

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 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 05 August** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

A G E N D A

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

4.1	LA06/2025/0137/F	Single storey wooden structure for home gym and workshop to the front of the property (retrospective) 2 Brianville Drive, Bangor
4.2	LA06/2023/2314/F	Proposed Park and Ride Facility including tarmacked parking area (452 spaces), landscaping, boundary fencing, cycle shelter building, relocation of existing playpark within the site and associated development. Lands bounded by William Street, Hardford Link, Corry Street and to the rear of 23-49 and 51-53 Corry Street and 18-58 William Street, Newtownards

		Speaking in support Martin Kelly (Gravis Planning), Keith Hannah (Tetrattech), Jennifer Faulconbridge (Translink)
4.3	LA06/2023/2012/F	<p>Dwelling (change of house type from approval W/2011/0015/RM)</p> <p>Land between 3 and 4 Sheridan Grove, Helens Bay</p> <p>ITEM WITHDRAWN FROM PLANNING SCHEDULE</p>
4.4	LA06/2022/0708/O	<p>Erection of 5 No. detached dwellings with associated landscaping, internal road layout and access provision</p> <p>Lands to the South and adjoining No. 90 Crawfordsburn Road, Newtownards, BT23 4UH and to the West of No's 71 83 85 87 89 91 and 97 Crawfordsburn Road Newtownards</p> <p>Speaking against application:- Claire Millar</p> <p>Speaking in support of application:- David Donaldson (Donaldson Planning) , Stephen Villiers (Project Architect) and Dr Philip Blackstock (Arboriculturalist)</p>

Reports for Approval

5. Statutory and Non-Statutory Planning Charges (report attached)

Reports for Noting

6. Update on Planning appeals (report attached)
7. Planning Budgetary Control Report March 2025 (report attached)
8. Planning Budgetary Control Report June 2025 (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
Alderman McAlpine	Alderman Smith
Councillor McClean (Chair)	Councillor Wray (Vice Chair)

ARDS AND NORTH DOWN BOROUGH COUNCIL

A hybrid meeting (in person and via Zoom) of the Planning Committee was held in the Council Chamber, Church Street, Newtownards on Tuesday 1 July 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine
McDowell
McIlveen
Smith

Councillors:	Cathcart	McKee (Zoom)
	Harbinson	Morgan (Zoom)
	Kerr (7.09 pm)	Smart
	Hennessy (7.10pm Zoom)	Wray

Officers: Director of Place (B Dorrian), Head of Planning (G Kerr) and Democratic Services Officer (H Loebnau)

1. APOLOGIES

Apologies for inability to attend were received from the Mayor (Councillor McCollum) who was on Council business, Councillor Kendall and the Director of Prosperity. Apologies for lateness were received from Councillor Kerr and Councillor Hennessy.

NOTED.

2. DECLARATIONS OF INTEREST

Alderman McAlpine and Councillor Smart declared an interest in Item 6 - BT Group – Decommissioning/Removal of Telephone Kiosks.

NOTED.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES DATED 10 JUNE 2025

(Appendix I)

PREVIOUSLY CIRCULATED:- Copy of the above.

AGREED TO RECOMMEND, on the proposal of Alderman Graham, seconded by Alderman Smith, that the minutes be noted.

4. PLANNING APPLICATIONS

4.1 ITEM WITHDRAWN

The Head of Planning advised the Committee that the item had been withdrawn due to the late submission of information which needed further consideration.

NOTED.

4.2 LA06/2024/0532/F - Lands located approximately 120m east of 284 east of 284 Bangor Road, Newtownards (Appendices II & III)

DEA: Newtownards

Committee Interest: Council Interest

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)

Site Location: Lands located approx. 120m east of 284 Bangor Road, Newtownards

Recommendation: Grant Planning Permission

The Head of Planning (G Kerr) outlined the detail of the application. It was for a proposed extension to the well-known Ark Open Farm. The proposal consisted of an indoor play barn, including ancillary café, kitchen, party rooms, retail/reception area, toilets, offices, and storage.

There would also be a new access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping, and all associated site works.

The applicants were also active farmers and the proposal was also a farm diversification project.

All consultees were content and there were no objections from third parties to the proposed extension of this established business.

A slide was shown showing the site layout which was 0.9hectares and was part of a larger agricultural holding including the Ark Open Farm. It was located on the eastern side of Bangor Road approximately 170m back from the public road. The site was located in the open countryside beyond the development limit of Newtownards.

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

As this was already a popular tourism destination it was welcome that the proposal also included a car park for 102 car parking spaces including 5 disabled spaces, cycle parking and a layby for buses. The proposed parking would be a significant improvement to the current parking arrangements and would greatly benefit both the visitors and the nearby residents on Bangor Road.

Proposals for farm diversification had certain criteria to comply with as set out in policy CTY 11 of PPS21 including:

- 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.

The proposal fulfilled all the criteria set out within the policy.

A further slide showed the elevations and those were considered to be acceptable, the proposed building was to be set approximately 170m back from the public road and to the rear of the existing ribbon of development consisting of residential dwellings.

The building had a footprint of 1,000sqm and a ridge height of 8.5m (6.6m eaves). The materials included dark green profiled metal cladding and rendered blockwork at the lower levels of the walls. The materials and finishes were consistent with the rural locality, surroundings, and character and commonly used in agricultural/commercial buildings in the countryside.

The proposal would not harm the amenity of nearby residents with the nearest dwellings approximately 145m away from the application site. The main entrance into the building and the outdoor seating associated with the café were at the eastern gable end which was furthest away from the dwellings, which would reduce noise levels travelling towards the dwellings.

The proposed access lane would pass alongside the boundary of No.284 which was in the ownership or control of the applicant.

With regard to Tourism, the proposal fulfilled criteria set out in policies in PPS16 which dealt with tourism development in the countryside.

With regard to ecology a Biodiversity Checklist was completed by Sterna Environmental Ltd. The report included an Ecological Statement which concluded that no protected sites were present and no impact on protected sites was predicted. No priority habitats or priority species were present and therefore no impact on priority species was predicted.

In summary the proposal would improve and ensure the continuity of one of the Borough's main tourist attractions, linking in with the adjacent Greenway and in close proximity to Whitespots Regional Park, all part of the overall development of the tourism offer of the Council. The proposal was policy compliant with all consultees content and no third party objections.

The recommendation was to grant planning permission.

The Chair invited questions from the Committee and Councillor Cathcart had noticed that the application had a Council interest and he asked what that was. The Head of Planning explained that the Council had transferred a portion of land over to the farm.

There were no further questions and the Chair invited those speaking in support of the application to take their place to address Members. Those included Andy Stephens, Matrix Planning, and Lyndy and Stuart Birse who were the applicants.

(Councillor Kerr entered the meeting at 7.09 pm)

Speaking on behalf of the applicant, Andy Stephens thanked Members for giving him the opportunity to speak in support of the application and the officer's recommendation to grant planning permission.

He welcomed the officer's report and recommendation to grant permission, for this significant investment project to expand and enhance the tourist offer at the Ark Farm. The Ark Farm was a great example of a family-owned indigenous business. It was originally founded 34 years ago, by Stewart and Lorraine Donaldson when it first opened to visitors on 14 August 1990. Since then, the Ark Farm had grown organically to become one of County Down's favourite family attractions with approximately 85,000 visitors per annum. One of those had included Her Royal Highness (HRH) the Duchess of Cambridge in 2020 to commemorate the 30 year anniversary of the Ark Farm.

(Councillor Hennessy entered the meeting at 7.10 pm)

This planning permission sought a new indoor hard play barn including a new café, toilets, party rooms (for birthday parties/educational visits etc) ancillary shop/reception area, offices, and 102 car parking spaces, coach parking, and cycle parking. The proposal would enhance the Ark Farm's offering by providing improved access and linkages to the existing attractions and animal pens whilst enabling increased capacity particularly during the popular seasonal events.

Critically the Ark Farm would have the ability to retain visitor numbers dwell time on wet days to achieve the target of 100,000 visitors per annum. The proposal would also secure The Ark Farm's existing workforce of 28 local employees, and see it increase by 4-6 additional employees. That would ensure the Ark Farm continued as one of the Borough's top destinations and would link with the Council's Greenway project and Whitespots Regional Park, assisting in the delivery of the overall integrated blue/green tourism strategy for the District.

The planning application was front loaded and supported by a significant volume of environmental, drainage and traffic reports with additional information provided during the processing and in response to the statutory agency's comments. That had resulted in a timely determination with no objections from any of the statutory consultees to the proposal on traffic, environmental impact, flooding or residential amenity grounds.

There had been no third party objections to the proposal, and that was resultant from neighbouring properties seeing the clear benefits of the additional parking, and reconfiguration of the entrance along with new access/egress. That would alleviate the existing parking pressure, which the Ark Farm had experienced during season events and peak holiday periods, and result in operational efficiencies.

The 23 page Committee Report before Members was comprehensive and robust. It engaged with all the relevant matters, considered them with balance and against the correct evidential context. It confirmed the proposal was compliant with all aspects of the local development plan, prevailing regional planning policy and that there were no sustainable objections from any of the statutory consultees to the proposal on traffic, biodiversity, drainage, or residential amenity grounds. Planning decisions could only be taken in an evidential context and all the evidence including the responses from the statutory agencies would indicate that there was a lack of sustainable objections, or demonstrable harm and that planning permission should be granted.

He fully supported the recommendation to grant permission and would asked that the Committee resolve to endorse the conditional grant of planning permission for the expansion of this local business.

The Chair thanked Andy Stephens for his presentation and invited Members to ask questions.

Councillor Cathcart referred to the slide which showed the proposed new site layout and welcomed the increased parking of 102 spaces included in the proposal. It was confirmed that that would make a total of 162 parking spaces when included with those existing. He also referred to the improvement of an additional entrance point from the other side of the site which would permit the swift and efficient movement of traffic.

Councillor Hennessy explained that he had taken many school trips there over the past 20 years and asked Andy Stephens if he thought the farm would be able to be run during the development period and would schools still be able to access the existing facilities. In response it was confirmed that the farm would continue to operate since the proposed building would be situated away from the working farm so could be constructed easily and allow the farm business to continue to generate revenue.

Alderman McDowell welcomed the proposal and thought that it was exciting for the area. He asked if cycle parking was forward planning from a business point of view. Mr Stephens agreed that it was and plans showed a coffee hatch to serve cyclists who would be using the Greenway and was a further diversification of the farm's customer base. The Alderman considered this to be a win / win position for the Ark Farm and the Greenway and would enhance the overall tourism package and it also tied in with the Council's aspiration for that area with Whitespots and The Somme Centre.

The Chair thanked Mr Stephens and the applicants for their presentation and they returned to the public gallery.

Proposed by Alderman McDowell, seconded by Alderman McIlveen, that planning permission be granted.

Alderman McDowell was delighted with the proposal and thought it a fantastic example of improvement in the area's tourism offering. It would work very well with the extended Greenway and the additional facilities at the farm would allow for more visitors.

As seconder Alderman McIlveen was happy to endorse what Alderman McDowell had said agreeing that it would serve as a real enhancement to the area. The proposal for the farm was well thought out and would address the parking issues that had existed there for many years.

AGREED TO RECOMMEND, on the proposal of Alderman McDowell, seconded by Alderman McIlveen, that the recommendation be adopted and that planning permission be granted.

4.3 LA06/2025/0336/A - Land 38m NE of Ballycrochan Baptist Church (Appendix IV)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor East and Donaghadee

Committee Interest: Council Application

Proposal: Council City Entrance Sign

Site Location: Land 38m NE of Ballycrochan Baptist Church, Donaghadee Road,

Recommendation: Grant Planning Permission

The Head of Planning (G Kerr) outlined the detail of the application, the site was located on land 38m North East of Ballycrochan Baptist Church, Donaghadee Road, Bangor. The location of the site was shown on the site location plan. It occupied 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 was undeveloped, consisting of grassland to the side of the road. The images showed the area of where the sign was to be located.

The following slide showed the proposed signage and photograph of the site. The proposal consisted of 1 No. freestanding sign (non-illuminated), measuring approximately 2m in height, with a width of approximately 1.5m. The sign was to be set 1m from the edge of the road, and was finished in perspex and acrylic, with a powder coated metal frame.

The relevant policy context was provided by Planning Policy Statement 17 Control of Outdoor Advertisements. As detailed in the Case Officer's Report, it was considered that the signage respected the character and appearance of the site and surrounding area, would not result in cluttering of signage and would not be overly dominant in the street scene. DfI Roads had been consulted and returned no objection on the grounds of road safety.

