTERS (Appendix XI)

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

NOT FOR PUBLICATION

SCHEDULE 6:6 (a) – INFORMATION WHICH REVEALS THAT THE COUNCIL PROPOSES TO GIVE A STATUTORY PROVISION A NOTICE BY VIRTUE OF WHICH REQUIREMENTS ARE IMPOSED ON A PERSON.

This report is presented in confidence to Members under Part 1 of Schedule 6 of the Local Government (Northern Ireland) Act 2014, Exemption 6a – Information which reveals that the council proposes to give under any statutory provision a notice by

PC.10.06.25 PM

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virtue of which requirements are imposed on a person. It relates to the status of current Planning Enforcement cases or Summons in respect of proposed actions.


It provides updates for Members in respect of the status of live enforcement notices, court proceedings and proposed summons action.

RE-ADMITTANCE OF PUBLIC/PRESS

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

TERMINATION OF MEETING

The meeting terminated at 9.43 pm.

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2023/1556/O	DEA: Newtownards		
Proposal:	Dwelling on a farm			
Location:	50m NE of 51 Kempe Stones Road, Newtownards			
Applicant:	William Gilmore			
Date valid:	08/03/2023	EIA Screening Required:	No	
Date last advertised:	23/03/2023	Date last neighbour notified:	13/03/2023	
Letters of Support: 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
DFI Roads		Recommendation to Refuse – Intensification onto a Protected Route		
NIEA: WMU		Standing Advice		
DAERA		Confirmation of Category 1 business: Proposed site located in field under the control of the farm business identified on the P1C Form.		
NI Water		No Objections		
NIE		Advice & Guidance		
HED		Content		
Environmental Health		No Objection		
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of development • Visual Amenity • Impact of the proposal on the character of the countryside • Impact on Biodiversity • Access & Road Safety • Impact on Archaeology & Built Heritage • Impact on Residential Amenity 				

Recommendation: Refuse Planning Permission

Report Agreed by Authorised Officer

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

1. Site and Surrounding Area

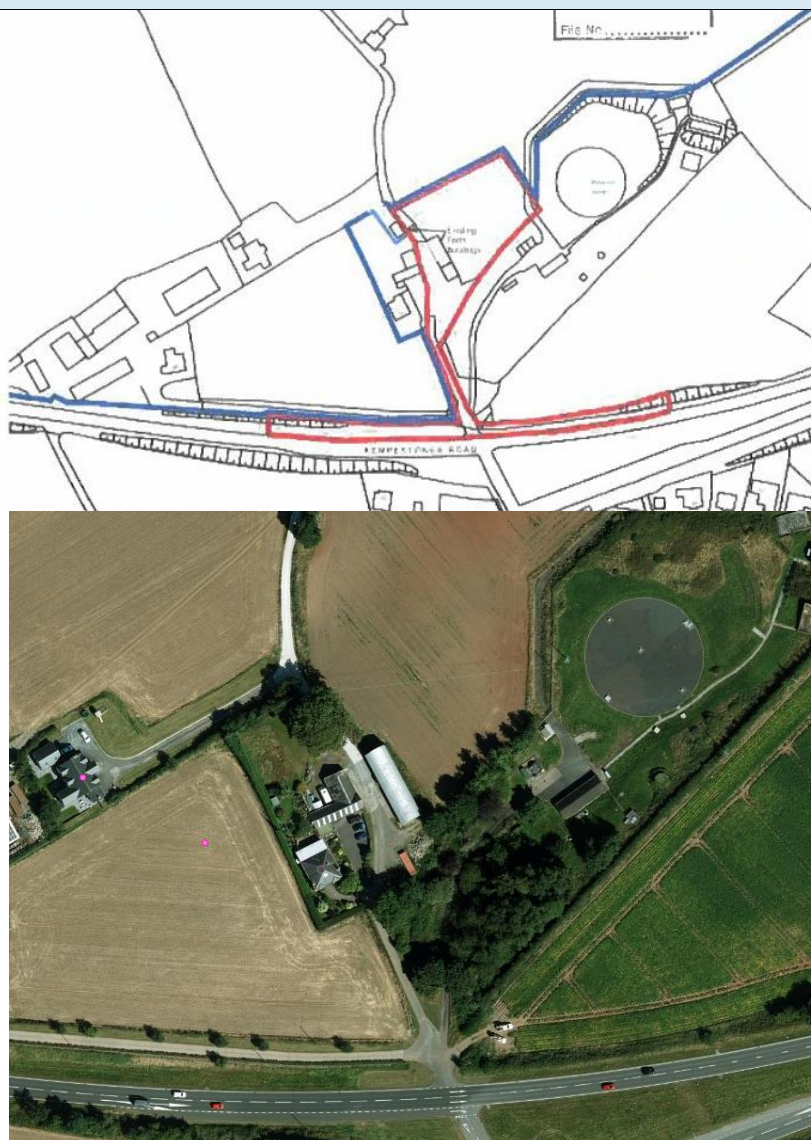
The site is located at lands 50m NE of 51 Kempe Stones Road. The site is part of an agricultural field with site levels dropping to the north-east. As can be seen below, there is an existing barn located along the laneway frontage, along with other farm buildings and a dwelling located at No. 51.

The site will be located immediately to the north-east of this building group. A line of mature trees defines the south-eastern boundary and hedging partially defines the laneway boundary and eastern boundary. The other boundaries remain undefined.



The application site is located in the countryside just outside of Newtownards. The surrounding area is characterised by agricultural fields, with dispersed dwellings and farm groups located in the local vicinity.

2. Site Location Plan



3. Relevant Planning History

There is no relevant planning history.

4. Planning Assessment

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

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

- Planning Policy Statement 6: Planning, Archaeology & The Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Guidance:

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

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is within the countryside as designated within the Ards and Down Area Plan 2015. The site lies within a Local Landscape Policy Area: Scrabo Tower and Landform (NS 38/LLPA 5) and is located just outside the Strangford & Lecale Area of Outstanding Natural Beauty as viewed below.

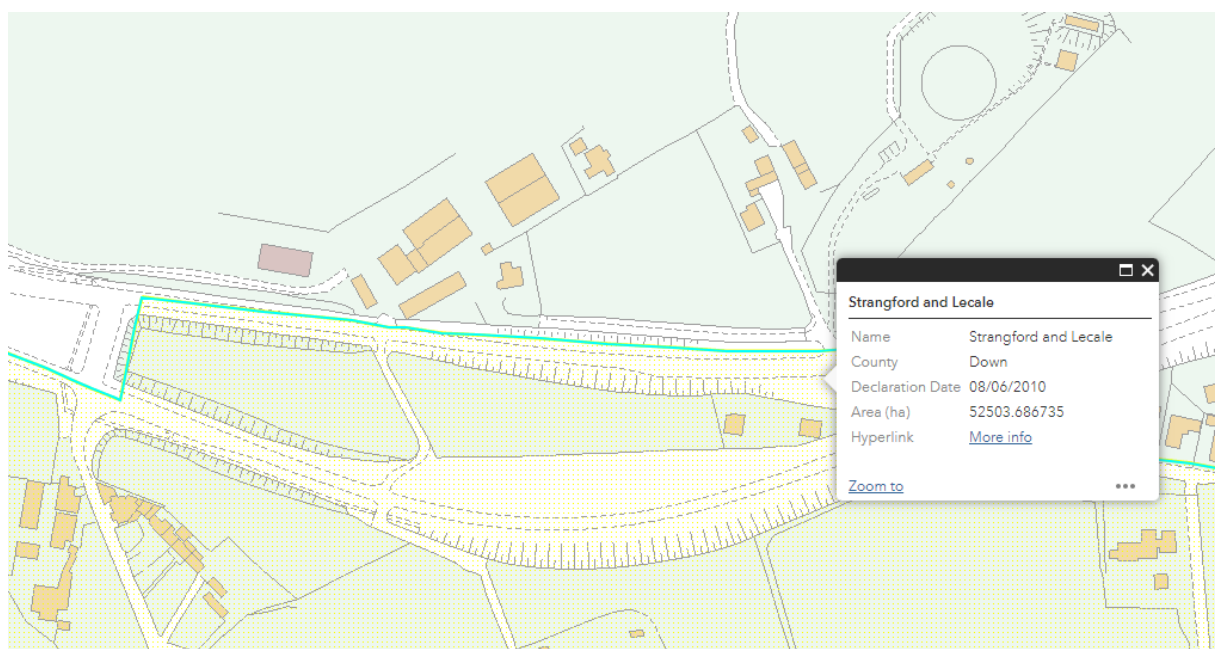


Figure 1: Extract from NIEA Map Viewer

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes a dwelling on a farm subject to complying with criteria listed in Policy CTY10. The relevant criteria will be considered in the assessment below.

The submitted application form provides a DARD Business ID and states an allocation date of 1991. DAERA confirmed that the business ID (Category 1) has been in existence for more than 6 years. DARD also confirmed the farm business claimed payments through the Basic payment scheme or agri environment scheme in each of the last 6 years.

The policy requires the applicant to demonstrate that the farm business is currently active and has been established for at least 6 years. Paragraph 5.39 of PPS 21 states

that 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. The policy does not require a high or specified level of agricultural activity. Rather, in the context of the low threshold set out by policy, it is sufficient to demonstrate the land is being maintained in good agricultural and environmental condition.

The Applicant has confirmed that no dwellings or development opportunities have been sold off from the farm holding within the last ten years. Approval was granted for a farm dwelling under W/2009/0682/F (approved 16/02/10) and subsequent approval of a change of house type under X/2011/0083/F (approved 22/11/11). The agent has stated that this dwelling has been retained by the family and has not been sold off from the holding.

DAERA farm maps have been provided and DAERA also confirmed that the application site is located on a field which is under the control of the farm business identified on the P1C form. I have carried out a history search and I have found no evidence of dwellings sold off for the fields specified, at the address of the farm holding or under the declared farm business ID.

Under Policy CTY 10 the proposed new building is required to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The proposed site has a visual linkage and is closely sited to cluster with the established group of buildings on the farm to the immediate south-west.

Overall, I am satisfied that the proposal meets the requirements of Policy CTY 10 and is acceptable in principle in the countryside location.

Integration and Impact on Rural Character on AONB

A dwelling on the site could be integrated into the landscape without causing an unacceptable adverse impact on the visual amenity and character of the surrounding rural area. As this is an outline application details of the design and external finishes have not been provided. It is not expected there will be any detrimental impacts as a result of a dwelling being constructed on the site, provided they are designed in accordance with the supplementary planning guidance 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside'.

There are views of the site on approach from the eastern side of the A20 however, as can be shown in Image 1, the site is well-screened by existing trees. The barn and other agricultural buildings will provide a backdrop to the development. In addition, cars are travelling at high speeds (national speed limit) on the dual carriageway therefore these will be brief and transient.



Image 1: View on site from Dual Carriageway

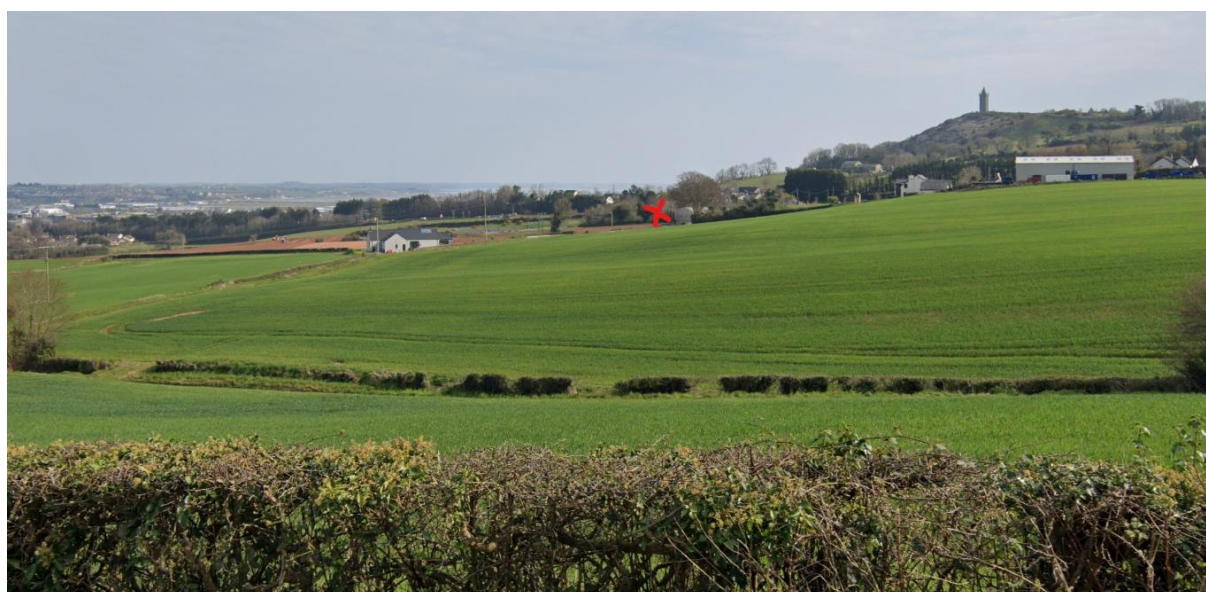


Image 2: View of site from Milecross Road

As the site is set back over 400m from Milecross Road, the proposed dwelling is not expected to be prominently visible. It will appear visually integrated with the existing cluster of farm buildings, while the surrounding mature trees will provide a natural backdrop, helping the development blend into its setting. This is illustrated in Image 2 above.

The site benefits from substantial screening provided by the existing development in the area, including the dwelling and farm buildings at No. 51. A line of mature trees defines the south-eastern boundary, while hedgerows partially delineate both the laneway and eastern boundaries. The remaining boundaries are currently undefined. If the application were approved a planning condition would be imposed to ensure all new boundaries are appropriately enclosed using timber post-and-hedgerow fencing.