It was therefore recommended that consent be granted.

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

Councillor Cathcart said people were always welcome to the City of Bangor but noted that signs were missing from other routes leading into the city.

AGREED TO RECOMMEND, on the proposal of Councillor Cathcart, seconded by Alderman Graham, that the recommendation be adopted, that planning permission be granted.

5. UPDATE ON PLANNING APPEALS (Appendices V & VI)

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

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

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 23:00hrs to 01:00hrs (11pm to 1am) on Fridays and Saturdays. The main issue was whether the appeal development would adversely impact the amenity of existing residents.

Paragraph 2.3 of the SPPS advised that the planning system operated in the public interest of local communities and the region as a whole and encompassed the present as well as future needs of society. It did 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 continued that the basic question was 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 advised that whilst residential areas were likely to be sensitive to noise disturbance, it could also be a serious problem in town centres and in areas where commercial activities dominated but where there may be residential accommodation beside or over the proposed use. Noise associated with restaurants, cafés and fast-food outlets could emanate from a variety of sources, the main ones being vehicles, people and use of equipment associated with catering establishments. The guidance continued that those sources of noise were especially noticeable in the later evening when residents had a legitimate expectation that surrounding background noise levels would remain low. In that respect, take-away uses, which often generated frequent vehicle and pedestrian movements, could be particularly annoying and unacceptable.

The Commissioner recognised that after 11pm, with other commercial businesses closing there would be a reduction in the background noise levels within the environs of 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 were dominant throughout much of New Street, and given its town centre location, most of those were closed between the hours of 11pm and 1am. The Commissioner was not persuaded that noise associated with kitchen activities would 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 would 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 had a legitimate expectation that surrounding background noise levels would remain low.

Whilst acknowledging that the appellant was not responsible for the noise that patrons coming and going from other premises caused 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 would 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 carried some weight, they did not outweigh the objections to the appeal proposal pursuant to the provisions of the SPPS and thus were not determining in this case. The Council's reason for refusal was sustained, so far as stated, and the proposal was contrary to the provisions of the SPPS. Thus, the Council's reason for refusal, so far as stated, was sustained and was 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 related to whether the development was acceptable in principle in the countryside and would adversely impact on rural character.

The appeal site was located on agricultural lands between Nos. 40a, adjacent to its southern boundary, and 42 Deer Park Road, next to its northern border. The appellant contended that there was 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 was no disagreement between the parties that the above referenced dwellings had frontage onto the Deer Park Road. However, the Council contended that there was not a substantial and continuous built-up frontage of three or more buildings because the Abbey Road dissected the frontage between Nos. 42 and 44 and the garage within the curtilage of No. 42 had frontage with Abbey Road rather than Deer Park Road.

Policy CTY8 defined 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 had frontage onto the Deer Park Road, they sided with the Council that there was 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 Abbey Road, those buildings to the north of Abbey Road, from No. 44 Deer Park Road, were not qualifying buildings in line with

the policy. Consequently, for the reasons outlined above, there was a break in the frontage of the development along the Deer Park Road.

No. 42 Deer Park Road, and its associated garage, was located at the junction Deer Park Road and Abbacy Road. The frontage of that property was angled so that it fronted onto both roads, with its access taken from the more minor Abbacy Road. The garage, which was set back from the dwelling, was 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 was unseen, only becoming partially visible once one arrived at the junction of the Abbacy and Deer Park Roads. Furthermore, whilst the dwelling at No. 42 had frontage onto the Deer Park Road, given its orientation, the garage faced onto, and its frontage ran along that of the Abbacy Road. Hence, for the above reasons, the garage building was not a qualifying building for the purposes of the policy.

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

Numbers 42, 44 and 46 were all visually linked and a ribbon of development existed at that 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 measured some 96m 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 that 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, measured 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 that 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 did not represent a small gap as referred to within the policy and accordingly there was 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 that 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 was 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 those 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 did not meet with criteria b) and d) of Policy CTY14. The Council's third reason for refusal was therefore sustained.

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

The appeal proposal was 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 could be viewed at www.pacni.gov.uk.

RECOMMENDED that Council notes the report and attachments.

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

(Having declared an interest in Item 6, Councillor Smart and Alderman McAlpine left the meeting at 7.23 pm)

6. **BT GROUP – DECOMMISSIONING/REMOVAL OF TELEPHONE KIOSKS**

(Appendices VII & VIII)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that the purpose of the report was to inform Members on BT Group notification of future decommissioning/removal of telephone kiosks within the Borough.

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 and was attached.

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

However, a telephone kiosk in Main Street, Greyabbey was 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 Council's Planning Service, with expert input from DfC Historic Environment Division (HED). An informal preliminary discussion with HED suggested that its preference would be for the preservation of the telephone unit (albeit disconnected from the network) as it positively contributed to the understanding of the listed structure.

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

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

Councillor Cathcart referred to many of these kiosks which had been long abandoned and he would support their removal. Asking about community adoption of the telephone boxes it was noted that that was for the older red ones. He asked the Head of Planning to send Members the link so that the information could be circulated within the different communities.


Councillor Harbinson spoke of the modern glass telephone boxes housing defibrillators and Councillor McKee referred to a telephone box in Bangor West which he had been trying to have removed since 2022 so he cautioned Members not to hope that this work would be undertaken soon. Some of those telephone boxes had been long abandoned and took away from the streetscape in many places.

Councillor Wray explained that he had been working with Greyabbey Community Association over preservation of the telephone unit. He asked if there was any flexibility in the terms and the expected timescales. The Head of Planning stated that that would be for BT to explain and it had put out a consultation which would close on 17 August. Planners were taking the lead in that.

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

TERMINATION OF MEETING

The meeting terminated at 7.29 pm.

Development Management Case Officer Report			 Ards and North Down Borough Council	
Reference:	LA06/2025/0137/F	DEA: Bangor East & Donaghadee		
Proposal:	Single storey wooden structure for home gym and workshop to the front of the property (retrospective)			
Location:	2 Brianville Drive, Bangor, BT19 6EG			
Applicant:	Mrs Leigh Lungley			
Date valid:	19/02/2025	EIA Screening Required:	No	
Date last advertised:	29/05/2025	Date last neighbour notified:	22/05/2025	
Consultations – synopsis of responses:				
None required				
Letters of Support	0	Letters of Objection	1	Petitions 0
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of development • Design and Appearance • Impact on privacy or amenity of neighbouring properties • Impact on the character and appearance of the area • Impact on amenity and recreational space • Impact on landscape features and environmental quality • Biodiversity 				
Recommendation: Refuse Planning Permission				
Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningssystemni.gov.uk) using Public Access				

1. Site and Surrounding Area

The application site comprises a semi-detached chalet bungalow situated on a rectangular plot facing south-west. The dwelling is finished in red brick, with the front elevation clad in cream stone and dark concrete roof tiles. The dormer window at the front is clad in dark grey uPVC panels. The fenestration, front door, and fascia are all finished in dark grey. The site benefits from a single-storey rear extension and private space to the rear and side of the dwelling. A wide hard surface at the front of the dwelling provides parking for two cars. As the site is located on a corner, there is an additional gated access from Kilmaine Road, with a hard-surfaced area that provides parking for one car.

Figure 1. Front of the dwelling



The site is enclosed by a 1.8-meter timber fence at the front and rear of the dwelling, with a tall, mature hedge along the side.

Figure 2. Rear of the dwelling



The site is located within the settlement limit of Bangor, as outlined in the Draft Belfast Metropolitan Area Plan 2015. It is situated in a residential area, predominantly surrounded by semi-detached dwellings of similar size and finishes. These include traditional red brick and rendered chalet bungalows with dormer windows to the front.

2. Site Location Plan

Figure 3. Site Location Plan



3. Relevant Planning History

This application has been submitted following an investigation by the council's planning enforcement team - LA06/2024/0144/CA- Alleged unauthorised shed.

Additionally, planning application LA06/2009/0313/F at 2 Brianville Drive, Bangor, remains relevant. Permission was granted on 17 August 2009 for a rear single-storey extension to dwelling with 1.8m high fenced off play area.

4. Planning Assessment

4.1 Planning Policy Framework

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

- North Down & Ards Area Plan 1984-1995
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 7: Addendum – Residential Extensions & Alterations

Planning Guidance:

- Creating Places

4.2 Principle of Development

Area Plan and Policy Consideration

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 Local 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 described is located within the development limits of Bangor as defined in the Draft BMAP and the North Down and Ards Area Plan 1984-1995 (NDAAP). Within settlement limits, residential development is acceptable in principle.

Strategic Planning Policy Statement (SPPS)

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations.

The proposal is in conformity with the plan, subject to the relevant policy considerations below. Within this context, PPS7 are retained and is of relevance to this assessment.

The most relevant Planning Policy Guidance is Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

"The key objectives of this Addendum are:

- *to promote high quality in the design of residential extensions and alterations; and*
- *to ensure that such works are sympathetic to the original property; respect the character of the local area; and protect neighbouring residential amenity."*

Policy EXT1 of the Addendum requires several criteria to be met, all of which are considered under the following topic sections.

4.3 Impact on Existing Dwelling and Character of the Area

This retrospective full planning application seeks permission for the existing single-storey wooden outbuilding located at the front of the property, which serves as a home gym and workshop. The applicant has advised that the facility is required to meet the needs of a disabled family member. Due to his condition, Mr Lungley rarely leaves the house except to attend respite care and has no alternative means of exercising or acquiring meaningful skills. It is argued that refusal of this application would have a significant adverse impact on his medical condition and mental health.

As the applicant has already carried out the development, the planning authority must assess the proposal as built, without the opportunity to make any amendments.

The proposed development has been assessed against criterion (a) of Policy EXT1, which states: *"the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area"*.

The site is located at the corner of Brianville Drive and Kilmaine Road. The proposed shed is positioned at the corner of the plot in front of the dwelling, making it highly prominent and clearly visible from Brianville Drive.

Figure 4. View from the Brianville Road



Although visibility from Kilmaine Road is currently limited by a mature hedge along the eastern boundary, the structure would still be highly prominent from this viewpoint as well.

Figure 5. View from the Kilmaine Road



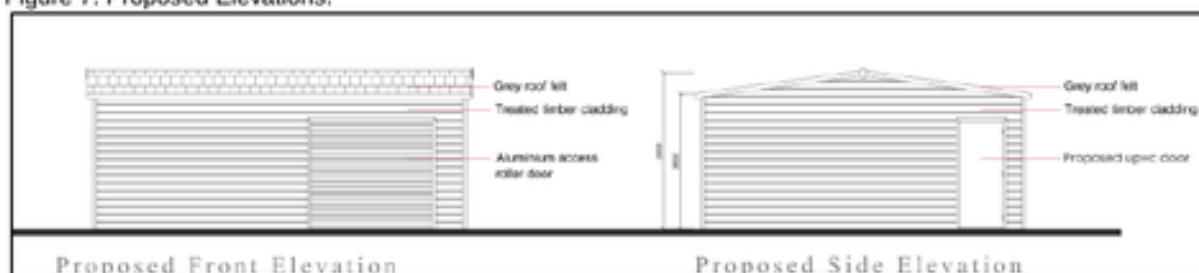
The existing home gym/workshop is substantial in size, measuring 6.3 metres wide, 7.2 metres long, and 3 metres high. Its scale and dimensions are highlighted in red in Figure 6, while other existing sheds and outbuildings on the property are shaded in blue.

Figure 6. Proposed Site Plan



There are no openings in the outbuilding apart from the roller doors, which provide access from the hardstanding car parking area at the front of the dwelling, and a uPVC entrance door offering access from the side garden. The structure is clad in treated timber, and the roof is finished with grey roof felt. The elevations of the outbuilding are illustrated in Figure 7.

Figure 7. Proposed Elevations.



The floor area of the existing outbuilding is divided into two rooms, as shown in the floor plan in Figure 8. One room is designated as a rehabilitation suite, while the other is not labelled on the drawing but has been described by the applicant as a workshop.

It is argued that the rehabilitation suite is essential for Mr Lungley, whose medical condition prevents him from using public exercise facilities. Consequently, the availability of a home gym is critical to supporting his ongoing health and well-being. While the need for such a facility is clear and reasonable, concerns remain regarding the size and positioning of the structure.

Figure 8. Proposed Floor Plan



The general design and finishes of the structure itself would not be considered to be out of keeping with the built form of the subject dwelling or area, as there is already a mix of finishes in the area.

Figure 9. View of the surrounding area from Bianville Drive.



Figure 10. View of the surrounding area from Kilmaine Road.

As the existing outbuilding is located in the front garden, it does not comply with the relevant planning policy. Paragraph 4.12 of the SPPS states: *"Other amenity considerations arising from development include design considerations, impacts relating to visual intrusion, general nuisance, loss of light, and overshadowing."* In this case, the proposed shed is considered to be visually intrusive.

According to Paragraph A12 of Policy EXT1, outbuildings that extend beyond the established building line or are located in front gardens can over-dominate the property and negatively impact the street scene and are not considered to be acceptable. Furthermore, Paragraph A11 of Policy EXT1 stipulates that outbuildings should be subordinate in scale and compatible in style with the existing property.

As outlined above, the outbuilding is located at the front of the dwelling and forms a prominent visual feature within the surrounding area. The need for the building must therefore be carefully weighed against the harm caused to the character and appearance of the area, and also whether or not alternative options are available. In this case, there are two smaller sheds within the curtilage of the property to the rear. It is considered that these could easily be replaced with a larger shed to accommodate the gym for Mr Lungley (see area shaded yellow in figure 11 below). This location to the rear would ensure that the building would appear subordinate to the dwelling and would not result in a dominant feature in the streetscape. While the current building provides additional room for a workshop, no evidence has been submitted to demonstrate that this area is essential to meet the long-term needs of Mr Lungley.



Figure 11. More appropriate siting for building

While the design and proposed external materials may be acceptable in principle (owing to the varied nature of building materials and building designs that can be seen throughout this residential area), the shed's scale remains disproportionate, and its location at the front of the property cannot be justified. The planning assessment must balance the current resident's needs with the long-term impact of the development on the future life of the dwelling. In this case, the extent of policy relaxation required would exceed what is considered reasonable or appropriate.

The proposed development aims to provide additional facilities for a disabled family member. While sympathetic consideration has been given to this aspect in accordance with paragraph 2.7 of Policy EXT1 which allows for the relaxation of policy criteria in exceptional circumstances to meet the specific needs of a person with a disability, it is not considered that the need for the size of the building nor the need for its location in the front garden has been justified. It is considered that a preferable site exists to the rear, which could accommodate the required home gym.

The size and location of the shed in the front garden of the property and in advance of the established building line are considered over-dominant, visually intrusive to the streetscape, and detract from the overall character of the area. Therefore, the proposal does not meet criterion 'a' and is contrary to Policy EXT1 in this respect.

4.4 Impact on Privacy and Amenity of Neighbouring Residents

The proposed development has been assessed against criterion (b) of Policy EXT1, which states: *"the proposal does not unduly affect the privacy or amenity of neighbouring residents"*.

In terms of the privacy of neighbouring properties, the proposed shed does not include any windows facing adjacent dwellings, and therefore, no adverse impact in terms of overlooking has been identified. Furthermore, as the shed is single-storey with a modest height of 3 metres, it is not considered to cause overshadowing or result in any significant loss of light to neighbouring properties.

As a result of the above, it is considered that the proposal meets criterion 'b' of Policy EXT1.

4.5 Impact on Trees/Landscape Features

The proposed development has been assessed against criterion (c) of Policy EXT1, which states: *"the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality"*.

The proposal will not cause any loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. Therefore, meets criterion 'c' of Policy EXT1.

4.6 Impact on Amenity Space and Parking

The proposed development has been assessed against criterion (d) of Policy EXT1, which states: *"sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles"*.

Parking and access arrangements have not been affected by the proposal.

However, the available recreational space around the property has been significantly diminished. The site has become increasingly developed with multiple sheds and storage structures, leading to a substantial reduction in usable private amenity space.

Figure 12. Side garden private amenity space
(view towards the front of the property)



Figure 13. Side garden private amenity space
(view towards the rear of the property)



Figure 14. Rear garden amenity space
(View towards the rear wall of the dwelling)



Figure 15. Rear garden amenity space
(View towards the rear boundary)



Additionally, Paragraph A41 of Policy EXT1 emphasises that the garden area surrounding a residential property plays a key role in defining its overall character and visual setting. It should be maintained at a scale proportionate to the dwelling and continue to provide adequate, functional private amenity space to meet both the current and future needs of its occupants. In this case, as presented in figures 12-15, the number and scale of garden sheds have resulted in a level of development that is disproportionate to the size of the site.

The guidance set out in *Creating Spaces* states that sufficient private amenity space to the rear of a property should be approximately 70 sq. m, depending on the specific circumstances. It also notes that, for smaller dwellings, provision of less than 40 sq. m would be considered unacceptable. Based on the measurements taken from the submitted site layout plan (Figure 16), approximately 78 sq. m of private amenity space remains to the rear and side of the dwelling.

Figure 16. Site Layout with measurements of the recreational space



However, it appears that the site plan does not accurately reflect the current situation on site or the actual measurements of the remaining private amenity space. Photographic evidence from the site visit, along with an aerial view of the property, suggests that the available space is even more limited than indicated. Figure 17 presents the aerial view of the site, while Figure 18 provides additional measurements of the actual recreational area on the ground. It would appear that the footprints of the two smaller sheds to the rear of the site are larger than shown on the submitted site layout plan.

Figure 17. Aerial footage of 2 Brianville Drive- sourced from <https://www.google.com/maps> (accessed 18/06/2025)



Following measurements carried out using the Council's GIS system, it appears that the remaining recreational space is approximately 38 sq. m, which falls below the minimum acceptable standard for private amenity space.

Figure 18. Measurement of recreational amenity space from the aerial footage.



Taking into account the modest size of the overall plot and the significant reduction in available recreational space, it is considered that the site is currently overdeveloped with minimal amenity space. However, given that the remaining area of private amenity space is just below the recommended minimum of 40 sq. m and taking account of the particular circumstances of the case, it is not considered that the proposal would warrant refusal under criterion d of policy EXT1.

4.7 Impact on Designated Sites/Natural Heritage Interests

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

One representation has been received in relation to the proposal. The material planning matters raised include concerns regarding the impact of the development on the character and appearance of the area, specifically in relation to design and external finishes. These issues have been addressed in detail under Section 4 above.

Other issues raised, such as personal opinions on the visual design and perceived impact on property value, are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

6. Recommendation
Refuse Planning Permission
7. Refusal Reasons
<ol style="list-style-type: none"> 1. The proposal is contrary to paragraph 4.12 of the Strategic Planning Policy Statement for Northern Ireland and Policy EXT1 Criterion (a) of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations, in that the development is visually intrusive and overly dominant within the streetscape by reason of its scale and location forward of the established building line and as a result, detracts from the appearance and character of the surrounding area.

Development Management Case Officer Report			
Reference:	LA06/2023/2314/F	DEA: Newtownards	
Proposal:	Proposed Park and Ride Facility including tarmacked parking area (452 spaces), landscaping, boundary fencing, cycle shelter building, relocation of existing playpark within the site and associated development.		
Location:	Lands bounded by William Street, Hardford Link, Corry Street and to the rear of 23-49 and 51-53 Corry Street and 18-58 William Street, Newtownards.		
Applicant:	Translink		
Date valid:	17/10/2023	EIA Screening Required:	Yes
Date last advertised:	26/06/2025	Date last neighbour notified:	18/06/2025
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		No objection	
NI Water		No objection	
DFI Rivers		Unacceptable combination of depth and velocity in relation to reservoir inundation area	
Environmental Health		No objection	
NIEA Marine and Fisheries		No objection	
NIEA Water Management Unit		Potential to affect surface water environment	
NIEA Regulation Unit		No objection	
NIEA Natural Environment Division		No objection	
ANDBC Development Plan Team		No objection	
Translink		No objection	
Historic Environment Division		No objection	
NIE		No objection	
Shared Environmental Service		No objection	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development and compliance with Development Plan • Visual impact and impact on character of area • Traffic impact • Impact on residential amenity 			

- Landscaping and impact on existing trees and vegetation
- Reservoir inundation area and drainage
- Impact on natural heritage features and designated sites
- Impact on existing open space

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [Northern Ireland Public Register \(planningsystemni.gov.uk\)](https://www.planningportal.gov.uk)

1. Site and Surrounding Area

The site is located immediately south-west of the junction of Hardford Link and William Street within the settlement limit of Newtownards. It was formerly occupied by the old Ards Leisure Centre however the buildings have all now been cleared from the site. The car park at the southern end of the site is still being used by Council employees.

The site is predominantly hard surfaced with the exception of an area of open space and a playpark in the western corner and a strip of grass and trees along the northern boundary to Hardford Link.

The topography of the site is relatively level throughout but there is a slight drop in levels at the southern end within the car park area. Boundaries to the roads include temporary fencing along William Street, a 1m high wooden fence and hedge along Hardford Link and 1m high metal fencing and shrubs along Corry Street at the playpark. The southern boundary of the site abuts the rear gardens of Nos. 23-49 Corry Street and the existing right of way which runs from Corry Street and along the rear of the William Street properties. A corrugated metal fence encloses the site along this stretch.

There are currently three vehicular means of access onto the site, two from Corry Street and the main access off William Street.

In terms of the site context, the area contains a mix of uses. Terraced residential properties predominate both William Street and Corry Street however the Bombardier factory is located close by on the opposite side of Corry Street. To the north of the site on the opposite side of Hardford Link there is a Euro Spar Petrol Filling Station and several other small retail and hot food units. Further to the north are a number of industrial and business uses, and Londonderry Primary School is also located to the north-east off Talbot Street.

2. Site Location Plan



Figure 1 – Site Location Plan



Figure 2 – Aerial view of site



Figure 3 – Site viewed from William Street/Hardford Link junction
(Google Streetview Image March 2023)



Figure 4 – Existing site access and frontage viewed from William Street
(Google Streetview Image March 2023)



Figure 5 – Site viewed from Hardford Link/Corry Street junction
(Google Streetview Image March 2023)

3. Relevant Planning History

LA06/2022/0316/PAN

Proposal: Park and ride facility including tarmacked parking area (circa 450 spaces) landscaping, boundary fencing, cycle shelter building and associated development

Location: Lands Bounded by William Street, Hardford Link, Corry Street and to the rear of 23-49 and 51-53 Corry Street and 18-58 William Street, Newtownards

PAN ACCEPTABLE 28.04.2022

4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Regional Development Strategy 2035 (RDS)
- Sustainable Transport – A new Approach to Regional Transportation
- Planning Policy Statement 2 (PPS2) - Natural Heritage
- Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
- Planning Policy Statement 6 (PPS6) – Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 13 'Transportation and Land Use' (PPS13);
- Planning Policy Statement 15 (PPS15) - Planning and Flood Risk
- Living Places
- DCAN 15 - Vehicular Access Standards

Background and Legislative Requirements

Pre-Application Community Consultation

In accordance with the legislative requirements for planning applications falling within the definition of major development, a Planning Application Notice (PAN) was submitted to the Council in excess of 12 weeks prior to the submission of the current application which the Council confirmed as acceptable on 28 April 2022. In accordance with Section 28 of the Planning Act (NI), a Planning Application Community Consultation (PACC) Report has been submitted with the application. The report satisfactorily outlines how community consultation was carried out in accordance with the

requirements of Section 27 of the Act and Regulation 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 ('the DM Regs').

The consultation process incorporated online and remote consultation methods including a project page on the Gravis Planning website, a dedicated project email address, answerphone service, information packs, free post return surveys and an online webinar event. Notification was also taken forward through the provision of the PAN to elected representatives and named parties as well as leaflets to residents within 200m of the proposed development and information was also issued on social media.

A public consultation event was held on Wednesday 1st June 2022 between 12pm – 2pm and 4pm – 8pm at Strangford Arms Hotel, Newtownards. The event was attended by 17 local residents and five feedback forms were submitted by attendees.

There was a lot of general support for the scheme however a number of concerns were also raised. The main concerns raised are set out below and include the applicant's responses.

Buses will have difficulty accessing the site from Corry Street

A Transport Assessment Form (TAF) will be submitted alongside the planning application which will fully consider all matters relating to access to the proposed Park and Ride.

Turning head is needed for oil lorries at the back of the houses on William Street and access needed for 52 & 54 William Street through main entrance into William Street.

Regarding access to 54 and 52 William Street, Translink's project team are looking at redesigning the scheme. Translink are also reviewing the issue regarding the turning area through the design process prior to the application being submitted. Since the public consultation, the agent has advised that the proposed fence to be erected behind these properties now matches the line of the existing fence line and the turning area will remain the same therefore there will be no significant changes to the current situation on site. Both Nos. 52 and 54 William Street will continue to have access out onto the rear right of way which leads to Corry Street. 2 no. car parking spaces have also been removed adjacent to the gate at No.52 William Street and an area hatched out, with dropped kerb added and the line of perimeter fence altered to suit. This means the landowner has pedestrian & vehicular access from this existing gate to the main car park and can therefore access William Street as per current arrangement. 2 no. car parking spaces have been added elsewhere in car park so overall the number of spaces to be provided remains at 452.