Accordingly, I am satisfied that the proposal would integrate sympathetically with the surrounding landscape and landform, without the need to rely on additional new landscaping. As the dwelling at No. 51 is single-storey and the site is located on an elevated position, I would recommend a condition to restrict the ridge height to 7m.

As long as care is taken in the design of a future dwelling, I consider the proposal to visually integrate in accordance with the above policy.

Sewerage Disposal

The P1 form indicates that a septic tank and soakaway would be used and that the surrounding land is within the control of the applicant. The site is of sufficient size and the surrounding land is within the control of the applicant to ensure any sewerage system is a sufficient separation distance from the dwelling to prevent any adverse impacts on residential amenity, underground strata or watercourses. The applicant/developer will require consent to discharge under the terms of the Water (NI) Order 1999.

Residential Amenity

The nearest property at No. 51 Kemp Stones Road is located over 40m from the site. The ample separation distance will ensure the proposal will not cause any unacceptable adverse impact on residential amenity. Details of the design of the dwelling will need to be submitted and assessed at the Reserved Matters stage, which will ensure no loss of residential amenity.

Environmental Health was consulted on the application and offered no objections.

Access and Roads Safety

The application proposes to utilise an existing access onto Kemp Stones Road, which is designated as a protected route. Prior to consultation with DFI Roads, it was confirmed that the proposal qualifies as an exception under Policy AMP 3 (Farm Dwellings), which permits such access where the dwelling meets the criteria for development within a Green Belt or Countryside Policy Area and access from a minor road is not reasonably achievable.

The Council raised concerns that the proposal may lead to an intensification of use at this dual carriageway access point. The existing access currently serves three dwellings, provides entry to NI Water infrastructure, and supports access to the farm buildings. DFI Roads was therefore consulted to assess the vehicle movements associated with each existing use and to determine whether the additional traffic generated by the proposed dwelling would exceed the 5% intensification threshold.

DFI Roads stated the following in their response:

'DFI Roads would agree with North Down and Ards Council Planning that there is greater than 5% intensification and would therefore offer the following comments:

As the A20 is classed as Other Dual Carriageways, Ring Roads, Through-Passes and ByPasses – All locations Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance. DFI Roads would therefore offer the following comment:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route/Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.'

No exceptional circumstances are applicable to the proposal and the development is not of regional significance therefore the proposal fails to meet the requirements of policy AMP3 as set out above.

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

No representations have been received.

6. Recommendation

Refuse Planning Permission

7. Conditions

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route/Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

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.

Date:

Case Officer Signature:			
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Item 4.1a

Addendum to LA06/2023/1556/O

Agent's Comments

The agent submitted further information for consideration on the 4th of June 2025. The agent stated that three previous planning approvals (X/2009/0682/F, X/2011/0083/F, LA06/2018/0537/F) allowed development using the same access/egress point onto the A20 (Kempe Stones Road). He stated that in each of these applications, DFI Roads did not object, even though Policy AMP3 (Access to Protected Routes) was in effect at the time.

The agent argued that the DFI Roads objection is inconsistent with previous decisions where no objections were raised under the same policy (AMP3), despite similar or greater intensification of use at the same access point. The planning agent highlighted that no changes in policy have occurred to justify a different stance now and stresses the importance of consistency in decision-making for administrative fairness, as supported by both public law principles and the Planning Appeals Commission.

Additionally, the agent stated that there is no evidence of any road safety issues arising from past developments, undermining the rationale for refusal.

Rebuttal: Review of Planning Approvals

The following approvals were included in the agent's comments:

- **X/2009/0682/F:** 100m NE of 69 Kempe Stones Road Newtownards Co Down: Erection of dwelling: Permission Granted 11/02/2010.
- **X/2011/0083/F:** 100m Northeast of 69 Kempe stones Road, Newtownards: Change of House Type to originally approved application
- **X/2009/0682/F:** Permission Granted 27/01/2011 LA06/2018/0537/F: Proposed replacement dwelling with attached garage and associated hard and soft landscaping: Permission granted 06/12/18.

It must be noted that PPS 3: Access, Movement and Parking was published by the Department for Regional Development (DRD) in February 2005. In October 2006 the Department issued a Clarification Letter on Policy AMP 3 to provide additional interpretation and guidance, particularly relating to what constitutes "intensification" and the limited circumstances where development proposals may be acceptable.

1. X/2009/0682/F: Farm Dwelling

This permission was approved prior to the transfer of planning powers to local councils. It is noted that DFI Roads offered no objections to the proposal at the time but did state the access was along a main traffic route therefore it would need to be deemed an exception. Upon reviewing the case officer's report, there was no detailed assessment of potential

intensification of access onto the Protected Route, nor any explicit reference to Policy AMP 3.

2. X/2011/0083/F: Erection of Dwelling and Subsequent House Type Change


The 2011 application was submitted as a change of house type to the original 2009 permission (X/2009/0682/F), where the principle of development had already been established. As such, it is likely that the acceptability of the access was assumed to have already been addressed and accepted as part of the original grant of permission. The lack of further objection from DFI Roads at that time appears to reflect reliance on the planning history rather than a fresh policy assessment under Policy AMP 3.

3. LA06/2018/0537/F: Replacement Dwelling

The 2018 approval relates to a replacement dwelling, which falls under an exception within Policy AMP 3. The policy states that *“planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases: (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.”* This case met those criteria: it was a replacement of an existing building that complied with countryside policy, and it utilised an established vehicular access onto the Protected Route. Accordingly, no intensification of access was considered to occur under the terms of the policy, and the approval is not comparable to a proposal for a new or additional dwelling using the same access.

Conclusion

While it is acknowledged that the 2009 application predates the transfer of planning powers to local councils, since the establishment of the Council's planning function in 2015, Policy AMP 3 has been applied consistently, with clear attention paid to both its wording and intent. Any oversight that may have occurred in the early application of this policy does not establish a precedent that overrides proper interpretation and application going forward. The Council's current approach aligns with policy and ensures that any access onto a Protected Route is properly assessed on its own merits, including consideration of intensification impacts.

<div> <div>Development Management Case Officer Report</div> <div>  <div>Ards and North Down Borough Council</div> </div> </div>			
Reference:	LA06/2024/0532/F	DEA: Newtownards	
Proposal:	Proposed extension to the Ark Open Farm consisting of indoor play barn, including ancillary café, kitchen, party rooms, retail/reception area, toilets, offices, and storage. New access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping, and all associated site works (Farm Diversification).		
Location:	Lands located approx. 120m east of 284 Bangor Road, Newtownards		
Applicant:	Stuart & Lyndy Birse		
Date valid:	14.06.2024	EIA Screening Required:	Yes
Date last advertised:	25.07.2024	Date last neighbour notified:	04.07.2024
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads	No objections.		
Environmental Health	No objections subject to conditions.		
NIEA	No objections.		
SES	No objections.		
NI Water	No objections.		
DAERA	<p>The farm business ID identified on the P1C has been in existence for more than 6 years. Allocated 1997. Category 1.</p> <p>The farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.</p>		
<p>Summary of main issues considered:</p> <ul style="list-style-type: none"> • Principle of development • Impact on visual and residential amenity • Access and road safety • Impact on the biodiversity and designated sites 			

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

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

1. Site and Surrounding Area

The site consists of an irregular shaped field of grassland of approximately 0.9 hectares in area, which is part of a larger agricultural holding including the Ark Open Farm. It is located on the eastern side of Bangor Road approximately 170m back from the public road. The site is located in the open countryside beyond the development limit of Newtownards.

The wider area is predominately rural in nature with a number of rural dwellings, farm groups and commercial properties located in the wider countryside.



Figure 1 Photograph of the existing access point to the site



Figure 2 Photograph of the access in relation to the public road looking south



Figure 3 Photograph taken from the access point in relation to the public road looking north

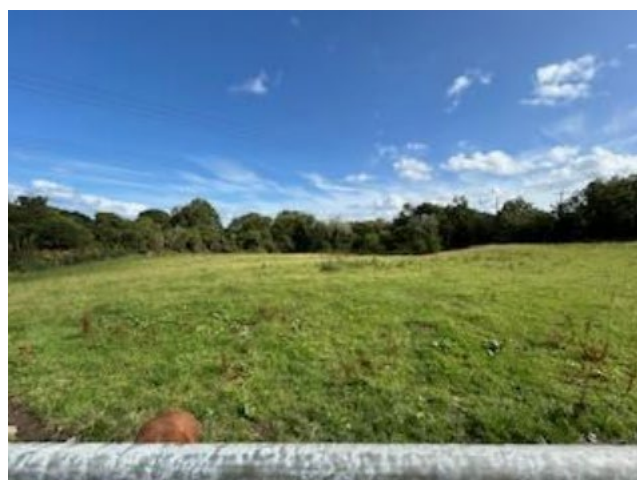


Figure 4 Photograph of the site

2. Site Location Plan

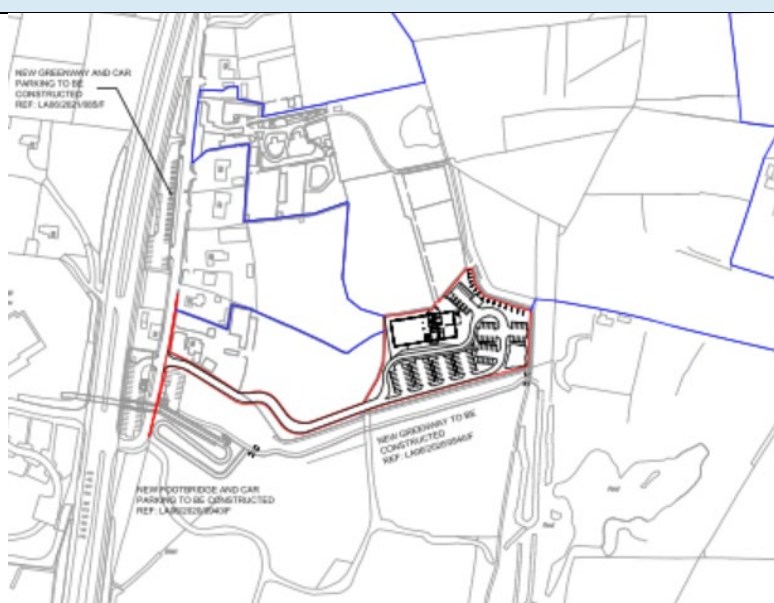


Figure 5 Site location map



Figure 6 Ariel image of the site

3. Relevant Planning History

On site

X/2013/0102/F - Proposed Car and bus parking area to serve established open farm business.

Location - Lands west of Nos 296, 290, 294, 292, 288 Bangor Road, Newtownards.
Granted 14/10/2013

Adjacent to the site

LA06/2021/0885/F - Proposed Greenway for approximately 2.4km from Bangor Road, passing the Ark Open Farm and then turning off-road in a north-easterly direction following the former railway line and field boundaries in the most part to Green Road, Bangor. The proposals include new 1.5m wide advisory cycle lanes, new 3m and 4m wide Greenway paths, pedestrian/cycle railing, fencing, lighting, planting and associate site, access and other ancillary works.

Location - From the south of 237 Bangor Road on the southbound side of the A21 Bangor Road to Green Road Bangor between Breezemount Grove and Greenways Industrial Estate.

Granted 25/08/2023.

LA06/2020/0940/F – Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works.

Location - Georges Street, Newtownards to the Somme Heritage Centre, Bangor Road.
Granted 01/09/2022

4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 16: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside

Relevant supplementary planning guidance for this application is as follows:

- Development Control Advice Note 15 Vehicular Standards
- Building on Tradition

Principle of Development

The site described above is in the countryside as designated in the Ards and Down Area Plan 2015. The Plan provides no specific policy for the proposed development therefore the proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Strategic Planning Policy Statement for Northern Ireland (SPSS)

Paragraph 6.65 states that the aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Paragraph 6.70 states that all development in the countryside must integrate into its setting, respect the character, and be appropriately designed.

Paragraph 6.78 of the SPPS states that supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Paragraph 1.2 of the SPPS states that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded by the retained policy. Policy tests associated with PPS 21 are therefore relevant to the assessment of this application.

The proposal seeks development on a rural site and as there is no distinguishable difference between the policy tests associated with the SPPS and PPS 21 Sustainable Development in the Countryside the proposal falls to be assessed against these policies.

Sustainable Development in the Countryside

PPS 21 sets out the planning policies for development in the countryside. Policy CTY1 - Development in the Countryside makes provision for a range of different types of non-residential development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development and includes tourism development.

The open farm was initially a farm diversification scheme dating back to the 1990s and has become a long-established existing tourism facility in the council area. The agricultural operations are still in operation and run in conjunction with the open farm; this has been confirmed by DAERA stating that the farm business ID identified on the application form is a Category 1 business, has been in existence for more than 6 years (allocated in 1997) and has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.

One of the nine types of non-residential development categories deemed to be acceptable in Policy CTY1 is for farm diversification proposals in accordance with Policy CTY 11. Another type of non-residential development category deemed to be acceptable in Policy CTY1 is for tourism development proposals in accordance with PPS 16. The current proposal is for an expansion to the open farm, which is a well-established tourist facility, whilst still operating as a working farm business. The proposal is therefore considered to be in line with Policy CTY1.

The proposal

This application is for an extension to the Ark Open Farm by providing a new play barn consisting of a new café, toilets, party rooms (for birthday parties/educational visits etc) ancillary shop/reception area and offices and a new access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping, and all associated site works. The proposed car park will provide 102 car parking spaces including 5 disabled spaces, cycle parking and a layby for buses. The proposed parking will be a significant improvement to the current parking arrangements and will greatly benefit both the visitors and the nearby residents on Bangor Road.



Figure 7 (taken from the applicant's supporting information) shows Her Royal Highness (HRH) the then Duchess of Cambridge visiting the Ark Open Farm on 12th February 2020 to commemorate the 30th Anniversary where she took a tour and met with the team.

PPS 21 – Development in the Countryside

The appropriate policy context within PPS21 for farm diversification schemes is Policy CTY 11. Policy CTY 11 allows for farm diversification where it is demonstrated the business is run in conjunction with the agricultural operations on the farm and where four specified criteria are met:

- a) The farm business is currently active and established.
- b) In terms of scale and character, it is appropriate to its location;
- c) It will not have an adverse impact on the natural or built heritage;
- d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Criterion (a) requires that the farm business is currently active and has been established for at least six years. The P1C Form states that the farm business was allocated in February 1997 and that the business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. The P1C also states that the application site is on land for which payments are currently being claimed by the farm business. It is considered that the farm business is currently active and has been established for at least six years. The proposal therefore meets this test of Policy CTY 11.

Criterion (b) relates to scale and character, and it is considered that the proposed building is appropriate to its location. The proposal is considered to be acceptable. The new building is set back approximately 170m back from the public road and to the rear of the existing ribbon of development consisting of residential dwellings at Nos.284, 286, 288A, 288, 292, 294 and 296. The proposal seeks a new pitched roof building with footprint of 1,000sqm and a ridge height of 8.5m (6.6m eaves). The materials include dark green profiled metal cladding and rendered blockwork at the lower levels of the walls. The materials and finishes are consistent with the rural locality, surroundings, and character and commonly used in agricultural/commercial buildings in the countryside. See Figure 8 below for the proposed elevations. On this basis the scale and building design are considered to be acceptable and will not have a detrimental impact on the surrounding character of the area.

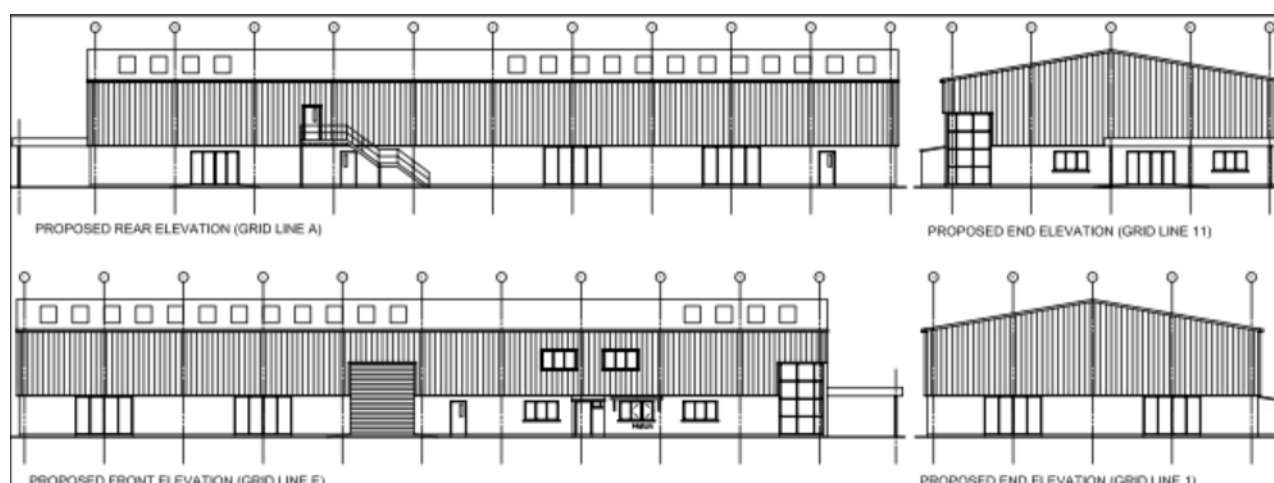


Figure 8 Elevations of the proposed building

Criterion (c) relates to potential impacts to natural and built heritage. The proposal does not adversely affect features of the natural or built heritage. A biodiversity checklist was completed by Sterna Environmental Ltd and concluded that no features of the natural

heritage would be impacted upon as a direct result of the proposed building. Criterion (c) is considered to be met.

Criterion (d) relates to potential impacts on the amenity of nearby residential dwellings. The proposal will not harm the amenity of nearby residents. The nearest dwellings are nos.284 and 286 Bangor Road and are both approximately 145m away from the application site. This is considered to be an appropriate separation distance so as not to cause any unacceptable impacts to the residential amenity of the dwellings. The main entrance into the building and the outdoor seating associated with the café are at the eastern gable end which is furthest away from the dwellings, which will reduce noise levels travelling towards the dwellings. The proposed access lane will pass alongside the boundary of No.284 which is included in lands in blue on the site location map indicating this property is in the ownership or control of the applicant. Nevertheless, an assessment still has to be made regarding potential unacceptable impacts to this property as a direct result of the proposed development. The access lane will be defined by a stock proof - post and wire fence with native species hedgerow - blackthorn, hawthorn and also along the roadway sections to the north and south that are undefined. This will help to keep the property screened from views and passing vehicle noise reduced. Gates and pillars at the line (10m) where the asphalt stops and stone starts will form the main entrance to the facility, using traditional materials to maintain the rural character and farm setting.

Policy CTY11 goes on to state that proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings. Despite the wording it further states that exceptionally a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaption and re-use or cannot be adapted to meeting the requirements of other statutory agencies. It also requires the applicant to provide sufficient information to demonstrate why existing buildings cannot be used. The existing farm buildings are in two distinct clusters which are located to the rear of No.284 where the original farm dwelling is located and at No.296A where the Ark Open Farm is located. All the buildings are utilised for the existing farm enterprise or are clearly unsuitable when considering the proposed development as required by the applicant in terms of their physical size and floorspace restrictions as shown in the photographs below (taken from the applicant's supporting information and confirmed by the case officer's site visit).



Figure 9 shows the existing buildings located to the rear of Nos.284 used for the storage of feeds and machinery



Figure 10 shows the existing buildings located to the rear of Nos.284 used for the storage of feeds and machinery and that they are completely unsuitable for adaption and re-use for the proposal.



Figure 11 shows existing buildings located at No.296A which are in a tight grouping, house animals, traditional vernacular style and dimensions and are considered unsuitable for the proposed use.



Figure 12 shows the existing buildings located at No.296A which are in a tight grouping, house animals, traditional vernacular style and dimensions and are considered to be unsuitable for the proposed use.



Figure 13 show the existing party rooms (images taken from the Ark Farm web site).

The applicant has confirmed that the existing reception area, shop and party rooms (which are not included within the red line of this application) will be retained. The logic being when the open farm holds seasonal events, which draw considerable numbers, it will enable access to the farm from both sides to ensure efficient operations and flow of people into/out of the event, minimising queuing and congestion. The existing reception/shop is small and is housed in one of the original stone outbuildings, and once the new building is constructed and fitted out, that in the longer term this could be repurposed to widen the attractions on offer.

In relation to the existing party room, the applicant has confirmed that it will be retained as it will enable the proposed building to be constructed without impacting the valuable revenue stream for the farm. Moving forward the open farm would then be able to have multiple parties occurring at the same time at different parts of the farm, offering greater choice for visitors, ensuring its continuation to be one of the leading attractions in the Borough.

The existing complex is based on the traditional farm complex, which has a sense of enclosure and attractive buildings, close to animal enclosures. The buildings are small, and as such a modern building is needed. However, given this is a family business which has operated for 35 years the original yard forms part of the farm's history, and will be retained and used as outlined above.

The new facility would be able to accommodate approximately 100 children. However, given the costs for the project the mezzanine may be put in at construction, but may not be operational immediately, hence the existing facilities would continue to run.

The applicant has also stated that in basic terms the farm has outgrown the existing buildings and wishes to ensure it is attractive to uses in wet weather, as presently the majority of activities are outside, and this is hampered by the weather.

Given the above, it is considered that the applicant has demonstrated that the re-use or adaptation of existing farm buildings is not an option and that the proposal meets the exception test of Policy CTY 11 in that the new building should be permitted as there is no existing building available to accommodate the proposed use, because they are essential

for the maintenance of the existing farm enterprise and are clearly unsuitable for adaptation and re-use. On this basis it is considered that the proposed development meets this part of Policy CTY 11.

The policy also states that where a new building is justified it should be satisfactorily integrated with an existing group of buildings. The proposed building is sited on lands that adjoin the existing land used as part of the open farm as paddocks for the animals. The proposed building will become the new main entrance into the open farm which this in itself shows that the proposal will be integrated with the overall development of the open farm. It is considered that there are no suitable existing buildings, nor are there any appropriate opportunities to accommodate an access or car park at the existing group of buildings. There are also adjoining residential properties, which constrain the spread of development, that would be deemed to be noise sensitive receptors. On balance it is considered that the proposed development albeit physically separated from the existing group of buildings, it is still adjoining the open farm paddocks and will be integrated into the rural landscape (as previously discussed in this report) and will be a significant improvement to the area by the provision of a 100+ space car park, and therefore the proposed siting can be justified against the overall thrust of Policy CTY11.

The proposed development is in line with the policy for farm diversification proposals Policy CTY 11 of PPS 21.

PPS 16 - Tourism

Proposals for tourism development in the countryside are facilitated through PPS 16.

Policy TSM 2 - Tourist Amenities in the Countryside states that proposals for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area. The policy promotes the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. As previously discussed in this report, all the existing buildings are utilised for the open farm or the agricultural operations or are clearly unsuitable when considering the applicant's goals for expanding the open farm and providing an improved and more attractive facility for visitors. It is considered that the reuse of existing buildings is not a feasible option.

Policy TSM 2 goes on to state that new buildings should be sited and designed so as to integrate with the overall development. As previously discussed in this report, the design of the proposed building is considered to be acceptable and will be discussed below under the assessment against Policy TSM 7.

All individual proposals for tourism development must be assessed against the general and design criteria set out in Policy TSM 7 Criteria for Tourism Development of PPS16. The general and design criteria set out in Policy TSM 7 are intended to achieve satisfactory forms of tourism development and a high standard of design. Please see Figure 14 below which shows the proposed site layout.



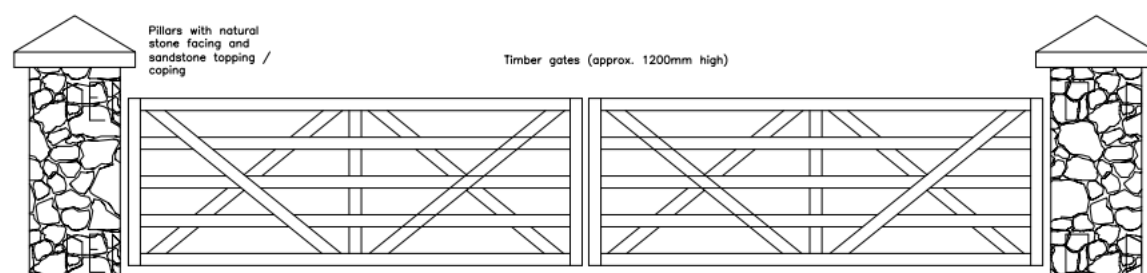
Figure 14 Proposed Site Layout

Policy TSM 7 – Criteria for Tourism Development

(a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. The site is located close to the settlement of Newtownards and therefore close to public transport networks. This criterion is considered to be met.

(b) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality in accordance with published guidance and assist the promotion of sustainability and biodiversity. As stated previously in this report, the proposed building is of a scale commonly associated with agricultural buildings in the countryside, has a simple design and incorporates traditional materials.

The proposed building will become the main entrance to the open farm and includes a new vehicular access and car park. The access has been agreed as acceptable by DfI Roads. The existing hedge and wall are to be cut back/rebuilt to the inside of the visibility splays. Mixed native species planting will line the new laneway as well as tree planting (details are shown on the proposed site layout).



ELEVATION OF ENTRANCE GATES / PILLARS
Figure 15 Proposed entrance gates to the new access

In terms of assessing the promotion of biodiversity, a Biodiversity Checklist was completed by Sterna Environmental Ltd. The report included an Ecological Statement which concluded that no protected sites are present and no impact on protected sites is predicted. No priority habitats or priority species are present and therefore no impact on priority species is predicted. No further assessments are required. On this basis, this criterion in addition to Part C have been met.

d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way. The details indicate that the development will be managed using a SuDS. An attenuation pond is also included in the proposal for excess surface water within the site. Criteria (d) is considered to be met.

(e) is designed to deter crime and promote personal safety. The site is close to a number of neighbouring dwellings and due to its location on a private lane there will be no public access to the site apart from the visiting guests. Therefore, there would be no issue relating to crime and personal safety. Criterion (e) has been met.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context. The development does not involve public art.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area. The proposed development is considered to be compatible with the existing open farm, agricultural land uses and nearby dwellings. The scale and finishes of the proposed built form will not detract from the landscape quality or character of the surrounding area.

(h) it does not harm the amenities of nearby residents. As previously discussed in this report the proposed development will not harm the amenities of nearby residents. No objections have been received to date.

(i) it does not adversely affect features of the natural or built heritage. As previously discussed in this report it will not have an adverse impact on the natural or built heritage.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable. NI Water have no objections to the proposal. A Drainage Assessment was submitted and indicates that flood risk to and from the development will be managed using a SuDS. The Council can include the following condition as part of its planning permission if granted: 'No development shall commence until the details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Council. The scheme shall be prepared by an expert competent in SuDs design. It shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme. The maintenance and management of the surface water drainage scheme shall be permanently carried out in accordance with the approved details'. Criteria (j) is considered to be met.

(k) access arrangements must be in accordance with the Department's published guidance. DfI Roads has been consulted and has no objection to the proposal. Criteria (k) is considered to be met.

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads has been consulted and has no objection to the proposal. Criteria (l) is considered to be met.

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate. DfI Roads has been consulted and has no objection to the proposal. Criteria (m) is considered to be met.

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21. Old Bangor Road is not a protected route. DfI Roads has been consulted and has no objection to the proposal. Criteria (n) is considered to be met.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided. The proposal is not near to the coastline or a tourism asset.

It is considered that the policy tests associated with PPS 16 are met in full.