Figure 6 - Existing access arrangement to rear of properties

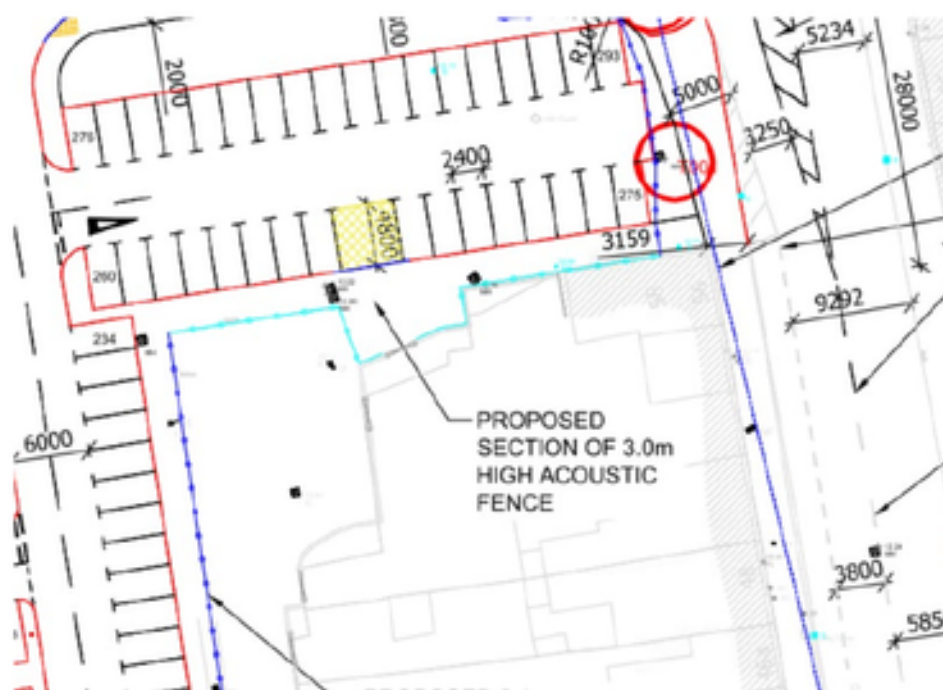


Figure 7 – Proposed access arrangement to rear of properties

Impact on Hartford Link traffic light system and impact of additional traffic

The proposed junction improvement scheme will provide vehicles waiting to turn right with a dedicated turning lane which will mean that traffic on Hartford Link will no longer be blocked by right-turners at the junction. This will improve the operation of the junction and lessen the likelihood of 'back shunt' collisions.

Nothing proposed to help residents exiting right from Glenford Road onto the Hardford link which already can be difficult and will be made worse by the new filters and the increased traffic generated by the park and ride.

A Transport Assessment Form (TAF) will be submitted alongside the Planning Application which will fully consider all matters relating to access to the proposed Park and Ride.

The proposed park is beside a busy, open road

The site set aside for the playpark has been agreed with the Council who will provide the facility.

Impact from road widening

A Construction Environmental Management Plan (CEMP) will ensure construction is taken forward sensitively.

Loss of green space

The current green space will be used to accommodate various elements of the Park and Ride, however there is a new green space included in the proposals located in the north-east corner of the site which will include the relocated playpark which will be maintained by the local Council.

A site at Castlebawn roundabout would be preferable

Translink considered several sites in the vicinity for the proposed park and ride. The proposed site met several key planning and design tests during site consideration and the current site is considered as the optimal site for the proposed P&R. Importantly, the proposed site is also well located to cater for services to and from Belfast and local Ulsterbus services. It will also help to reduce parking problems currently being experienced in the town centre (where there is no dedicated provision around the bus station), some residential streets and around the hospital.

Loss of trees

We are retaining as many trees as possible, but a number of trees will be removed as shown on the plans to facilitate the development. However, a landscape plan is in place to take forward significant new planting as well. No trees being removed have a TPO in place and all consents will be in place before any tree removal occurs. Following the construction of the Park and Ride facility there will be an increase in the amount of trees overall. The plan is to remove 25 trees of varying types and sizes, and to plant one new heavy standard tree and 34 new extra heavy standard trees. The proposed trees have been selected based on the potential size, suitability of the location, visual appearance, and wildlife friendly properties. The planting of extra heavy standard trees will have a bigger presence on the overall landscaping of the area. There will also be 64 plants as part of a woodland screen included at the proposed new playpark site.

What steps will be taken to ensure it is not used as a "free" car park by the general public?

Translink are currently developing proposals for ways to better control usage of Park & Ride sites through linking car parking to use of public transport via our ticketing system.

The site would be better used for sport and recreation purposes

While not directly related to sport, leisure or education, we believe the proposed P&R will bring significant benefits for the local community.

All feedback was carefully considered by the project design team however some of the issues raised by stakeholders were either outside the remit of this planning application or the remit of the applicant.

Amendments which have been specifically introduced to the project as a result of feedback received relate to bus drop off/pick up and the turning circle. Following feedback, it was considered by the project team to provide some further clarity on a bus drop off/pick up and turning circle within the site. As such, the project design team has ensured that there will be a sufficient drop off/pick up point and bus turning circle within the site. This is to ensure sufficient room for any buses that may come into the park and ride can drop off and pick up passengers safely, whilst also allowing enough room for buses to turn and exit the site again.

Design and Access Statement (DAS)

A DAS has been submitted with the application in line with the legislative requirements as the application site area, at 3.5 hectares, exceeds the major development threshold of 1 hectare for "All Other Development" set out under part 9 of the Schedule to the Planning (Development Management) Regulations (NI) 2015.

The DAS complies with the requirements set out within Article 6 of the Planning (General Development Procedure) Order (NI) 2015 and guidance contained within Planning Development Management Practice Note No.12 – Design and Access Statements (DoE, April 2015)

EIA Screening

A determination was carried out upon receipt of the application under Regulation 12(1) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 as to whether the proposal would be EIA development. The Planning Department is satisfied that the proposed development would not be likely to result in any significant environmental effects and therefore is not considered to be EIA development and as such does not need to be accompanied by an Environmental Statement.

Principle of Development and the Development Plan Context

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

The site is located within the settlement limit of Newtownards outside of the town centre. The site is not zoned for any particular use nor is it subject to any particular designations under the Ards and Down Area Plan (ADAP). (See Figure 8 below)

The Plan does however refer to the provision of a modal interchange as part of the development of the former Scrabo High School site. The interchange (Proposal NS 37) was intended to provide for both EWAY and Express Bus services and to function as a Park and Ride site. (See Figure 9 below)

Since the adoption of the ADAP the former Scrabo High School site has been substantially redeveloped for housing. (See Figure 10 below). A current planning application is also under consideration for the residential development of the last remaining area of land at the north-eastern corner of the site adjacent to the roundabout. (See Figure 11 below). It is considered that given the extent of residential development already approved within the wider site subject to proposal NS37, the development of a Park and Ride facility here would no longer be feasible.

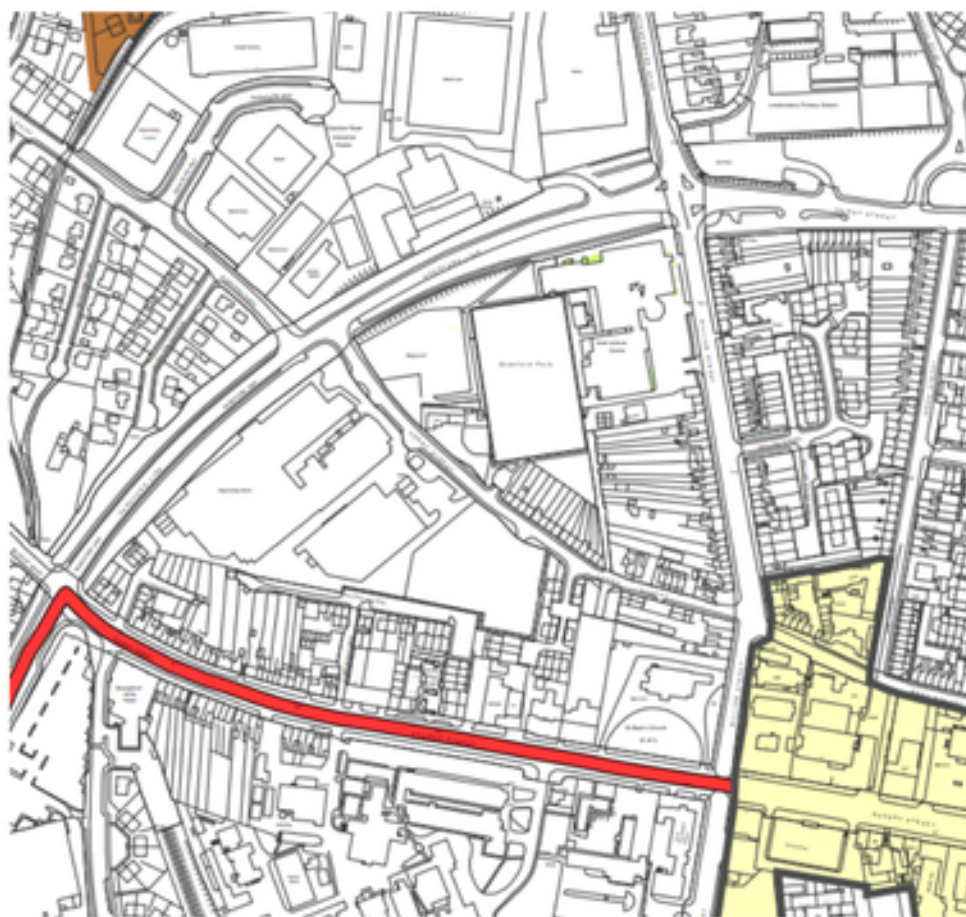


Figure 8 – Extract from Ards and Down Area Plan 2015 showing site (Map 2/002a – Newtownards)

Proposal NS 37 Intermodal Transfer Site

An Intermodal transfer site is identified on part of the former Scrabo High School site in Newtownards. The developer of these lands shall be expected to reserve sufficient land for the provision of an informal Park and Ride facility to serve as an Intermodal transfer site.

The lands at the former Scrabo High School site in Newtownards occupy a strategic, and highly accessible, location for transportation development on the edge of the urban area and adjacent to the A20 Link Corridor. Approximately 100 parking spaces should be provided.

Part of the Transportation Vision within the RDS is to promote integration between different modes of travel. The location of an interchange point at the former Scrabo High School site and the promotion of associated public transport routes and park and ride facilities will serve to extend travel choice and reduce traffic on that stretch of the Regional Strategic Transport Network between Belfast and Newtownards.