Access, Road Safety and Car Parking

The site is accessed from Old Bangor Road which is not a protected route. DfI Roads, following a number of consultations, has confirmed it has no objections to the final revised site layout plan and access proposal. On this basis, it is considered that the proposal is compliant with Policy AMP 2 Access to Public Roads of PPS 3.

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements in line with Policy AMP7. In terms of parking provision, the proposal does not fall neatly into any of the categories set out in the Parking Standards document. A total of 102no.car parking spaces, including 5no.disabled spaces and cycling spaces as well as an area for buses to turn within the parking area, have been provided

which is a significant improvement from the current parking provision. DfL Roads has been consulted and has no objection, subject to the Council being content with the proposed parking arrangements. It is considered that the proposed parking is acceptable and fully compliant with PPS3 - Policies AMP1, AMP2 and AMP7 and DCAN 15.

Design and Integration

The design and integration of the development are to be assessed against the SPPS and CTY 13 of PPS21. CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop. The proposed building is to be located away from the public road to the rear of a row of dwellings. The scale and massing of the proposed building is considered to be acceptable and with a dark green finish, it will resemble an agricultural building which is a common feature of the open countryside. The existing defined boundaries and grouping of buildings would assist the integration of the proposal and due to the low ridge height of 8.5m (6.6m to the eaves), views are restricted. The proposal complies with Policy CTY 13 of PPS 21.

Impact on Rural Character.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. It is considered that under Policy CTY13 the proposal will not be prominent in the landscape and the same is considered against Policy CTY 14 in that the proposal will not cause a detrimental impact on the rural character of the area. The proposal would therefore comply with Policy CTY 14 of PPS 21.

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. The Biodiversity Checklist was completed by Sterna Environmental Ltd. The report included an Ecological Statement which concluded that no protected sites are present and no impact on protected sites is predicted. It also stated that no priority habitats are present other than hedges which will remain in situ and no impact on priority habitats is predicted. It also stated that no priority species are present and therefore no impact on priority species is predicted. No further assessments are required. 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). Shared Environmental Services has been consulted. The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 16/06/2025. This found that the project would not be likely to have a significant effect on any European site.

Potential for Contaminated Lands issues

Environmental Health Department of the Council was consulted and stated that the site is located in close proximity to historical railway and previous mineral workings. 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. Therefore, the Environmental Health Department requested that the applicant submits a Contaminated Land Risk Assessment that addresses these concerns in full.

A Preliminary Risk Assessment was submitted and following re-consultation with the Environmental Health Department it stated that based on the information provided in the report, the overall level of risk associated with the site, with regards to land contamination, is considered to be low risk.

Therefore, in view of the above, it is considered that the proposed development would not have a significant adverse impact to human health due to potential contaminated land. Conditions have been suggested.

5. Representations

No representations have been received to date.

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 vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.07B prior to the commencement of development hereby permitted.

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

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

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

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

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

5. The development hereby approved shall not become operational until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles associated with the approved development and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council 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/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented and verified to its satisfaction.

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

7. After completing the remediation works under Condition 6; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with 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/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

8. No development shall commence until the details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Council. The scheme shall be prepared by an expert competent in SuDs design. It shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme. The maintenance and management of the surface water drainage scheme shall be permanently carried out in accordance with the approved details.

Reason: To ensure sustainable drainage of the development. Approval is required

upfront because the design of the drainage is an integral part of the development and its acceptability'

9. All hard and soft landscape works shall be carried out in accordance with the details shown on the approved drawing 02A, and the appropriate British Standard or other recognised Codes of Practice. Any proposed planting shall be carried out in the first available planting season following commencement of operation of the development and shall be retained thereafter in perpetuity.

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

10. 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.

11. If any retained tree or hedge is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

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.

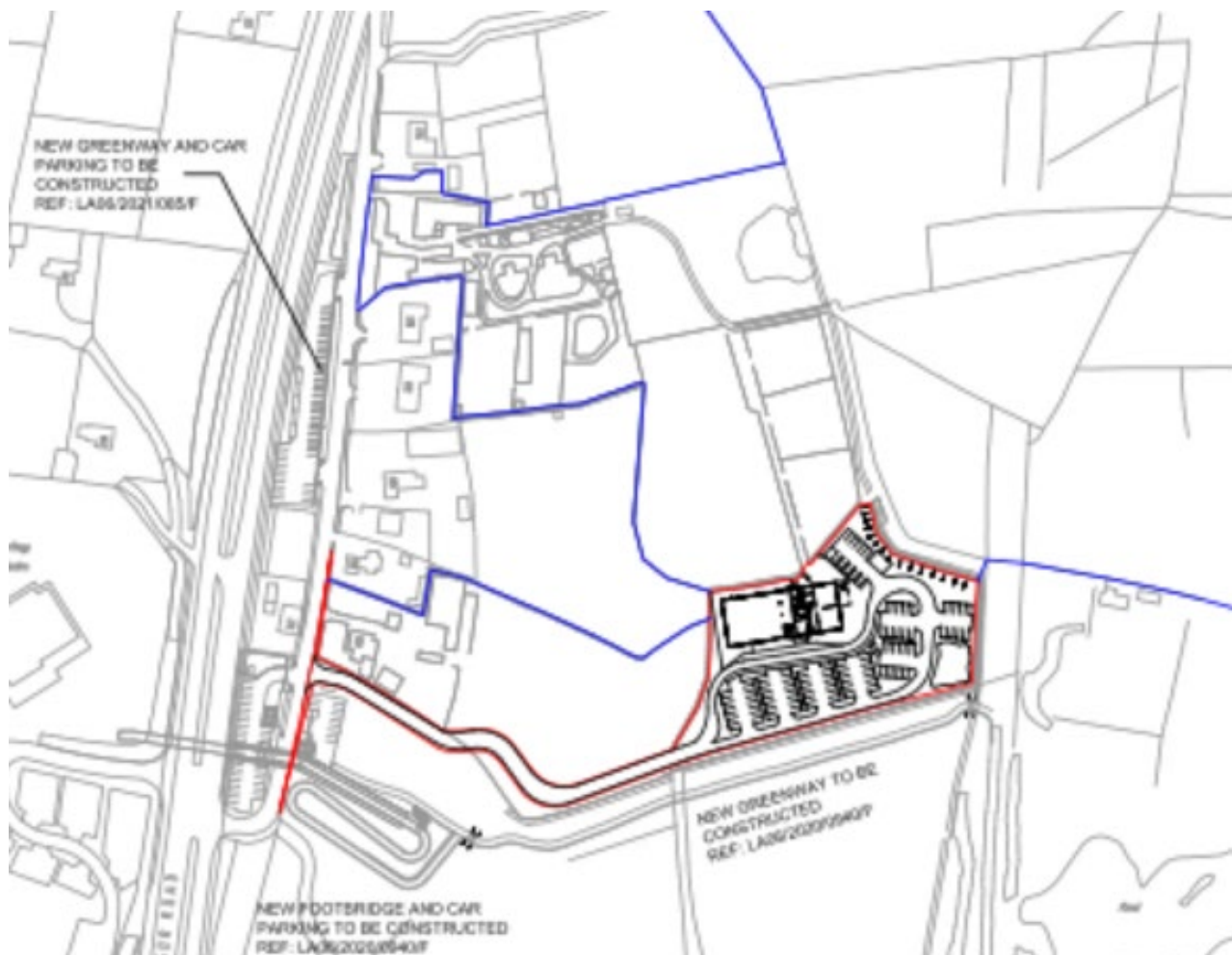
Photographs



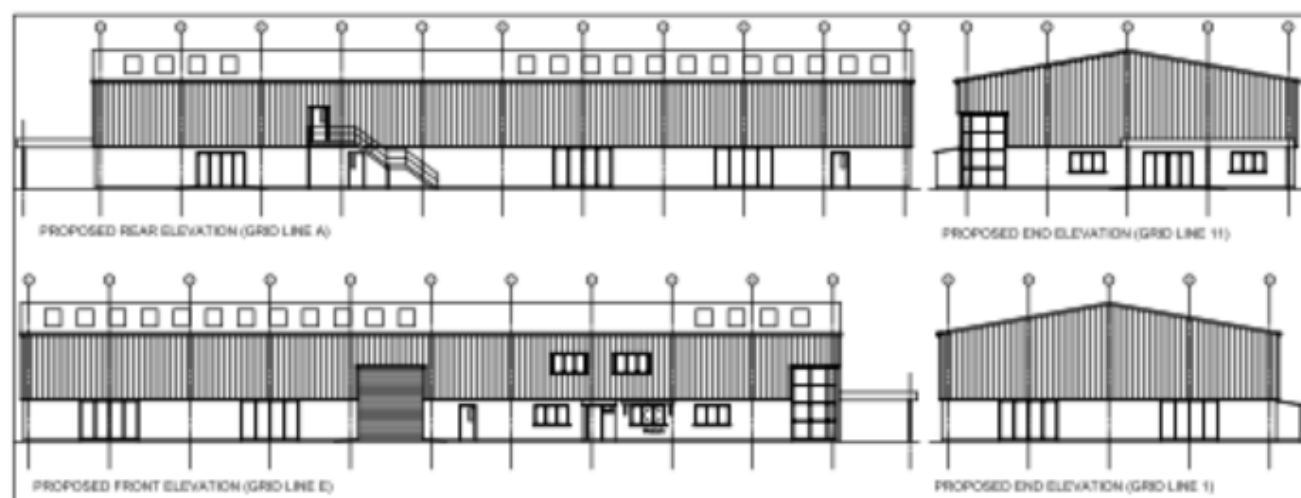


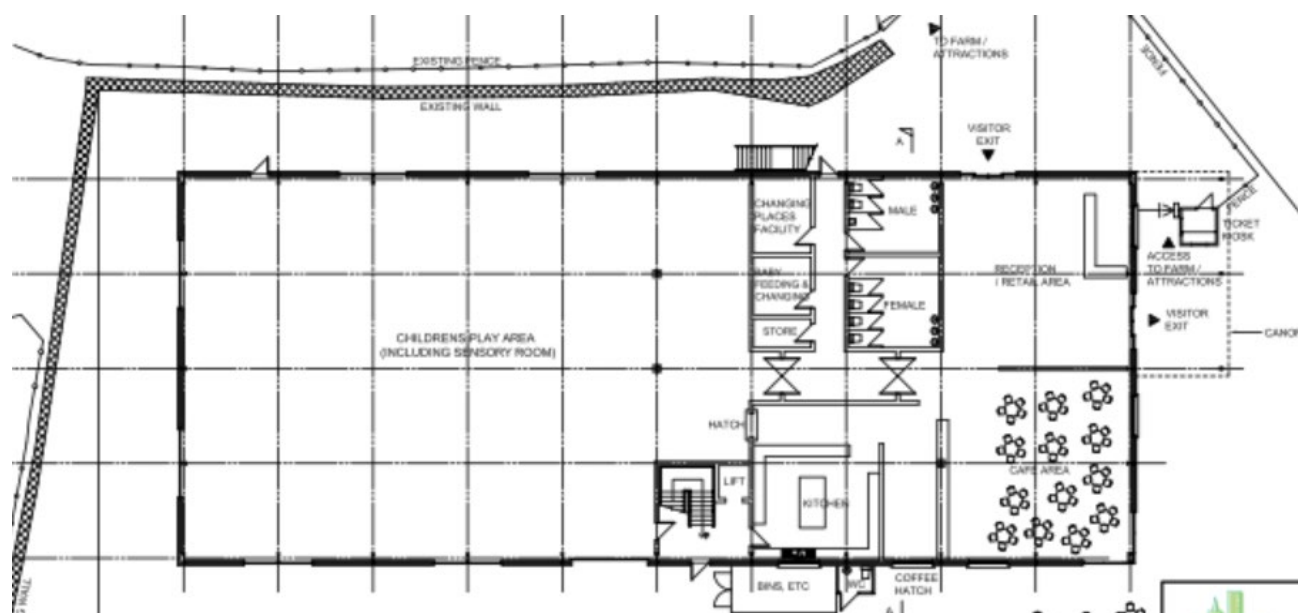


Proposed Plans




Site location map





Proposed ground floor

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2025/0336/A	DEA: Bangor East & Donaghadee		
Proposal:	Council City Entrance Sign			
Location:	Land 38m NE of Ballycrochan Baptist Church, Donaghadee Road, Bangor			
Applicant:	Jacqueline Harte			
Date valid:	06/05/2025	EIA Screening Required:	N/A	
Date last advertised:	N/A	Date last neighbour notified:	N/A	
Letters of Support: 0		Letters of Objection: 0		Petitions: 0
Consultations – synopsis of responses:				
DfI Roads		Content		
Summary of main issues considered: <ul style="list-style-type: none"> Design of the proposal Impact upon private amenity of any domestic properties nearby Impact upon the character of the local area Impact on public safety 				
Recommendation: Grant Consent				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal				

1. Site and Surrounding Area

The application site occupies a small plot of land adjacent to Ballycrochan Baptist Church, on the Donaghadee Road (a protected route), marking the settlement limit of Bangor. The site is undeveloped, consisting of grassland to the side of the road.



Figure 1 – approx. location of signage (facing west)



Figure 2 – approx. location of signage (facing east)

The area immediately surrounding the site is largely rural, with residential buildings to the south and west, upon entering Bangor.

2. Site Location Plan

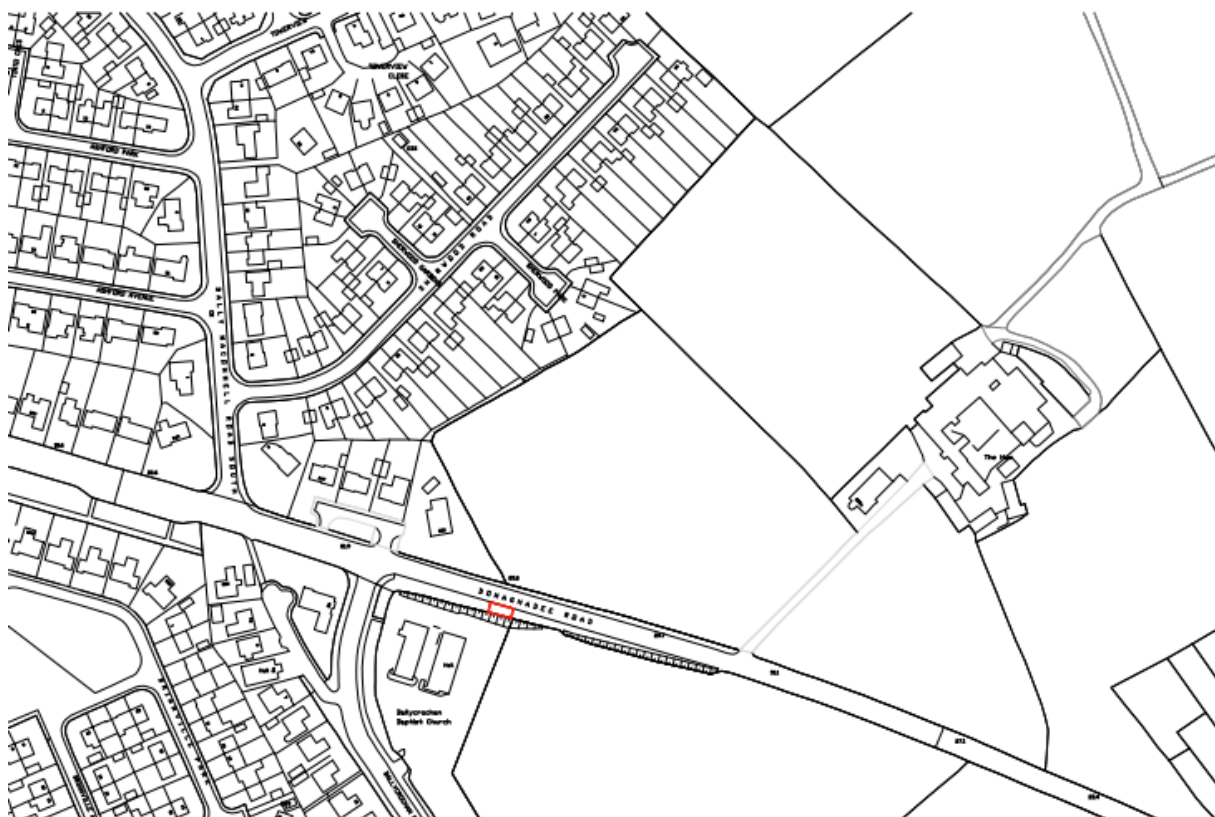


Figure 3 – Site Location Plan

3. Relevant Planning History

No relevant history.

4. Planning Assessment

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

- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- North Down and Ards Area Plan 1984-1995 (NDAAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17)

Principle of Development

Development Plan

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

Until the new Development Plan Strategy is adopted the North Down and Ards Area Plan 1984-1995 is the statutory Development Plan for the legacy North Down area, with draft Belfast Metropolitan Area Plan remaining a material consideration. The site is within the settlement limit of Bangor. Within settlement limits in principle development is looked on favourably.

The SPPS sets out the guiding principle relating to the grant / refusal of development contained within paragraphs 3.8. The principle states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPPS sets the context for the control of outdoor advertisements (6.52). The strategic policy recognises the potential impact of outdoor advertising on amenity. It therefore states there is a need to balance the business need with protection of the character and appearance of our settlements.

At a strategic level, objectives for the control of advertisements are to ensure they respect amenity and do not prejudice public safety (including road safety), and second, help everyone involved in the display of adverts contribute positively to the appearance of a well-cared-for and attractive environment.

Planning Policy Statement 17 stipulates that advertising applications will be assessed on the consideration of “amenity” and “public safety”.

Impact on Amenity

The proposal consists of 1No. freestanding sign (non-illuminated), measuring approx. 2m in height, with a width of approx. 1.5m. The sign is to be set 1m from the edge of the road, and is finished in Perspex and acrylic, with a powder coated metal frame. Policy AD1 (i) of PPS 17 requires proposals for the display of an advertisement to respect amenity, when assessed in the context of the general characteristics of the locality. Given that the proposed sign is to be non-illuminated and located approx. 41m away from the nearest dwelling at 253 Donaghadee Road, I am satisfied that the policy is met in this regard, and the amenity of nearby residents will not be unduly impacted.

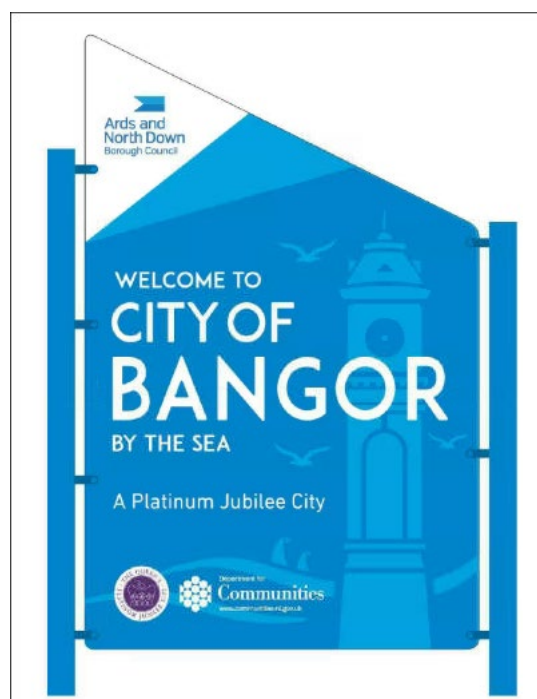
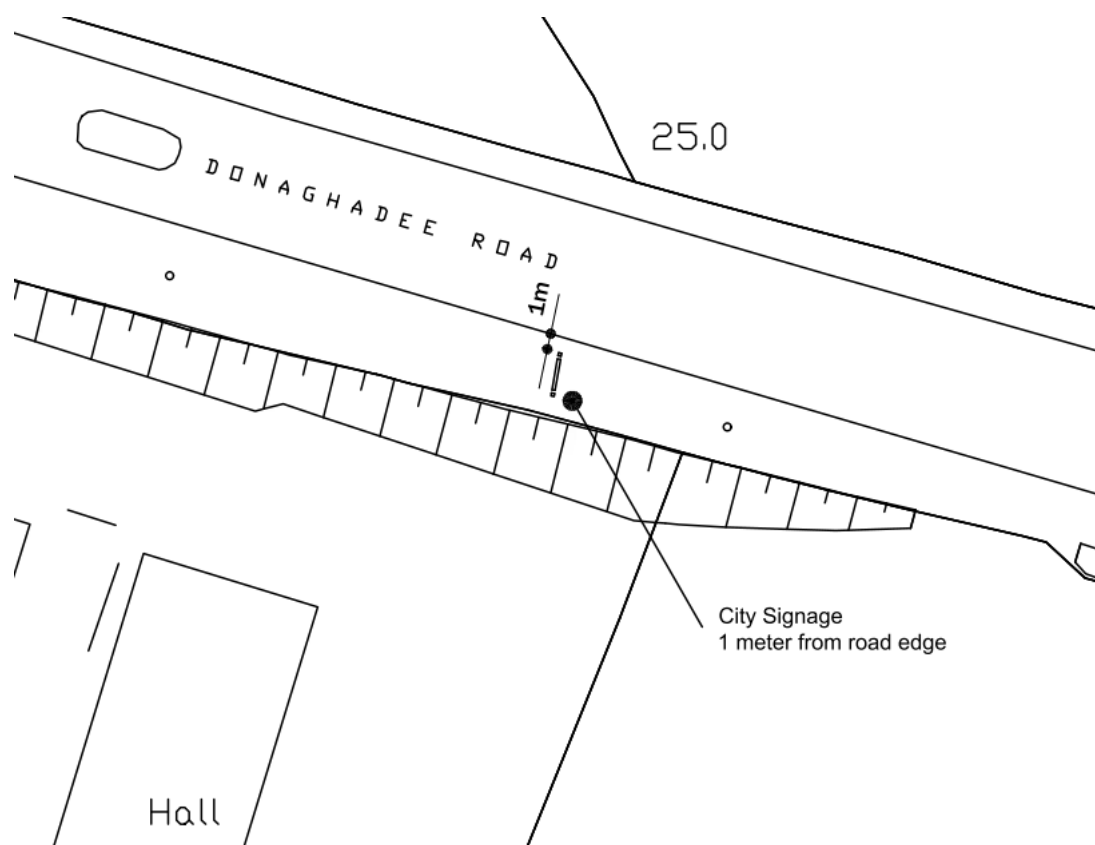


Figure 4 – Proposed Plans

Design and effect on characteristics of the site and surrounding area

Paragraph 4.1 of PPS 17 notes that care must be taken to ensure that an advertisement will not detract from the place where it is to be displayed or its surroundings, with paragraph 4.5 expanding on this, noting that a well designed and sensitively sited advertisement, where thought has been given to size, colours, siting and levels of illumination, can contribute positively to the visual qualities of an area.

The signage is of an acceptable design and is not of such a scale that it would unduly detract from its surroundings. It is deemed to integrate to a suitable degree with the character and appearance of the surrounding area, with it considered that it will be placed on an undeveloped stretch of the Donaghadee Road. Considering the location of the signage upon the entrance to the settlement of Bangor, signage of this scale and nature is to be expected, and as such is not deemed unacceptable in relation to the character and appearance of the area. There already numerous signs of this design and composed of the same materials throughout the Borough.

Size, scale and siting

The proposed signage is of an appropriate scale and will not appear unduly prominent within the site nor will it dominate its surroundings. I am satisfied that the signage would be visually coherent in the context of its surroundings, in line with the guidance set out by paragraph 4.5 of PPS 17.

Cumulative effect when read with other advertisements

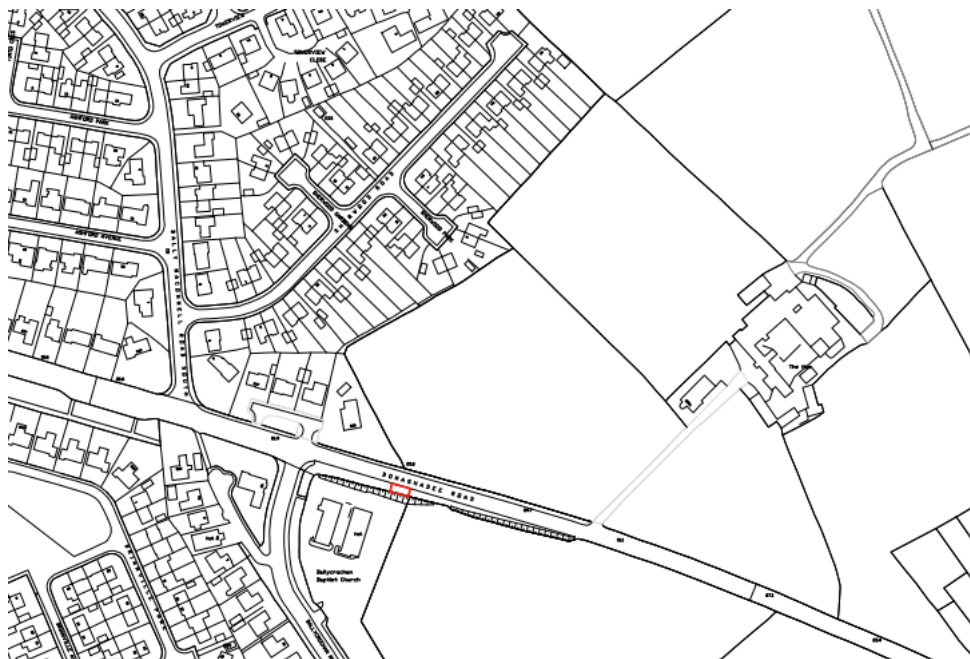
Paragraph 4.6 of PPS 17 indicates that a large number of advertisements on a building or along a road can create clutter and be disruptive to the appearance and character of an area.

There is no other signage in the immediate area to form any cumulative effect alongside the proposal. As this consists of non-illuminated signage of a relatively minor scale, I do not deem it to have an undue impact on the character or appearance of its surroundings. It is also unlikely for any other signage to be erected in the area to form a cumulative impact in the future, due to the site's relatively secluded location on the entrance to Bangor.

Impact on Public Safety

Policy AD1 (ii) of PPS 17 indicates that consent will be given for the display of an advertisement where it does not prejudice public safety. In particular, as noted by paragraph 4.12 of PPS 17, the vital consideration in assessing the impact on public safety is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, be they drivers, cyclists or pedestrians.

The signage is not deemed to cause any impact to public safety, in regard to road users and pedestrians, as it sits to the side of the road and is non-illuminated. DFI Roads were consulted on the proposal and offered no objections. I am therefore satisfied that the proposal meets the criteria of Policy AD1 (ii) of PPS 17.