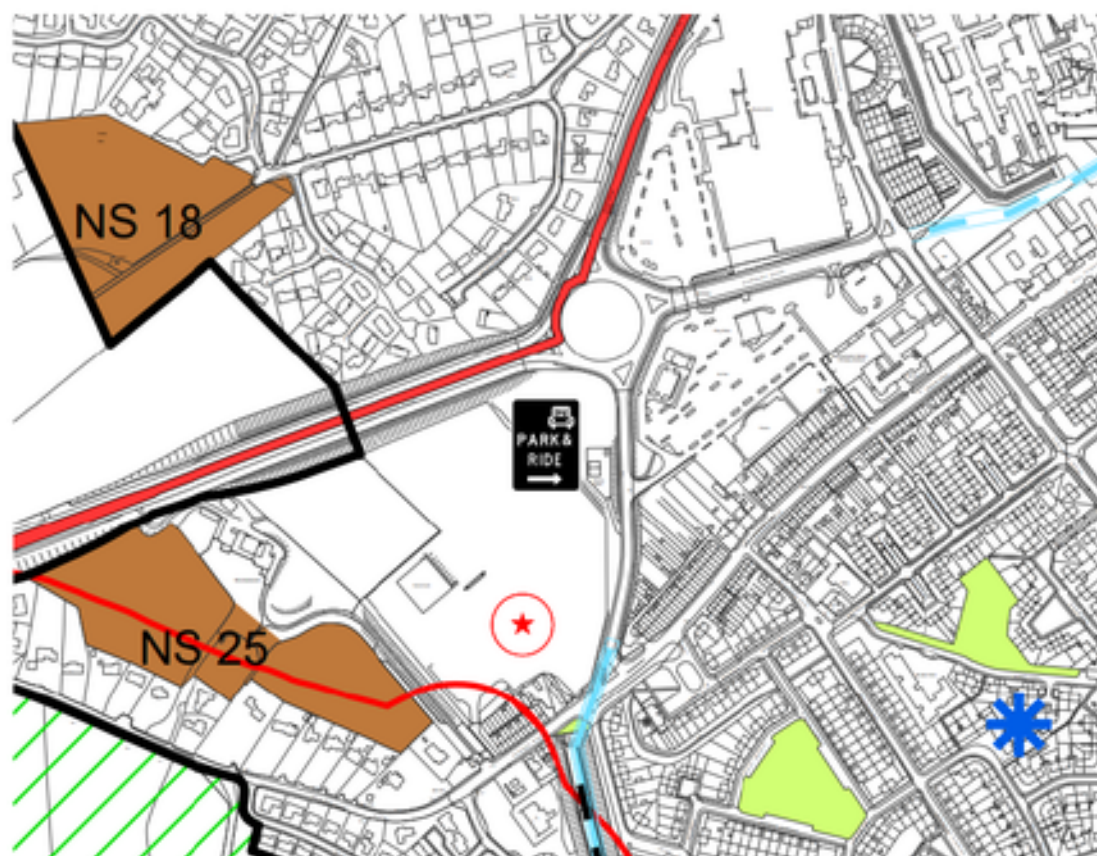


Figure 9 – Extract from Ards and Down Area Plan 2015 showing proposed Park and Ride Site (NS37) (Map 2/002a – Newtownards)



Figure 10 – Former Scrabo High School Site (OSNI Orthophotography 2022)



Figure 11 – Current Planning Application at former Scrabo High School site (LA06/2024/0316/F for 24 dwellings)

The Council's Local Development Plan (LDP) Team have been consulted on the proposal and commented as follows:

The Ards and North Down Local Transport Study (LTS) was prepared by the Department for Infrastructure to supplement the overarching Belfast Metropolitan Transport Study and to provide an evidence base for the Council's forthcoming Plan Strategy. The LTS identified the role of Park & Ride and Park & Share in encouraging use of public transport, and their complementary role in improving local access and increasing vehicle occupancy respectively. However, whilst the LTS listed legacy road

alignments and stated that they should be protected until such time as more detailed consideration is given at Local Policies Plan/Local Transport Plan stage, no such direction was given in relation to Proposal NS 37.

Following the adoption of the Plan Strategy, the Local Policies Plan (LPP) will involve a review of all existing designations and zonings, and the identification of new suitable sites to be zoned for a variety of land uses. Work has commenced on a new Belfast Metropolitan Transport Plan (BMTP), including the Local Transport Plan (LTP) for this Borough. The LTP is intended to provide detail on specific local transportation policies and schemes which will accompany the LPP.

The application site is not subject to any policies or designations contained within ADAP 2015 and is therefore not considered contrary to that plan. The Local Transport Plan will provide detail on specific local transportation policies and schemes which will accompany the Council's Local Policies Plan in due course, however it is not at a sufficiently advanced stage to provide further comment at this stage.

Given that the site is not designated for any particular use, is located within the settlement limit of Newtownards, the site subject to Proposal NS37 in ADAP has already been substantially developed for housing and the LDP is still at very early stages with the LDP Team have raising no objections to the proposal, it is considered that the proposed Park and Ride scheme for the site would not be contrary to the Ards and Down Area Plan.

The Regional Development Strategy

The framework of the RDS provides strategic context on the principles of development within Northern Ireland, detailing the strategic and long-term perspective of the future development of Northern Ireland up until the year 2035. Whilst it does not contain operational policy or guidance, it does establish a number of key aims and sets out two types of strategic guidance, those being Regional Guidance (RG) and Spatial Framework Guidance (SFG). The following are considered particularly relevant to the proposed Park and Ride development:

RG2: Deliver a balanced approach to transport infrastructure

The guidance states that the focus is on managing the use of road and rail space more and how we can use our networks in a better, smarter way. To do this regional transportation will develop to further:

- *Improve connectivity.*
- *Maximise the potential of the Regional Strategic Transport Network.*
- *Use road space and railways more efficiently.*
- *Improve social inclusion.*
- *Improve access to our cities and towns.*

RG9: Reduce our carbon footprint and facilitate mitigation and adaption to climate change whilst improving air quality.

The RDS recognizes climate change is one of the most serious problems facing the planet and acknowledges that transport can play a vital role in mitigating the impacts of climate change. To do this regional transport will develop to further:

- *Reduce greenhouse gas emissions from transport.*
- *Reduce noise and air pollution from transport.*

SFG4: Manage the movement of people and goods within the BMUA

The strategy acknowledges that transport plays a vital role in contributing to a successful economy, but it can also promote social inclusion by providing an affordable alternative to the private car. To manage the movement of people and goods within the Belfast Metropolitan Urban Area (BMUA) the transport network will develop further to:

- *Manage travel demand with the BMUA.*
- *Improve the public transport service.*

Strategic Planning Policy Statement for NI

Paragraph 3.8 of the SPPS states: that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

In respect of transportation, the SPPS states that the successful integration of transport is fundamental to the objective of furthering sustainable development. Sustainable development is at the heart of the SPPS and the planning system. Sustainable development is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Planning plays a vital role in contributing to improving connectivity and promoting more sustainable patterns of transport and travel.

Paragraph 6.294 of the SPPS states that: Whilst smarter use of technologies can reduce the need to travel, the provision of improved infrastructure for more sustainable transport modes gives people greater choices about how they travel. Sustainable patterns of development with local design that encourage walk, cycle and public transport travel to local amenities can reduce the need for private car use. Where a modal shift occurs, this can contribute to improvements in air quality arising from reduced vehicular emissions and associated health benefits for society.

The proposed development is considered to meet the following regional strategic objectives for transportation and land use planning set out in para 6.297 of the SPPS:

- Promote sustainable patterns of development which reduce the need for motorised transport, encourage active travel, and facilitate travel by public transport in preference to the private car;
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;

- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

The site is well served by main traffic routes, particularly Hardford Link immediately to the north which form part of a ring road to the west around the town centre which then links with other arterial routes serving Newtownards and in particular the Kempe Stones Road which is a dualled carriageway linking to Belfast. The site is also accessible on foot, served by the network of pedestrian footpaths along surrounding the site along William Street, Corry Street and Hardford Link.

There are no train services to Newtownards. The nearest train station to Newtownards is approximately 5 miles away in Bangor to the north. Newtownards bus station is located approximately 700m to the southeast of the application site on Regent Street in the town centre.

The current proposal is designed to meet growth in demand from passengers travelling on the important transport corridor from Newtownards to Belfast (also benefitting North Down and the Ards Peninsula). It will provide additional facilities to link to the existing Glider route on the Newtownards Road. The proposed Park and Ride facility will include:

- 452 new free car parking spaces (including 22 disabled and 20no. cycle parking spaces;
- circulation road with turning area;
- footpaths for user safety and convenience;
- bus drop-off / shelter/ pick up and turning area ;
- cycle shelter and cycle storage;
- solar panels for lighting supply on bus shelter;
- relocated play park maintained by the local Council;
- floodlighting and CCTV surveillance;
- relocated sub-station;
- landscaping/planting and boundary fencing;
- access off a new right hand turning pocket on William Street as well as access from Corry Street, new left turn only lane at William Street/Hardford Link junction and proposed right turn ghost island to Corry Street from Hardford Link.

Traffic Impact and Parking - Planning Policy Statement 3: Access Movement and Parking

Policy AMP 2 - Access to Public Roads

Policy AMP 2 in PPS3 states the following as its headline policy regarding access to public roads:

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

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

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban/village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

The proposal involves a minor relocation of the existing access into the site a short distance to the north on William Street. The access will be constructed to the appropriate standards in line with the Department's published guidance in order not to prejudice road safety or significantly inconvenience the flow of traffic. This access will be the main access to the site and will accommodate both buses and cars. A further new access point off Corry Street is proposed for buses only.

The impact of the development on existing highways has been considered in detail in the submitted Transport Assessment (TA). Detailed analysis of the existing junctions at Hardford Link/William Street/Crawfordsburn Road and Glenford Road/Hardford Link/Corry Street has been carried out. A number of road improvement works will be undertaken in accordance with the findings and recommendations of the TA. A right turn ghost island will be provided into the site from William Street to provide safe refuge for right hand turning vehicles turning into the site and to ensure that through traffic movement remains uninhibited. A proposed left turn lane only and give way junction will be provided at the junction of William Street and Hardford Link. A proposed right turn ghost island will also be provided from Hardford Link onto Corry Street. A new pedestrian island will be provided at the junction of Talbot Street and the Crawfordsburn Road. However overall the development has been shown to have minimal impact on road network operation.

The existing right of way to the rear of the properties along William Street will remain and all properties will continue to have access out onto the right of way. A larger turning area has also been provided at the end of the right of way which will be an improvement to the current arrangements (see figures 12-13 below). The site layout plan has been amended by the agent to continue to allow access from No. 52 out onto William Street through the car park as is the existing arrangement for this dwelling.



Figure 12 – Existing site layout showing rear of William Street properties

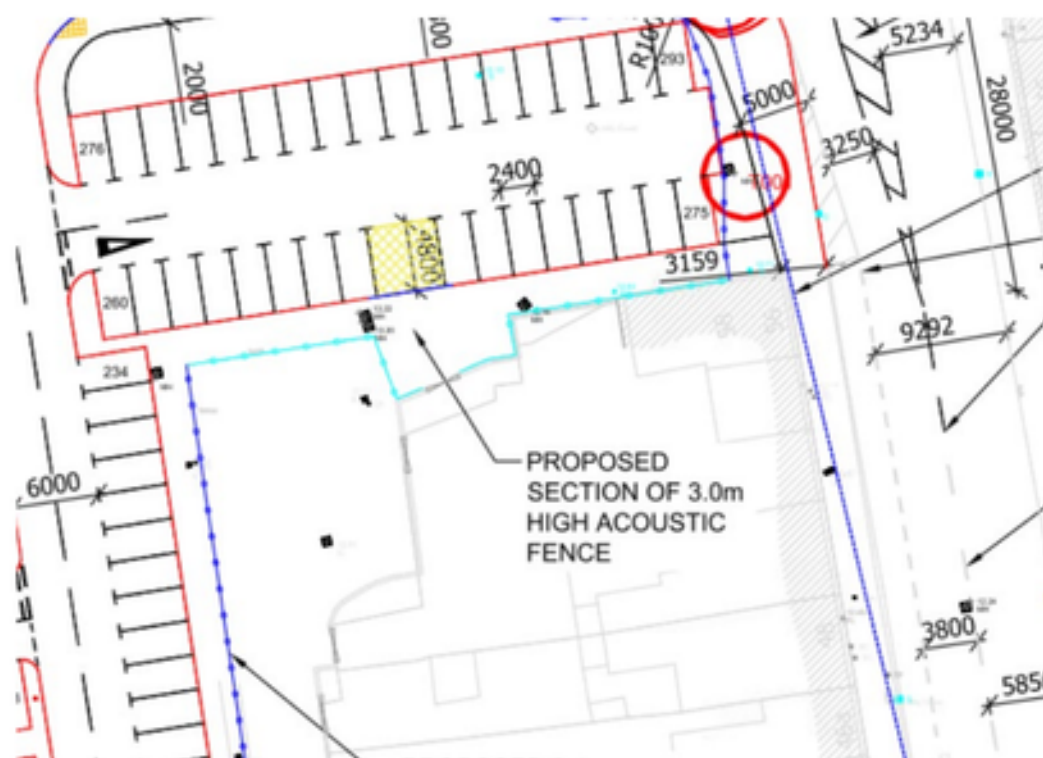


Figure 13 – Proposed site layout showing rear of William Street properties



Figure 14 – Existing access onto former leisure centre site

Policy AMP 3 in PPS3 outlines policy in relation to Access to Protected Routes however this policy does not apply as the proposal does involve an access onto a Protected Route.

Policy AMP 9 – Design of Car Parking

Policy AMP 9 outlines policy for the design of car parking and states that a high standard of design, layout and landscaping will be expected to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape/landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The proposal is located within a built-up urban context which is characterised by a mix of uses including large commercial buildings nearby along with some housing fronting the main roads. In line with Policy AMP9, the parking area has been broken up with the internal circulation roads and the retention of some of the existing trees where possible along with new planting and grassed areas. Security measures in the proposal include fencing, and secure cycle storage. Vehicles will enter the site from William Street to the east with access to buses provided both within the site and beside Hardford Link via drop off/pick up points. There is also access within the site to secure cycle parking which overall, provides secure, direct and safe access and movement of pedestrians and cyclists within the site.