5. Representations
No representations.
6. Recommendation
Grant Consent
7. Conditions
<p>1. The signage hereby approved shall be erected in the position shown on approved plan drawing 02</p> <p>Reason: In the interests of the visual amenity</p>
Informative
<p>This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.</p>
<p>Annex A – Relevant Plans</p> 

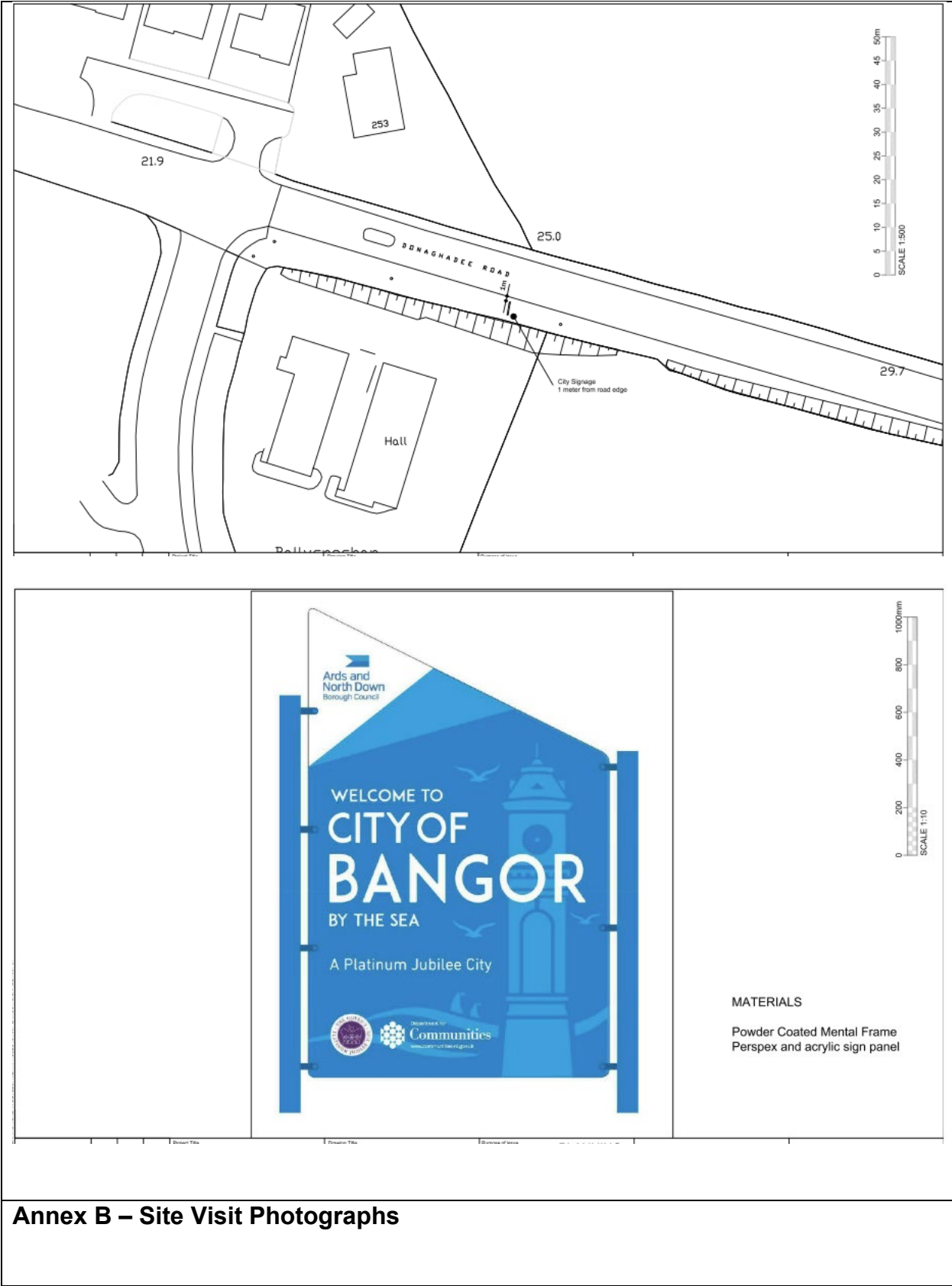




Fig 1 – view west from approx. location of sign



Fig 2 – view north from approx. location of sign



Fig 3 – view east from approx. location of sign

ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	01 July 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 June 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 - 2024/A0115 Item 5b - 2024/A0114

Appeal Decisions

1. The following appeal was withdrawn on 10 June 2025.

PAC Ref	2024/E0055
Council Ref	LA06/2022/0246/CA
Appellant	Mr John Curell
Subject of Appeal	Alleged 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

Not Applicable

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2. The following appeal was dismissed on 30 May 2025:

PAC Ref	2024/A0115
Council Ref	LA06/2019/0996/F
Appellant	Abdeljaouad, Tarik
Subject of Appeal	Non-compliance with Condition 2 of approval LA06/2019/0996/F - Hot food take away, which states, "The business shall not remain open for business outside the following hours: Monday - Sunday 16:00hrs - 23:00hrs."
Location	26 New Street, Donaghadee

Retrospective planning permission (ref: LA06/2019/0996/F) for a hot food takeaway at No. 26 New Street, Donaghadee, was granted on 20 May 2021. Condition No. 2 of the planning permission restricted the business hours as follows:

"The business shall not remain open for business outside the following hours. Monday – Sunday 16:00hrs – 23:00hrs. Reason: to ensure there is no impact upon residential amenity".

An application was made pursuant to Section 54 of the Act seeking to extend the business hours from 23:00 hrs to 01:00hrs (11pm to 1am) on Fridays and Saturdays. The main issue is whether the appeal development would adversely impact the amenity of existing residents.

Paragraph 2.3 of the SPPS advises that the planning system operates in the public interest of local communities and the region as a whole and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with public interest in some cases. It continues that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.

DCAN 4 advises that whilst residential areas are likely to be sensitive to noise disturbance, it can also be a serious problem in town centres and in areas where commercial activities dominate but where there may be residential accommodation beside or over the proposed use. Noise associated with restaurants, cafés and fast-food outlets can emanate from a variety of sources, the main ones being vehicles, people and use of equipment associated with catering establishments. The guidance continues that these sources of noise are especially noticeable in the later evening when residents have a legitimate expectation that surrounding background noise levels will remain low. In that respect, take-away uses, which often generate frequent vehicle and pedestrian movements, can be particularly annoying and unacceptable.

The Commissioner recognised that after 11pm, with other commercial business closing there will be a reduction in the background noise levels within the environs of

Not Applicable

the appeal premises. Therefore they must consider the noise from activities from vehicles movements together with pedestrian movements during the proposed period for extended business hours on Fridays and Saturdays.

Whilst commercial businesses are dominant throughout much of New Street, and given it is Town Centre location, most of these are closed between the hours of 11pm and 1am. The Commissioner was not persuaded that noise associated with kitchen activities will cause demonstrable harm to residential properties or have an adverse impact on amenity during the hours of operation as conditioned. However an 80% increase in delivery orders after 11pm at night will correspond to an increase in vehicular activities associated with the premises. Indeed, in the evidential context of this appeal, the increase of the delivery service activities during 11pm and 1am would be the dominate business taking place at the appeal premises during a period of time when residents have a legitimate expectation that surrounding background noise levels will remain low.

Whilst acknowledging that the Appellant is not responsible for the noise that patrons coming and going from other premises the Commissioner was not provided with any cogent evidence that customers calling on his commercial operations and vehicles used for deliveries associated with the business will not unacceptably affect amenities of local residential buildings and that the extended hours from 11pm to 1am on a Fridays and Saturdays would cause harm to residents through impact from noise associated with the business.

Whilst the economic benefits provided by the appellant carry some weight, they do not outweigh the objections to the appeal proposal pursuant to the provisions of the SPPS and thus are not determining in this case. The Council’s reason for refusal is sustained, so far as stated, and the proposal is contrary to the provisions of the SPPS. Thus, the Council's reason for refusal, so far as stated, is sustained and is determining in this appeal. Consequently, the appeal must fail.

3. The following appeal was dismissed on 29 May 2025:

PAC Ref	2024/AO114
Council Ref	LA06/2023/2149/O
Appellant	Alexis Clarke
Subject of Appeal	2 No. in-fill dwellings with domestic garages
Location	Lands between 40a and 42 Deer Park Road, Newtownards

The main issues relate to whether the development is acceptable in principle in the countryside and would adversely impact on rural character.

The appeal site is located on agricultural lands between Nos. 40a, adjacent to its southern boundary, and 42 Deer Park Road, next to its northern border. The Appellant contends that there is a substantial and continuous built-up frontage of three or more buildings consisting of the dwelling at No 40a, the dwelling and associated garage at No. 42 and the dwelling and associated/outbuilding at No. 44 Deer Park Road. There is no disagreement between the parties that the above

Not Applicable

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referenced dwellings have frontage onto the Deer Park Road. However, the Council contend that there is not a substantial and continuous built-up frontage of three or more buildings because the Abbacy Road dissects the frontage between Nos. 42 and 44 and the garage within the curtilage of No. 42 has frontage with Abbacy Road rather than Deer Park Road.

Policy CTY8 defines a substantial and continuously built-up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. Whilst the Commissioner acknowledged that each of the properties outlined above has frontage onto the Deer Park Road, they sided with the Council that there is a definitive discontinuity provided by the public road between the properties at Nos. 42 and 44. As a consequence of the break in the road frontage development, provided by the Abbacy Road, those buildings to the north of Abbacy Road, from No. 44 Deer Park Road, are not qualifying buildings in line with the policy. Consequently, for the reasons outlined above, there is a break in the frontage of the development along the Deer Park Road.

No. 42 Deer Park Road, and its associated garage, is located at the junction Deer Park Road and Abbacy Road. The frontage of this property is angled so that it fronts onto both roads, with its access taken from the more minor Abbacy Road. The garage, which is set back from the dwelling, is located next to the north-westerly gable wall of the house. In transit, in both directions along the Deer Park Road, due to its position and boundary treatments associated with No. 42, the garage is unseen, only becoming partially visible once you arrive at the junction of the Abbacy and Deer Park Roads. Furthermore, whilst the dwelling at No. 42 has frontage onto the Deer Park Road, given its orientation, the garage faces onto, and its frontage runs along that of the Abbacy Road. Hence, for the above reasons, the garage building is not a qualifying building for the purposes of the policy.

Thus, for the reasons outlined above the appeal site does not lie within a substantially and continuously built-up frontage which includes a line of three or more buildings along a road frontage without accompanying development to the rear.

Numbers 42, 44 and 46 are all visually linked and a ribbon of development exists at this location. The appeal proposal would develop the gap between No. 42 and 40a thereby visually linking Nos 46 through to 40a and extending the existing ribbon of development. Thus the appeal proposal would add to a ribbon of development along this section of the Deer Park Road.

The Council advised the Commissioner that the gap between buildings measures some 96metres (m) and the appeal site could accommodate three dwellings with garages. The Appellant advised that provision had been made for an agricultural lane, running adjacent to the northern boundary of No. 40a to provide access to the land behind the appeal site. Considering the provision of this laneway, the Council advised that the gap would still measure some 80m and that the average plot width (frontage), considering Nos 40a through to 50 Deer Park Road, measures some 31.8m. Therefore, even allowing for the agricultural lane, the two frontage widths of 40m would not reflect the existing pattern of development.

The Commissioner concurred with the Council that two dwellings with an average frontage of 40m each would appear larger than those plot widths found along this

Not Applicable

stretch of the Deer Park Road and would not respect the existing development pattern along the frontage in terms of plot size. The Commissioner determined that the proposed site does not represent a small gap as referred to within the policy and accordingly there is no exception to Policy CTY8.

The Commissioner determined that the introduction of two additional dwellings would remove the important visual break in the developed appearance of this section of the Deer Park Road. Subsequently, the proposal would be contrary to Policy CTY8 of PPS21 and the Council's second reason for refusal is sustained.

Given that the Commissioner found that the appeal development would add to a ribbon of development because the two sites would have common frontage with No. 40a and 42 Deer Park Road, and would be visually linked with these properties, together with Nos. 44 and 46 the Commissioner reasoned that the proposal would lead to a suburban style build-up of development. The Commissioner stated that the proposal does not meet with criteria b) and d) of Policy CTY14. The Council's third reason for refusal is therefore sustained.

Given the development does not meet with Policy CTY8, the principle of development in the countryside has not been established. No overriding reasons have been presented as to why the development is essential and could not be located in a settlement. Therefore, the proposal is contrary to Policy CTY1 of PPS21. Thus, the Council's first reason for refusal is sustained.

The appeal proposal is contrary to Policies CTY1, CTY8 and CTY14 of PPS21. Thus, the appeal must fail.

Appeals Lodged

- 1. The following appeal was lodged on 29 May 2025

PAC Ref	2025/A0023
Council Ref	LA06/2024/0438/O
Appellant	Ryan Doherty
Subject of Appeal	Erection of shed for the storage and maintenance of agricultural machinery, yard and relocation of access
Location	Lands between 40a and 42 Deer Park Road, Newtownards

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

Not Applicable

RECOMMENDATION

It is recommended that Council notes the report and attachments.



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

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Appeal Reference: 2024/A0115
Appeal by: Mr Tarik Abdeljaouad
Appeal against: Refusal of full planning permission
Proposed Development: Non-compliance with Condition 2 of approval
 LA06/2019/0996/F – Hot food take away, which states, “The business shall not remain open for business outside the following hours: Monday – Sunday 16:00hrs - 23:00hrs”.
Location: 26 New Street, Donaghadee, BT21 0AG
Planning Authority: Ards and North Down Borough Council
Application Reference: LA06/2024/0837/F
Procedure: Informal Hearing on 29th April 2025
Decision by: Commissioner Gareth McCallion, dated 30th May 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issue is whether the appeal development would adversely impact the amenity of existing residents.
3. Retrospective planning permission (ref: LA06/2019/0996/F) for a hot food takeaway at No. 26 New Street, Donaghadee, was granted on 20th May 2021. Condition No. 2 of the planning permission restricted the business hours as follows:

“The business shall not remain open for business outside the following hours. Monday – Sunday 16:00hrs – 23:00hrs.

Reason: to ensure there is no impact upon residential amenity”

4. Section 54 of the Planning Act (Northern Ireland) 2011 (the Act) applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. As confirmed by the Appellant at the hearing, an application was made pursuant to Section 54 of the Act seeking to extend the business hours from 23:00 hrs to 01:00hrs (11pm to 1am) on Fridays and Saturdays.