22No. disabled parking bays will be provided in easily accessible locations. The number of spaces provided adheres to guidance in DCAN 11 which recommends 4% of spaces

should be set aside to serve those with disability needs (note that DCAN 11 has been removed for use, however, as no guidance has been provided in replacement, it is continuing to be used as a guide). Appropriate routes, with dropped kerbs and tactile are also proposed throughout.

The impact of the proposal on the character and visual amenity of the area is considered in further detail below.

Policy AMP 10 - Provision of Public and Private Car Parks

Policy AMP10 states that permission will only be granted for the development of a public or private car park, including park and ride proposals where it is demonstrated that:

- ***It does not significantly contribute to an increase in congestion;***

A Transport Assessment (TA) has been prepared by AECOM and submitted in support of the application. The TA concluded that the development would not have a significant impact in transportation terms. DFI Roads has been consulted and has raised no objection to the proposal in terms of any road safety concerns or potential increase in congestion.

The new P&R facility will be accessed off William Street, via the relocation of an existing access to the site. A right turn ghost island will be provided into the site from William Street to provide safe refuge for right hand turning vehicles turning into the site and ensure that through traffic movement remains uninhibited. The development proposals also include widening of the access to provide two exit lanes. This access will be the main access to the site and will accommodate both cars and buses. A further new access point for buses only is proposed off Corry Street.

A proposed left turn lane only and give way junction will be provided at the junction of William Street and Hardford Link. A proposed right turn ghost island is also provided from Hardford Link into Corry Street. A new pedestrian island will be provided at the junction of Talbot Street and the Crawfordsburn Road.

- ***It is not detrimental to local environmental quality;***

Noise Assessment and Air Quality Assessment reports have been prepared by Tetra Tech and submitted in support of the application. The Noise Assessment concluded that the proposed park and ride car park and bus centre will feature noise sources that are already present within the existing ambient noise climate (i.e. road traffic noise). As such, the proposal is not expected to cause a nuisance in this respect.

Environmental Health has been consulted and having considered the submitted information, has confirmed that it has no concerns regarding any potential adverse impacts caused as a result of noise.

The submitted report outlines the results of a baseline noise survey that has been undertaken and the measurements used to establish representative ambient and background noise levels at the site. Noise levels considered included vehicle movements into the car park, car parking noise, LAmax Noise Levels (car door slams), buses idling and loading and buses arriving and leaving. The resultant levels indicate that internal LAeq noise levels from all potential noise sources, during the daytime period have the potential to exceed the BS8233/WHO noise intrusion criterion at the

closest sensitive receptors. In view of this, and to achieve the levels specified in BS8233/WHO guidance, mitigation measures are deemed necessary. In order to reduce noise levels at the closest sensitive receptors from noise associated with the park & ride development, two 2m high acoustic barriers and one 3m high acoustic barrier have been included within the model as mitigation.

Consequently, Environmental Health has requested that a condition is attached to any planning permission requiring the above-mentioned acoustic barriers to be erected prior to the site becoming operational and retained thereafter. Environmental Health has also requested a condition requiring that construction work is to be undertaken only between the hours of 0700 to 1900 Monday to Friday and 0800 to 1300 on Saturdays.

The Air Quality Assessment submitted concluded that the recommended mitigation measures will ensure that any adverse effects due to dust emissions from the construction phase will not be significant. In terms of the operational phase, the significance of the effects of the changes in traffic flow as a result of the proposed development with respect to NO₂ nitrogen dioxide exposure, is determined to be 'negligible'. The magnitude of the effects of changes in traffic flow as a result of the proposed development with respect to PM₁₀ exposure, is determined to be 'negligible'.

Environmental Health has been consulted and having considered the submitted information, has confirmed that it has no concerns regarding any potential adverse impacts caused as a result of air pollution.

As construction activities can give rise to short-term elevated dust/PM₁₀ concentrations in neighbouring areas, an assessment of the construction phase has also been undertaken with reference to the IAQM Guidance on the Assessment of Dust from Demolition and Construction document.

For each of the construction phases predicted to occur, the potential dust impacts were derived from the dust emission magnitude and the distance to the nearest sensitive receptor. The assessment determined that the potential impact description of dust emissions associated with the construction phase deemed 'medium risk' at the worst affected receptors. Therefore, Environmental Health has requested that a condition is attached to any planning permission requiring that a site-specific dust management plan shall be submitted to and approved by the Council prior to commencement of development.

- **It meets a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer;**

ADAP includes a proposal for an "intermodal interchange" to provide a Park and Ride facility in the Borough that will enable people to transfer from car to services such as BRT and Goldliner coaches to Belfast. However, Newtownards currently has no dedicated Park & Ride facility and the nearest P&R at Dundonald, which serves the BRT G2 route, is currently oversubscribed.

Newtownards is also one of the main commuter towns to Belfast which are important locations that contribute to the main modal public transport themes in the 2015 Belfast Metropolitan Transport Plan. In 2015 DfI carried out a Strategic Review of Park and Ride in Northern Ireland which sought to enhance the targeted provision of Park and

Ride in a manner which takes account of traffic flows with a view to maximising the potential of P&R to contribute to the regional objective of modal shift from private car to transport. The review considered 33 separate sites at locations along 6 key strategic transport corridors leading into Belfast. The proposed park and ride facility in Newtownards is one of 5 park and ride projects that have been prioritised by DfI as part of the park and ride programme across Northern Ireland.

The agent has advised that in 2018 Atkins Consultancy were commissioned by DfI to carry out a detailed site appraisal of potential P&R locations in Newtownards. Three sites were appraised (former Leisure Centre, former MOT Centre & Kempe Stones Rd) taking account of factors such as location, size, site availability, service capacity and frequency to determine their suitability for development. The location ranked highest by this study was the former Council Leisure Centre site at William Street in Newtownards.

In terms of the need for the facility and the selection process for this particular site, the site is well served by main traffic routes, particularly Hardford Link immediately to the north which form part of a ring road to the west around the town centre which then links with other arterial routes serving Newtownards and in particular the Kempe Stones Road which is a dualled carriageway linking to Belfast. The site is also accessible on foot, served by the network of pedestrian footpaths along surrounding the site along William Street, Corry Street and Hardford Link.

The current proposal is designed to meet growth in demand from passengers travelling on the important transport corridor from Newtownards to Belfast (also benefitting North Down and the Ards Peninsula). It will provide additional facilities to link to the existing Glider route on the Newtownards Road.

In summary, Translink considered several sites in the vicinity for the proposed park and ride. The proposed site met several key planning and design tests during site consideration and the current site is considered as the optimal site for the proposed P&R. Importantly, the proposed site is also well located to cater for services to and from Belfast and local Ulsterbus services. It will also help to reduce parking problems currently being experienced in the town centre where there is currently no dedicated provision around the bus station.

As the park and ride is located in a busy location near to the hospital, Council Offices and numerous retail and business uses and the current car park on site is already used by Council and hospital employees, Translink were asked to comment on how they will ensure that the spaces within the proposed Park and Ride will be available for commuters. Translink has commented as follows:

"Translink currently operates P&R facilities in busy urban centres such as Portadown, Bangor, Lisburn and Newry. Parking by those not using public transport can occur in these car parks but it has not been found to have a significantly negative impact on operations. Parking habits are such that commuters occupy P&R spaces very early in the morning and these spaces generally fill up before non-users arrive. Additionally in places where this has found to occur, Translink has taken enforcement actions to discourage such behaviour."

- ***Within defined areas of parking restraint it is only used for short-stay parking and is appropriately managed to deter long stay commuter parking; and***

The site is not located within a defined area of parking restraint.

- ***It is compatible with adjoining land uses***

The proposal is considered to be compatible with adjoining land uses. The site is within an urban, town location surrounded by a mix of uses and transport routes. There are no listed buildings in or near the application site which is un-zoned land in the local development plan.

Impact on Existing Open space - Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Policy OS1 of PPS8 outlines the policy for the protection of open space. The policy states that development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

- (i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or
- (ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

The site currently includes some existing open space in the form of a small play park and associated grassed areas. While the former leisure centre use on the site also included an outdoor astroturf pitch, this was removed several years ago upon demolition of the old leisure centre, therefore any open space use associated with the previous astroturf pitch has been abandoned now for a considerable time and it is not considered that it could be argued that the proposal would result in the loss of existing open space in respect of this former pitch.

The existing playpark and associated grassed areas of open space on the site equate to a total area of 7188sqm of open space. These areas are shown outlined in blue on the aerial image in figure 15 below.

The proposed areas of open space within the site will equate to a total area of approximately 3733sqm as shown in figure 16 below. There will therefore be a loss of approximately 3455sqm of open space on the site. However, it is considered in this case that the proposal would constitute an exception to the policy as the redevelopment for a much needed Park and Ride use at this location will bring substantial community benefits that decisively outweigh the loss of this relatively small area of open space.

It is also considered that alternative open space has already been provided in line with policy OS1 at the new Ards Blair Mayne Leisure Centre located at Dairy Hall Lane. This new leisure facility replaced the old Ards Leisure Centre formerly located on the Park and Ride application site. The new Leisure Centre at Ards Blair Mayne provides outdoor recreational facilities including a diversity play area, sensory garden and wheel park for skateboarding and BMX (see figure 17 below). It is considered that the provision of these updated facilities in close proximity to the site, compensate for the reduction in the amount of open space at the application site. The Kiltonga Wildlife Reserve is also located within close proximity to the site. It is therefore not considered that the reduction in open space provision on the application site would result in any significant impact on the overall supply of open space within the immediate area.



Figure 15 – Area of Existing Open Space on Site



Figure 16 – Areas of Proposed Open Space on Site



Figure 17 – Outdoor Recreational Space associated with Ards Blair Mayne

Visual Impact and Impact on Character of Area

Good design and positive place making is at the heart of the SPPS core principles as they shape how all elements of the built and natural environment relate to each other through the construction of new buildings, redevelopment of historic buildings, creation of public spaces and environmental improvements. In paragraph 4.24, the SPPS advises that design is not limited to the appearance of buildings or a particular place but encompasses how buildings and places function in use over the lifetime of the development. It also states that good design should identify and make positive use of the assets of the site and surroundings to determine the most appropriate form of development.

As already outlined above, policy AMP9 of PPS3 – Design of Car Parking, sets out some criteria and guidance in relation to the design of car parks, including Park and Ride facilities. The policy states that a high standard of design, layout and landscaping is expected to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape/landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The site is currently vacant and is already predominantly covered in hard surfacing with the exception of the small area of open space and play park to the north and west of the site. Prior to demolition, the former Ards Leisure Centre on the site comprised a mix of single and two storey buildings along with an astroturf pitch to the rear and associated car parking. Given the extent of hard surfacing on the site previously and at present, it is not considered that the proposed Park and Ride will result in any significantly greater visual impact or any adverse impact on the character of the wider area.



Figure 18 – Aerial view of site showing former Ards Leisure Centre (2019 OSNI Orthophotography)



Figure 19 – Former Ards Leisure Centre buildings

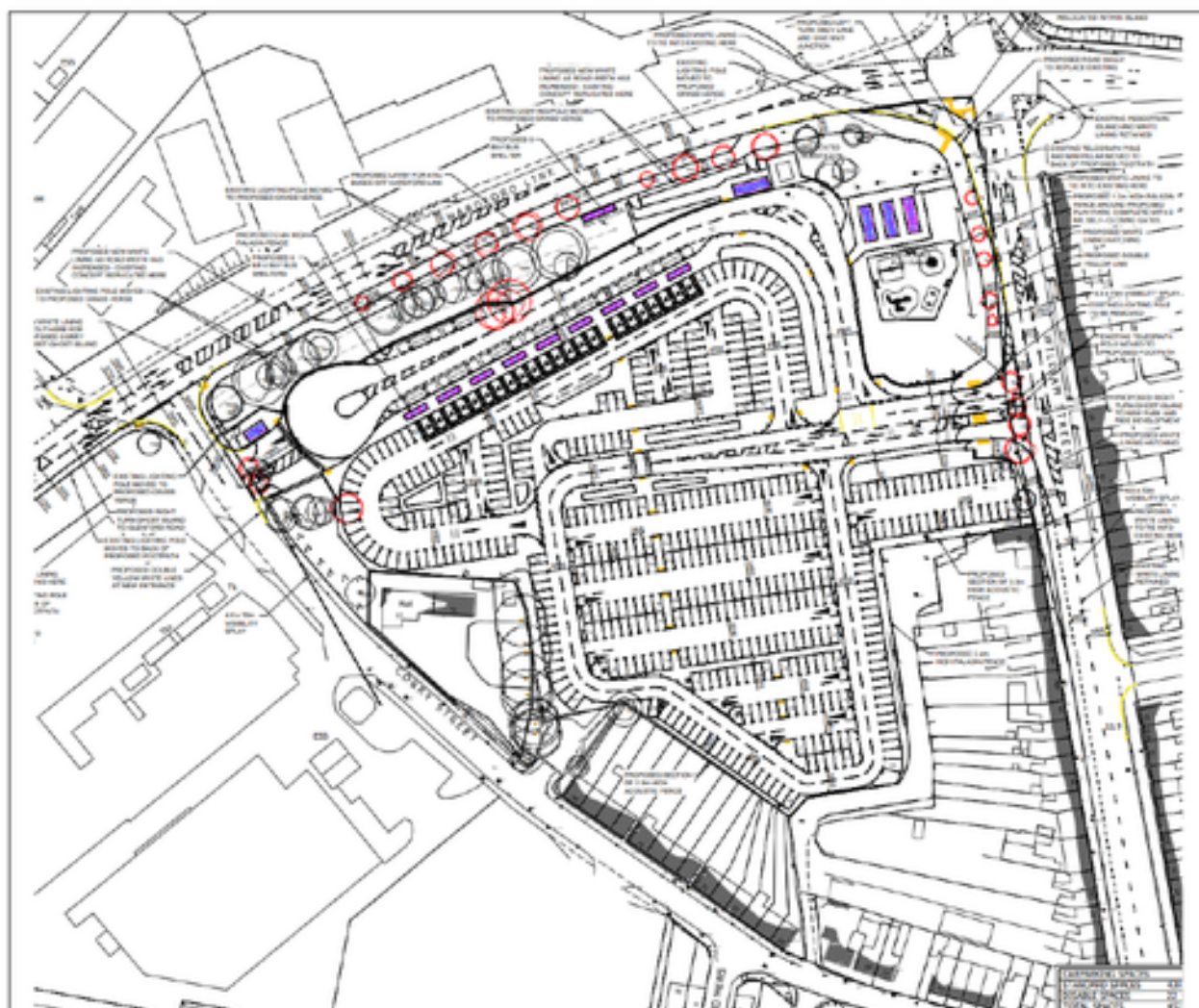


Figure 20 – Proposed Park and Ride Layout

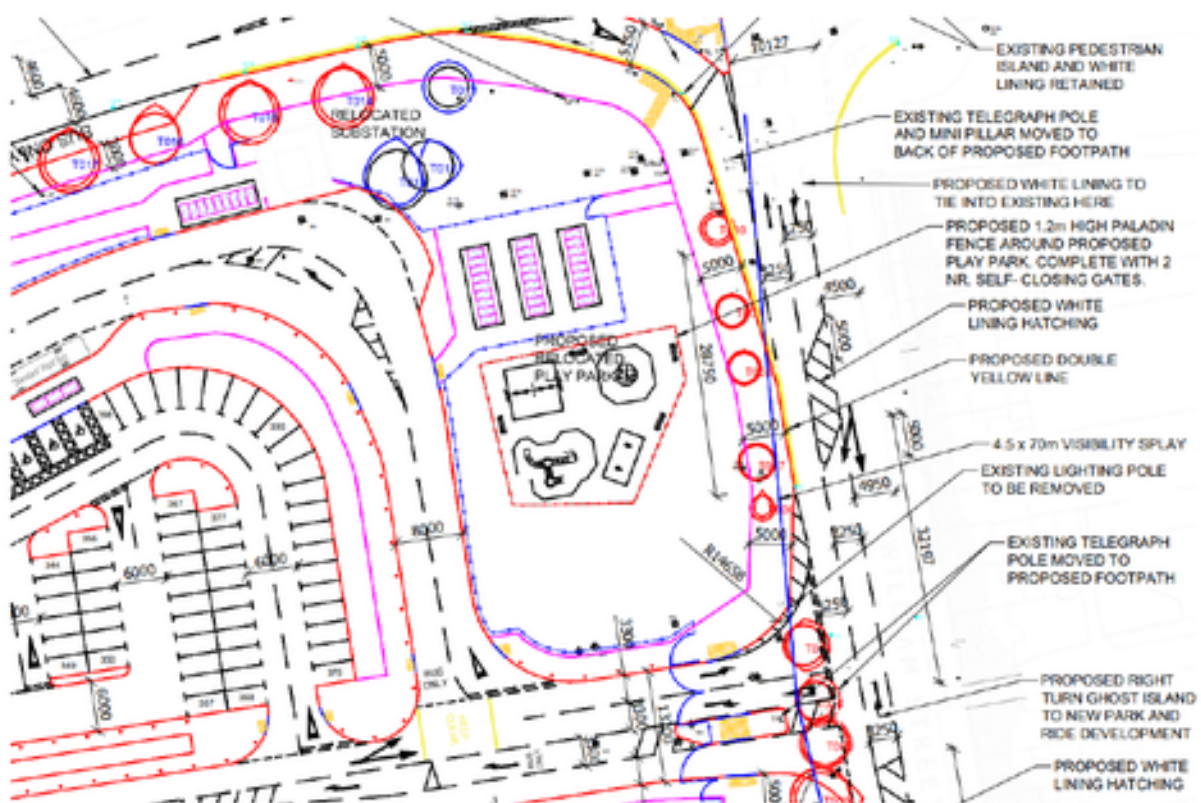
The majority of the parking area in the southern portion of the site will be well screened from view by existing buildings when travelling along William Street from the south and along Corry Street. Parking towards the northern end of the site will be set back from the William Street frontage behind the relocated play park and area of open space in the north eastern corner of the site.

While some of the existing trees along the William Street frontage will need to be removed to accommodate the new access and footway, a considerable number of new trees will be planted along this frontage, within the site itself and along the Hardford Link and Corry Street frontages to help soften the impact of the development.

In addition to the existing and proposed trees, the boundaries of the site shall be defined by a mix of 2-3m high paladin and acoustic fencing. These are indicated in blue and pink on the site layout plan shown in figure 22 below and detailed drawings shown in figure 22. While the fencing proposed is extensive, it is considered necessary to ensure the security of the site. It is also considered that the generous grassed areas and trees around the edges of the site will help to soften the impact of the fencing.



Figure 21 - Proposed Landscaping



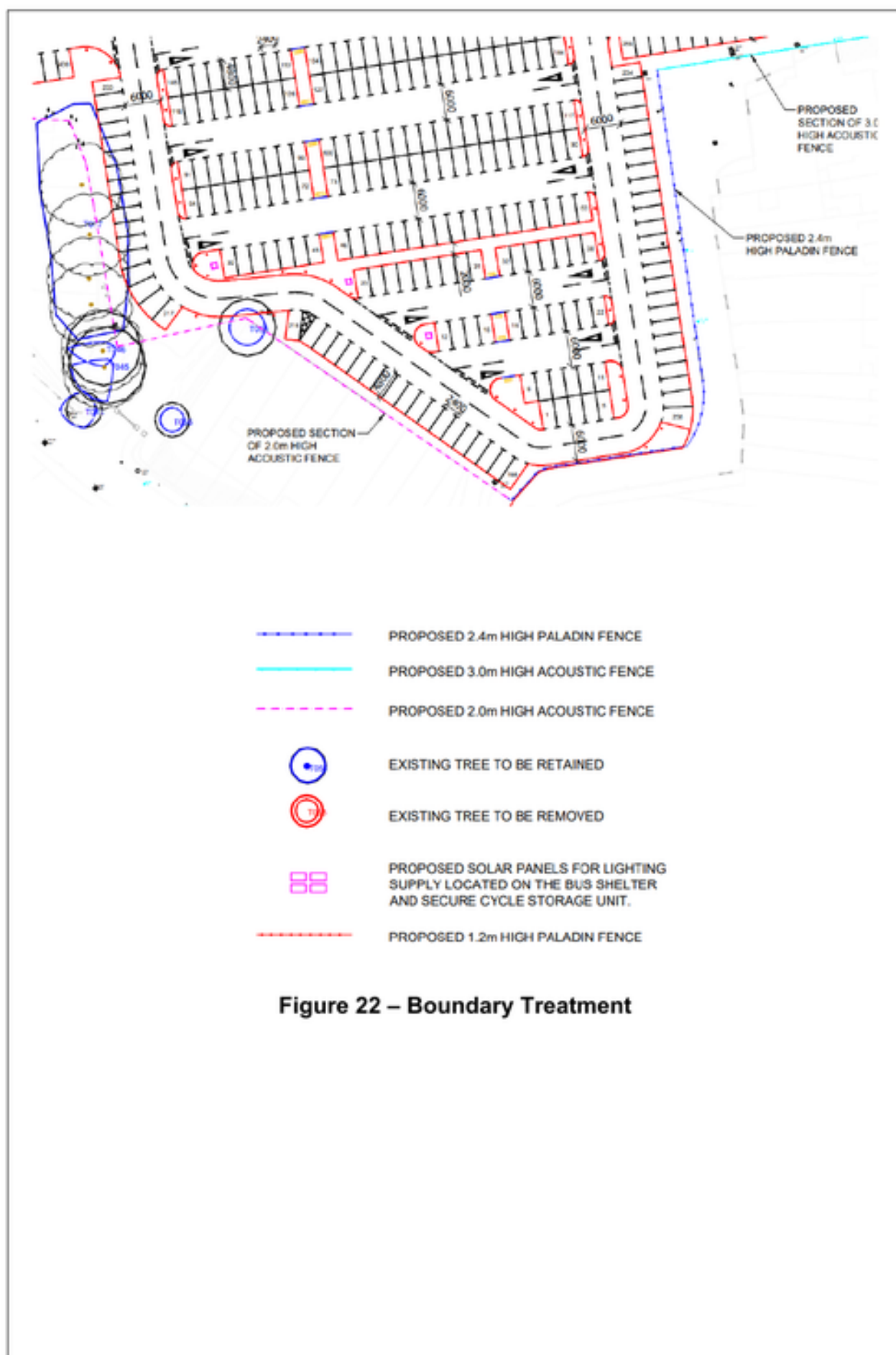


Figure 22 – Boundary Treatment

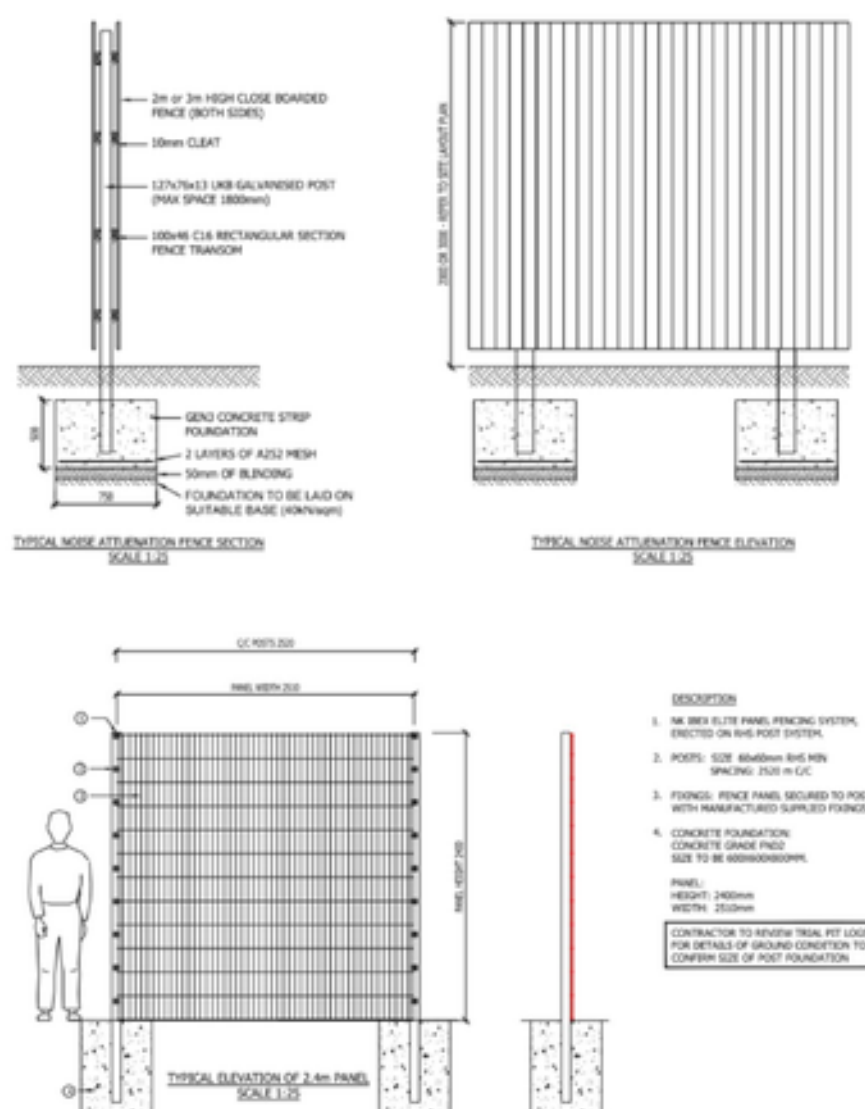


Figure 23 – Details of Boundary Fencing

No details of the play equipment have been submitted to date as this is to be provided and maintained in the long term by the Council. Any planning approval would be subject to a condition requiring details to be submitted for approval prior to commencement of development.