5. Section 45(1) of the Act requires that in dealing with an appeal, regard must be had 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 requires that where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6. 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 development is located within the settlement limits of Donaghadee. Furthermore, as per the ADAP, the appeal site is also located within the Town Centre designation, the Donaghadee Conservation Area and an Area of Archaeological Potential. There are no objections to the appeal proposals regarding these and there are no further policies or designations of relevance.
7. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions at appeal stage. The SPPS retains policies within existing planning policy documents until such times as local Councils adopt a Plan Strategy (PS). No PS has been adopted for this Council area. The SPPS retains certain existing Planning Policy Statements (PPSs). There are no objections to the proposal based on any of the retained policies within the extant PPSs. Thus, no conflict arises between the policy provisions of the SPPS and the retained policy PPSs, in so far as it relates to the appeal proposal. Therefore, the appeal will be determined in line with provisions of the SPPS. The guidance contained within the Development Control Advice Note 4 'Restaurant, Cafés and Fast Food Outlets' (DCAN4) is also a material consideration.
8. The appeal site comprises a 2 storey, mid terraced property on the northern side of New Street, with a single storey rear return which extends towards Townhall Lane. The ground floor contains two doorways, one into the fast-food takeaway, and another to accesses the beauty salon above it. The first-floor front elevation has two domestic scaled windows overlooking New Street, whilst the appeal buildings rear elevations, and single storey rear return, face north towards the private thoroughfare of Townhall Lane, which runs parallel to New Street. A small yard space is present to the rear of the appeal building which is largely occupied by a metal storage container.
9. The Council advise that the appeal proposal is contrary to the provisions of SPPS as set out within paragraph 2.3 same. They contend that these provisions advise that the planning system operates in the public interest of local communities. They continue that the basic question is whether the appeal proposal would unacceptably affect amenities and the existing uses in the area. The Council directs that the appeal site is located within a mixed-use town centre comprising of both business and residential properties. They advise that, in line with paragraph 5.2 of DCAN4, the planning condition, the subject of this appeal, was attached to the grant of planning permission LA06/2019/0997/F to protect residential amenity.
10. The Council's concerns largely relate to noise, along with general disturbance, associated with the extended business hours on residential properties at Nos. 19 and 30 New Street and No. 24 Townhall Lane, with the second storey of this

property located adjacent to the appeal site on its northeastern side and overlooking New Street. During the hearing the Council clarified that a combination of activities which would give rise to impacts from noise including delivery vehicles and customers coming to and from the premises, and the use of the kitchen's extraction system. They also clarified that they considered that general disturbance and nuisance relates to kitchen activities taking place within the appeal premises, including noise from cooking equipment used in the kitchen, and staff serving customers.

11. I was advised, by the Council at the hearing, that the additional two hours of opening extends into a period of the day when the background noise is much quieter than it would be during other times. A slight increase in noise is more noticeable during this period of the day. Moreover, as recognised by the World Health Organisation (WHO), it is a period of time when residents would expect noise levels to be low, to allow for rest and sleep. During the hearing, I was also advised that odours from the premises during this period would be an issue. Furthermore, the manner of installation of flue associated with the extraction system was a concern to the Council's Environmental Health Department (EHD).
12. A complaint was received by the Council (EHD) in April 2024 regarding noise from music emanating from the property after the business hours as conditioned. This complaint was investigated, and no further action was taken. A breach of condition notice (the notice) has been served by the Council in relation to the business operating beyond the assigned business hours, and they advise that no further action has been taken following subsequent compliance with the notice.
13. The Appellant argued that the condition was attached to the planning permission with no justification. He advised that there are 25 businesses and only 5 residential properties close to the fast-food premises. At the time when the planning permission was granted, No. 30 New Street a building, located some 30metres (m) from the appeal site, was being use as a bank, whilst No. 19, located on the opposite side of the road, has been unoccupied since the business began in 2018. The Appellant contends that the Council has not taken any measurements to substantiate their claims that the appeal proposal will increase noise and air pollution. He directed me to the letter of support for the extended opening hours from the resident at No. 24 Townhall Lane and pointed out that the appeal proposal is endorsed by over 400 people in the area, who have signed both hard copy petitions, on entering the premises, and online. He also advised that the extended business hours would see his turnover increase to approximately £15,600 per annum which would cover the rent and rates. This income would assist with supplier costs, salaries (3 part time chefs and 5 part time drivers) as well as gas and electricity prices which have increased by more than 5%.
14. The Appellant advised that there has been only one complaint made in 7 years and that it was unfounded. He advised that noise from vehicles cannot be attributed solely to his business, as patrons of other premises such as local pubs, restaurants and social clubs will arrive and depart in cars and taxi cabs.
15. During the hearing, the Appellant advised that there was a taxi business, only a few doors down from him, on New Street. He also directed that most of the commercial business located off New Street in the surrounding area were closed

after 11pm including the Co-op adjacent to his premise, and a restaurant serving Indian cuisine, also located off New Street. However, at weekends, the pub, opposite his premises (the Yachtsman), remains open on Friday and Saturday nights beyond 11pm, closing around 12midnight. Similarly, two other pubs in the town (Grace O'Neill's and the Tivoli Bar) and a local social club (Meadow Bank) also open later than 11pm at weekends. The Council advised that whilst they know of other business in the vicinity of the appeal building, including pubs and restaurants, they were not aware of opening hours associated with them, and that the taxi business had not been open for business for several years.

16. Paragraph 2.3 of the SPPS advises that the planning system operates in the public interest of local communities and the region as a whole and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with public interest in some cases. It continues that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest.
17. DCAN 4 advises that whilst residential areas are likely to be sensitive to noise disturbance, it can also be a serious problem in town centres and in areas where commercial activities dominate but where there may be residential accommodation beside or over the proposed use. Noise associated with restaurants, cafés and fast-food outlets can emanate from a variety of sources, the main ones being vehicles, people and use of equipment associated with catering establishments. The guidance continues that these sources of noise are especially noticeable in the later evening when residents have a legitimate expectation that surrounding background noise levels will remain low. In that respect, take-away uses, which often generate frequent vehicle and pedestrian movements, can be particularly annoying and unacceptable.
18. During my site visit, undertaken at 4:30pm on Wednesday 7th May 2025, I observed that the appeal site is situated in an area comprising of a mix of business uses from chemists, restaurants, pubs, grocery stores, offices and cafés. I also noted the residential properties found at Nos. 30 and 19, located some 25m and 15m respectively from the appeal premises, which are accessed from New Street. Adjacent to the appeal premises, on either side, is a Co-op store and a Café. Above the latter is the residential property of No. 24 Townhall Lane. Whilst this residential property overlooks New Street, access to it is taken from Townhall Lane. I also observed that within the wider environs of the appeal premises, there are several other residential properties found off Townhall Lane, Bow Street and the Parade.
19. At the time of my site visit, several dishes were being prepared, cooked, and served to waiting customers. A modern extraction system was also operational. To me, inside the premises, the kitchen appliances were not excessively loud and they, together with kitchen activities associated with food preparation, were not audible externally at the rear of the property (Townhall Lane). Although I recognise that, standing at the front of the property, the main source of noise, at that time, was from traffic on New Street, during periods of lull in the traffic, and

with the door of the premises closed, the kitchen appliances and activities were not audible from this location either.

20. Notwithstanding the above, I recognise that after 11pm, with other commercial business closing there will be a reduction in the background noise levels within the environs of the appeal premises. Thus, I must consider the noise from activities from vehicles movements together with pedestrian movements during the proposed period for extended business hours on Fridays and Saturdays.
21. I acknowledge that at the time of the original grant of planning permission and the Council's decision to attach the condition restricting the appeal premises business hours, the bank building was not being used for residential purposes. Nevertheless, it is now a residential property. As a result, in the evidential context of the appeal before me, there are now more premises used for residential purposes, located adjacent, opposite and near to the appeal premises, than that at the time of the grant of the original planning permission, including that of No. 19 New Street, regardless of its current unoccupied status.
22. During the hearing the Appellant advised that typically, he would have a steady footfall of customers between 4pm and 11pm. He also acknowledged that, in his experience, between 11pm and 1pm, pedestrian numbers decreased as the demand for delivery services increased. He advised that the demand is generally greater at weekends, with around 80% of orders arising from delivery requests between 11pm and 1am, from residents of the caravan parks in Millisle.
23. Whilst commercial businesses are dominant throughout much of New Street, and given it is Town Centre location, most of these are closed between the hours of 11pm and 1am. Furthermore, I acknowledge the letters of support and the petitions and I am not persuaded that noise associated with kitchen activities will cause demonstrable harm to residential properties or have an adverse impact on amenity during the hours of operation as conditioned. However, in my mind, an 80% increase in delivery orders after 11pm at night will correspond to an increase in vehicular activities associated with the premises. Indeed, in the evidential context of this appeal, the increase of the delivery service activities during 11pm and 1am would be the dominate business taking place at the appeal premises during a period of time when residents have a legitimate expectation that surrounding background noise levels will remain low.
24. I acknowledge that the Appellant is not responsible for the noise that patrons coming and going from other premises. However, I have not been provided with any cogent evidence that customers calling on his commercial operations and vehicles used for deliveries associated with the business will not unacceptably affect amenities of local residential buildings and that the extended hours from 11pm to 1am on a Fridays and Saturdays would cause harm to residents through impact from noise associated with the business. I am bolstered in my position through testimony by the Appellant at the hearing, wherein he accepted that he would have provided a noise impact assessment if he thought the Council would have accepted it. The Council, in return, advised that had a noise impact assessment been provided, it would have been taken into consideration before the application was determined.

25. Turning to the issue of odour, at the hearing the Council confirmed that they have not received any complaints regarding odours from the appeal premises since it opened. The Council's primary concerns lie with the external position of the flue as they assert that it does not comply with EMAC Control of Odour & Noise from Commercial Kitchen Exhaust Systems. However, the Council confirmed that the location of the flue was not breaching any planning requirements. Rather it was a matter for the Council's EHD to pursue under its remit.
26. During my visit to the premises and surrounding area, I found that fumes and odours associated with the premises were not significant, including when stood in Townhall Lane close to where the kitchen flue is located. Consequently, given the lack of objection in relation to odours and from my own experiences on site, I am not persuaded that there is an odour issue with the ongoing activities associated with the appeal premises.
27. Whilst the economic benefits provided by the Appellant carry some weight, they do not outweigh the objections to the appeal proposal pursuant to the provisions of the SPPS and thus are not determining in this case. Therefore, I find the Council's reason for refusal is sustained, so far as stated, and the proposal is contrary to the provisions of the SPPS.
28. I acknowledge that the Appellant raised issues in relation to the Council's Planning Committee report and affairs pertaining to the Council's processing of the planning application. However, these are not matters for the Commission to rule on and they should be addressed by the Council.
29. Regarding the Human Rights Act 1998, Human Rights are qualified rights, and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. I have already concluded that the proposal runs contrary to planning policy and therefore I do not regard it to be in the public interest to approve extended opening hours in the absence of evidence to demonstrate that it will not cause harm to interests of acknowledged importance. Furthermore, I consider the approach adopted by the Council, in its interpretation of the legislative and planning policy requirements, to be both reasonable and proportionate in balancing the rights of the individual with the public interest and it follows that I find no unacceptable or disproportionate infringement of the appellant's human rights.
30. For the reasons given above, I have found that the appeal proposal does not comply with the requirements of the SPPS. Thus, the Council's reason for refusal, so far as stated, is sustained and is determining in this appeal. Consequently, the appeal must fail.

The decision is based on the following drawings:

- Site Location/Layout Plan at 1:1250 and 1:500 respectively.

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -	Ms. Nicole Keizer (Ards and North Down Borough Council - Planning) Ms. Clare Adair (Ards and North Down Borough Council – Environmental Health)
Appellant: -	Mr Tarik Abdeljaouad

List of Documents

Planning Authority: -	Statement of Case, on behalf of Ards and North Down Borough Council
Appellant: -	Statement of Case by Mr Tarik Abdeljaouad



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2024/A0114
Appeal by:	Mr Alexis Clarke
Appeal against:	Refusal of outline planning permission
Proposed Development:	2 No. in-fill dwellings with domestic garages
Location:	Lands between 40a and 42 Deer Park Road, Newtownards, BT22 1PN
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2023/2149/O
Procedure:	Written representations with an accompanied site visit on 13 th May 2025
Decision by:	Commissioner Gareth McCallion, dated 29 th May 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issues relate to whether the development is acceptable in principle in the countryside and would adversely impact on rural character.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that in dealing with an appeal, regard must be had 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 requires that where, in making any determination under this Act, 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. Within it, the proposed site is in the countryside, and within the Greenbelt and the Countryside Policy Area. The appeal site is also in the Strangford and Lecale Area of Outstanding Natural Beauty (AONB). The LDP directs that Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) will take precedence over the plan with regards to development in the countryside. Therefore, the Greenbelt and Countryside Policy Area designations within the LDP are superseded.
5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions at appeal stage. The

SPPS retains policies within existing planning policy documents until such times as local Councils adopt a Plan Strategy (PS). No PS has been adopted for this Council area. The SPPS retains certain existing Planning Policy Statements (PPSs) including PPS21. No conflict arises between the policy provisions of the SPPS, and the retained policy held in PPS21 in so far as it relates to the appeal proposal. Therefore, in accordance with the transitional arrangements in the SPPS, the appeal will be determined in line with the retained policies of PPS21.

6. Policy CTY1 'Development in the Countryside' of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One type is the development of a small gap site within an otherwise substantial and continuously built-up frontage in line with Policy CTY8 'Ribbon Development'. Policy CTY1 continues that, other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.
7. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy also states that an exception will be permitted for the development of a small gap site, sufficient only to accommodate a maximum of two houses, within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets with other planning and environmental requirements.
8. The appeal site is located on agricultural lands between Nos. 40a, adjacent to its southern boundary, and 42 Deer Park Road, next to its northern border. The Appellant contends that there is a substantial and continuous built-up frontage of three or more buildings consisting of the dwelling at No 40a, the dwelling and associated garage at No. 42 and the dwelling and associated/outbuilding at No. 44 Deer Park Road. There is no disagreement between the parties that the above referenced dwellings have frontage onto the Deer Park Road. However, the Council contend that there is not a substantial and continuous built-up frontage of three or more buildings because the Abbacy Road dissects the frontage between Nos. 42 and 44 and the garage within the curtilage of No. 42 has frontage with Abbacy Road rather than Deer Park Road.
9. Policy CTY8 defines a substantial and continuously built-up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear. Whilst I acknowledge that each of the properties outlined above has frontage onto the Deer Park Road, I would concur with the Council that there is a definitive discontinuity provided by the public road between the properties at Nos. 42 and 44. As a consequence of the break in the road frontage development, provided by the Abbacy Road, those buildings to the north of Abbacy Road, from No. 44 Deer Park Road, are not qualifying buildings in line with the policy. Consequently, for the reasons outlined above, there is a break in the frontage of the development along the Deer Park Road.
10. No. 42 Deer Park Road, and its associated garage, is located at the junction Deer Park Road and Abbacy Road. The frontage of this property is angled so that it

fronts onto both roads, with its access taken from the more minor Abbacy Road. The garage, which is set back from the dwelling, is located next to the north-westerly gable wall of the house. In transit, in both directions along the Deer Park Road, due to its position and boundary treatments associated with No. 42, the garage is unseen, only becoming partially visible once you arrive at the junction of the Abbacy and Deer Park Roads. Furthermore, whilst the dwelling at No. 42 has frontage onto the Deer Park Road, given its orientation, the garage faces onto, and its frontage runs along that of the Abbacy Road. Hence, for the above reasons, the garage building is not a qualifying building for the purposes of the policy.

11. Thus, for the reasons outlined above the appeal site does not lie within a substantially and continuously built-up frontage which includes a line of three or more buildings along a road frontage without accompanying development to the rear.
12. Furthermore, whilst the Abbacy Road breaks the frontage between Nos. 42 and 44, these properties together with that of No. 46 Deer Park Road are all visually linked and a ribbon of development exists at this location. Whilst No. 40a currently reads as an isolated dwelling, visually separated from those properties mentioned above, the appeal proposal would develop the gap between No. 42 and 40a thereby visually linking Nos 46 through to 40a and extending the existing ribbon of development. Thus, for the reasoning set out above, the appeal proposal would add to a ribbon of development along this section of the Deer Park Road.
13. During the accompanied site visit (ASV), both parties confirmed that the appeal site represents the gap between Nos. 40a and 42 Deer Park Road. The Council advised that this gap between buildings measures some 96metres (m). They contend that the appeal site could accommodate three dwellings with garages. The Appellant advised that provision had been made for an agricultural lane, running adjacent to the northern boundary of No. 40a to provide access to the land behind the appeal site. Considering the provision of this laneway, the Council advised that the gap would still measure some 80m. They calculated that the average plot width (frontage), considering Nos 40a through to 50 Deer Park Road, measures some 31.8m. Therefore, even allowing for the agricultural lane, the two frontage widths of 40m would not reflect the existing pattern of development.
14. Following my onsite observations, I would concur that, whilst I have already found that there is no substantial and continuously built-up frontage, the gap between the dwellings could, in line with the Council's average plot width calculations, accommodate more than two dwellings. Allowing for the provision of the agricultural laneway, I would concur with the Council that two dwellings with an average frontage of 40m each would appear larger than those plot widths found along this stretch of the Deer Park Road and would not respect the existing development pattern along the frontage in terms of plot size. Thus, I find that the proposed site does not represent a small gap as referred to within the policy and accordingly there is no exception to Policy CTY8.
15. The Council also argued that the appeal site forms an important visual break between the collection of developments to the north, consisting of the residential

properties found at the junction of the Abbacy Road and Deer Park Road and the residential property in the south (No. 40a Deer Park Road). Given the size of the gap, it provides visual relief between No 40a and the ribbon of development to the north. I would agree that the introduction of two additional dwellings would remove this important visual break in the developed appearance of this section of the Deer Park Road. Taken in the round, the Council's concerns with the proposed development, in relation to Policy CTY8 are well founded. Subsequently, the proposal would be contrary to Policy CTY8 of PPS21 and the Council's second reason for refusal is sustained.

16. Policy CTY14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. The policy sets out several criteria wherein a new building in the countryside will be unacceptable. The Council is of the view that the proposed development is contrary to criteria (b) and (d) which relate to suburban style build-up and ribbon development.
17. Given that I have found that the appeal development would add to a ribbon of development because the two sites would have common frontage with No. 40a and 42 Deer Park Road, and would be visually linked with these properties, together with Nos. 44 and 46. For these reasons, and reinforced by the appeals sites' paired access arrangement, the proposal would lead to a suburban style build-up of development. Thus, I find that the proposal does not meet with criteria b) and d) of Policy CTY14. The Council's third reason for refusal is therefore sustained.
18. Given the development does not meet with Policy CTY8, the principle of development in the countryside has not been established. No overriding reasons have been presented as to why the development is essential and could not be located in a settlement. Therefore, the proposal is contrary to Policy CTY1 of PPS21. Thus, the Council's first reason for refusal is sustained.
19. For the reasons stated above, the appeal proposal is contrary to Policies CTY1, CTY8 and CTY14 of PPS21. Thus, the appeal must fail.

The decision is based on the following drawings:

- Site Location Plan, 1:2500, drawing No. 2681-D-01, dated July 2023; and
- Concept Plan, 1:1000, drawing No. 2681-D-011, dated July 2023.

COMMISSIONER GARETH McCALLION

List of Appearances

Planning Authority: -	Ms. Louise Flinn (Ards and North Down Borough Council)
Appellant: -	Mr Alexis Clarke Mr Alexis Clarke Snr (Appellant's Father) Mr Gerry Tumelty (Tumelty Planning)

List of Documents

Planning Authority: -	Statement of Case, Ards and North Down Borough Council Rebuttal Statement, Ards and North Down Borough Council
Appellant: -	Statement of Case on behalf of the Appellant by Tumelty Planning

Unclassified

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

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	01 July 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	16 June 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	BT Group - decommissioning/removal of telephone kiosks
Attachments	Item 6a - Notification from BT Group Item 6b- List of units affected

Background

The purpose of this report is to inform Members on BT Group notification of future decommissioning/removal of telephone kiosks within the Borough (attached Item 6a)

Detail

The Chief Executive and Planning Department were contacted in relation to the planned decommissioning (and in most cases, removal) of 23 public telephone kiosks throughout the Borough (spreadsheet list of units attached at Item 6b).

The Planning Department is leading on the response to which it shall advise that planning consent is not required for the removal of a non-listed telephone box.

Not Applicable

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However, a telephone kiosk in Main Street, Greyabbey is B2 Listed as being of special architectural or historic interest and therefore a Listed Building Consent application would be required for any alterations to it, including the removal of the telephony inside.

This application would be processed by the Councils Planning Service, with expert input from DfC Historic Environment Division (HED). An informal preliminary discussion with HED suggests that it's preference would be for the preservation of the telephone unit (albeit disconnected from the network) as it positively contributes to the understanding of the listed structure.

RECOMMENDATION

It is recommended that Council note the content of this report and attachments.

Howard, Paula

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From: btp.authorisation.team@bt.com <btp.authorisation.team@bt.com>

Sent: 19 May 2025 17:42

To: General, Planning <planning@ardsandnorthdown.gov.uk>

Subject: Ards and North Down Payphone removal proposal/s

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

We plan to remove payphones in your area. You can make representations for 90 days, which ends on 17 August 2025

Dear Chief Planning Officer,

We've identified 23 public payphones in your area that are no longer needed. We've assessed these using the criteria in Ofcom's [Review of the telephony universal service obligation](#). I've attached the list of payphones that we're planning to remove.

The kiosks shown in red are Listed so we propose to remove the telephony and lock the kiosk.

To make sure that the local community are fully informed, we've placed notices (including the posting date) on these payphones. I've attached a sample copy.

Communities can 'adopt' phone boxes to turn into something completely different

With payphone usage falling, communities are looking at new ways of using them. Thousands of boxes have been reinvented as cafes, mini-libraries, and defibrillator sites. Communities can adopt most red boxes for just £1.

They can also adopt modern glass boxes if they want to house a defibrillator. Visit bt.com/adopt for more information

You can make representations in the next 90 days until 17 August 2025

We'll take account of representations you make about our plans when we're making our final decision. We'll also write to with you the reasons for our decision (we'll also publish the reasons on www.bt.com/payphones/service).

If you've got any questions or want to make representations, please email us at btp.authorisation.team@bt.com.

Thanks,

The BT payphones team



This email contains BT information, which may be privileged or confidential. It's meant only for the individual(s) or entity named above. If you're not the intended recipient, note that disclosing, copying, distributing or using this information is prohibited. If you've received this email in error, please let me know immediately on the email address above. Thank you.

We monitor our email system, and may record your emails.

BT Group plc

Registered office: One Braham, Braham Street, London, E1 8EE

Registered in England no: 1800000

Ref.	Call box ID	Address
1	02842728327	PCO1 JOHN THOMPSON PARK PORTAFERRY NEWTOWNARDS
2	02842758282	MAIN ST PCO1 BROADWAY BALLYWALTER NEWTOWNARDS
3	02842758329	O/S NO. 26/28 PCO1 MAIN STREET BALLYWALTER NEWTOWNARDS
4	02842788201	PCO MAIN STREET JUNCTION NEWTOWNARDS ROAD AT CHURCH GREYA
5	02891272421	ADJACENT VIVO CONLIG PCO1 THE GREEN BANGOR
6	02891454394	O/S NO.79 PCO1 DONAGHADEE ROAD BANGOR
7	02891464220	OUTSIDE GROOMSPORT INN PCO1 MAIN STREET GROOMSPORT BANGOR
8	02891471389	O/S NO 21A PCO1 GREEN ROAD BANGOR
9	02891472569	O/S NO.1 PCO1 SILVERSTREAM ROAD BANGOR
10	02891473714	JCTN.BRYANSBURN / PCO1 BRUNSWICK ROAD BANGOR
11	02891473864	O/S 21 PCO1 CLANDEBOYE ROAD BANGOR
12	02891810069	AT NO 187 PCO1 MILL STREET NEWTOWNARDS
13	02891810217	PCO1 GLENARD ROAD NEWTOWNARDS
14	02891812289	LOUGHRIES / BALLYBLACK RD / PCO1 BALLYHAFT ROAD NEWTOWNARDS
15	02891813946	WESTWINDS PCO1 BLENHEIM DRIVE NEWTOWNARDS
16	02891820198	O/S NO.1 PCO1 ABBOT LINK NEWTOWNARDS
17	02891821794	PCO1 O/S 42A BLENHEIM DRIVE NEWTOWNARDS
18	02891852215	OPP CAR PARK SPACES PCO1 GRAYS PARK HELENS BAY BANGOR
19	02891861323	PCO1 MAIN STREET CARROWDORE NEWTOWNARDS
20	02891862410	BALLYWHISKEN CARAVAN PARK PCO1 BALLYWALTER ROAD MILLISLE NEWT
21	02891872226	ADJ TO RAILWAY BRIDGE PCO1 RAILWAY STREET COMBER NEWTOWNARDS
22	02891872248	PCO PCO1 HIGH STREET COMBER NEWTOWNARDS
23	02897541587	THORNLEIGH PCO1 QUARRY ROAD COMBER NEWTOWNARDS

Post Code	Relevant Public Body	Removal proposal sent	Representation period ends
BT22 1NA	Ards and North Down	19/05/2025	17/08/2025
BT22 2NH	Ards and North Down	19/05/2025	17/08/2025
BT22 2PG	Ards and North Down	19/05/2025	17/08/2025
BT22 2NF	Ards and North Down	19/05/2025	17/08/2025
BT20 4ER	Ards and North Down	19/05/2025	17/08/2025
BT19 6DP	Ards and North Down	19/05/2025	17/08/2025
BT19 6JR	Ards and North Down	19/05/2025	17/08/2025
BT19 7QA	Ards and North Down	19/05/2025	17/08/2025
BT20 3LR	Ards and North Down	19/05/2025	17/08/2025
BT20 3DN	Ards and North Down	19/05/2025	17/08/2025
BT20 3LB	Ards and North Down	19/05/2025	17/08/2025
BT23 4LN	Ards and North Down	19/05/2025	17/08/2025
BT23 4HP	Ards and North Down	19/05/2025	17/08/2025
BT22 2AW	Ards and North Down	19/05/2025	17/08/2025
BT23 4QY	Ards and North Down	19/05/2025	17/08/2025
BT23 8XR	Ards and North Down	19/05/2025	17/08/2025
BT23 4RA	Ards and North Down	19/05/2025	17/08/2025
BT19 1TZ	Ards and North Down	19/05/2025	17/08/2025
BT22 2HL	Ards and North Down	19/05/2025	17/08/2025
BT22 2LY	Ards and North Down	19/05/2025	17/08/2025
BT23 5HG	Ards and North Down	19/05/2025	17/08/2025
BT23 5HJ	Ards and North Down	19/05/2025	17/08/2025
BT23 5NF	Ards and North Down	19/05/2025	17/08/2025

Mobile coverage				Mobile Coverage OK?	Total calls (last 12 months)	Helpline calls (last 12 months)
EE	Three	O2	Vodafone		<52 calls	<12 calls or Helplines Partnership approve
4	4	4	4	YES	6	0
3	4	4	3	YES	19	0
3	4	4	3	YES	20	0
3	3	4	3	YES	10	1
4	4	4	3	YES	2	0
3	4	3	3	YES	19	0
3	3	4	3	YES	6	0
4	4	4	3	YES	24	1
3	4	4	3	YES	24	0
3	4	4	3	YES	20	0
3	4	4	3	YES	0	0
3	4	4	3	YES	6	0
4	4	4	4	YES	49	3
3	3	3	3	YES	10	0
3	4	4	3	YES	20	0
3	4	4	3	YES	14	0
3	3	3	3	YES	20	0
4	3	3	3	YES	0	0
3	3	3	3	YES	5	2
3	3	3	3	YES	11	0
3	3	4	3	YES	38	2
4	3	4	4	YES	41	0
3	3	4	3	YES	0	0

[illegible]