Impact on Amenity of Adjacent Residential Properties

The potential impact from noise, air pollution and dust associated with the proposed development have been considered above under policy AMP10 of PPS3 which requires assessment of the environmental impact of new car parks on the locality.

In terms of the potential impact on other amenity considerations such as privacy and daylight, I am also content that the development will not result in any unacceptable adverse impact.

The existing residential properties which would potentially be affected by the proposal include the dwellings at 28-58 William Street which back onto the eastern boundary of the site and the dwellings at 23 to 63 Corry Street which back onto the south western boundary of the site.

As already outlined, the site previously housed the former Ards Leisure Centre. As can be seen in the OSNI orthophotography below dated 2019, the area to the immediate rear of the existing adjacent dwellings was already used as a car park for the leisure centre. This area also continues to be used as car parking for Council employees. It is therefore not considered that the proposed continued car parking use would result in any significantly greater impact on the amenity of the existing dwellings. Both rows of dwellings are set within linear plots with long rear gardens and outbuildings situated between the dwellings and the site boundary with generous separation distances between the rear of the dwellings and the site boundary ranging between approximately 23m to 39m (see figure 25 below).



Figure 24 - OSNI Orthophotography 2019



Figure 25 - Separation distances from existing dwellings to site boundary

While the property at 51-53 Corry Street is situated closer to the site boundary and would have parking immediately adjacent in place of the former sports pitch and open space area, this property appears to be used as a Masonic Hall rather than a private domestic dwelling. A 2m high acoustic fence is also proposed along the boundary of the site which will provide enhanced privacy and screening. It is not considered that the proposed parking would result in any significantly greater impact on this property than the existing parking and the previous sports pitch use which would have been likely to generate much greater noise levels while in use. A 3m high acoustic fence will also be provided along the northern boundary of 56-58 William Street which would have its gable end directly facing the proposed car park. Given that this dwelling already sits immediately adjacent to the vehicular access of the former leisure centre with only a palisade fence defining its boundary, it is not considered that the proposal would result in any significantly great impact on privacy.

Landscaping and Impact on Existing Trees and Vegetation

As outlined above, some of the existing trees on the site will need to be removed to accommodate the proposed development. In total 28 existing trees will be removed (highlighted in red as shown in figure 20 above). The removal of these trees is unavoidable in order to achieve the necessary design requirements for the Park and Ride scheme including for example the installation of bus lanes. While it is unfortunate that these trees must be removed, they are of no considerable ecological or visual significance. The majority are Norway Maples which are not native species. A significant number of existing trees will still be retained within the site (23) and along with the proposed compensatory planting of an additional 51 native species trees, it is not considered that the removal of some of the existing trees will result in any unacceptable adverse environmental or visual impact on the area.

Small pockets of landscaping and tree planting have been proposed throughout the car park layout to break up the large areas of hardstanding.

A detailed Landscape Management and Maintenance Plan has been submitted with the application which would be subject to a planning condition requiring the

development to be carried out and maintained in accordance with the approved details in perpetuity.

Proposed Playpark

The applicant has advised that it is the intention that the ownership and management of the proposed play park will be transferred to the Council. A 1.2m high Paladin fence is proposed to provide safe enclosure around the boundaries of the playpark. Any approval would be subject to a condition requiring details of the design and play equipment proposed along with a management and maintenance plan to be submitted to the Council for approval prior to the commencement of any development.

Lighting and CCTV Cameras

A series of pole mounted lighting columns and CCTV cameras are proposed throughout the site as indicated in blue on the layout plan below. It is considered that all of these are located a sufficient distance from existing residential properties to ensure no adverse impact on amenity will occur. Environmental Health has raised no concerns with regard to the proposed lighting however have recommended inclusion of a condition on any permission advising that any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021.

It is also noted that the previous astroturf pitch and car park associated with the former leisure centre use had associated lighting and it is not considered that the proposed lighting would have any significantly greater impact.



Figure 26 – Proposed Lighting and CCTV

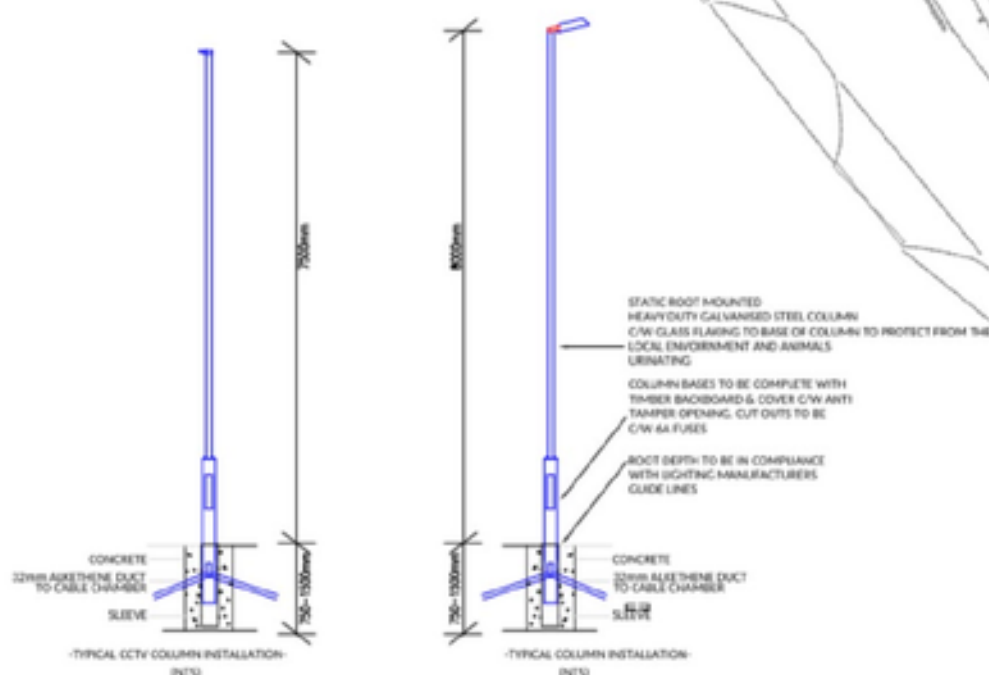


Figure 27 – Details of Proposed Lighting and CCTV

Designated Sites and Impact on Natural Heritage

An Ecological Appraisal was undertaken by Tetra Tech in May 2023 and an Ecology Report submitted with the application. A Habitats Regulations Assessment was also carried out and submitted along with a Construction Environmental Management Plan.

European and National designated sites identified within 10km of the proposed development are shown in figure 20 below with the designation, qualifying features and proximity from the development site also indicated. Details of local non-designated sites within 2km and obtained from the CEDaR are also included.

Site Name	Designation	Distance and direction from site	Reasons for designation
Golden Glen	LWS	0.5 km N	No site information available.
Kiltonga	LWS	0.5 km W	No site information available.
Tulynagardy Wood	LWS	0.6 km N	No site information available.
Strangford and Lecale	AONB	1.13km SSE	No site information available.
Strangford Lough	MCZ	1.93km SE	Designated for its range of nationally important marine species, habitats and features of geological or geomorphological interest.
North Strangford Lough	NNR	1.94km SE	There are only six areas of extensive mud and sheltered sand flats in Northern Ireland. This habitat is the most extensive and least altered and therefore the most outstanding example of its type found in the province.

Strangford Lough	SAC	1.94km SE	The site has been designated an SAC because it contains habitat types and/or species which are rare or threatened within a European context.
Strangford Lough	SPA	1.94km SE	The site qualifies as an SPA under Article 4.1 of EC Directive 79/409 on the Conservation of Wild Birds by supporting internationally important breeding populations of both sandwich and common tern and nationally important breeding populations of arctic tern. Also, under Article 4.2 of the Directive by regularly supporting in winter over 20,000 waterfowl.
Strangford Lough Ramsar Site	RAMSAR	1.94km SE	The site qualifies as a RAMSAR site under Criterion 1 by virtue of supporting a variety of important wetland features. Areas of fringing saltmarsh and freshwater habitats support a diversity of wetland plant species.
Strangford Lough Part 1	ASSI	1.94km SE	The site has been designated an ASSI due to the fauna and flora it supports. This area includes extensive mudflats and sandflats, saltmarsh and rocky intertidal habitat.
Craigantlet Woods	ASSI	5.04km W	The site has been designated an ASSI due to the woodland fauna and flora it supports. Site consists of three small calcicolous valley-woods which represent the largest block of semi-natural woodland in the North Down region.
Strangford Lough Part 3	ASSI	5.77km S	The site has been designated an ASSI due to the flora and fauna it supports. Contains a great diversity of intertidal habitats (The Dorn, being an area of exceptional note).
Outer Ards	ASSI	7.50km N	The site has been designated an ASSI due to the fauna, flora, geological and physiographical features it supports. It is an important area for its geological features and coastal plant and animal communities.
Blaeberry Island Bog	ASSI	6.57km ENE	The site has been declared an ASSI because of the extent of intact and active cutover bog in this region of NI along with the fauna and flora it supports.
Outer Ards	SPA	7.50km N	The site qualifies as an SPA under Article 4.1 of the Directive (79/409/EEC) by supporting nationally important populations of Arctic tern and golden plover.
Outer Ards Ramsar Site	RAMSAR	7.50km N	The site qualifies as a RAMSAR site under Criterion 6 for regularly supporting 1% of the individuals in a population of one species or subspecies of waterbird in any season.
Belfast Lough	SPA	8.78km NNW	The site qualifies as an SPA under 4.2 of EC Directive 79/409 on the Conservation of Wild Birds by regularly supporting internationally important numbers of redshank in winter. Site also supports nationally important numbers of species such as shelduck, oystercatcher and purple sandpiper.
Outer Belfast Lough	ASSI	8.78km NNW	The site has been designated an ASSI because of the flora, fauna and geological features it possesses. Also, birds from Inner Belfast Lough use the site for feeding.
Belfast Lough Ramsar Site	RAMSAR	8.78km NNW	The site qualifies as a RAMSAR site under Criterion 3c by regularly supporting internationally important numbers of redshank in winter. The site also regularly supports nationally important numbers of several species including shelduck, purple sandpiper and dunlin.
Belfast Lough Open Water	SPA	8.84km NNW	The site qualifies as an SPA under Article 4.2 of the Directive (79/409/EEC) as it supports an internationally important wintering population of great crested grebe.
Ballymacormick Point	ASSI	9.32km NNE	The site has been designated an ASSI due to the diversity of fauna and flora it supports. The topography results in a large range of sub-habitats including rock pools, crevices, gullies, areas of sand and mud etc.

Figure 28 – European/National and Local Designated Sites

The site lies within Cully's Burn catchment, which is hydrologically connected to Strangford Lough via a canal.

Both DAERA Natural Environment Division and Shared Environmental Service were consulted on the application which has been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Ards and North Down Borough Council which is the competent authority responsible for authorising the project.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES has advised it is content that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the recommended mitigation measures being conditioned in any approval.

NED has also considered the impacts of the proposal on designated sites and has advised it has no concerns on the basis of the information provided subject to the recommended conditions. NED is also content with the mitigation measures set out in the Construction Environmental Management Plan (CEMP).

NED has also confirmed it is content that there is unlikely to be a significant impact on protected and/or priority species and habitats, subject to the recommended conditions.

The site was inspected for evidence of, and its potential to support, protected or notable species, especially those listed under the Schedule 2 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, and Schedule 5, 6 and 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) which is further enhanced by the Wildlife and Natural Environment Act (Northern Ireland) 2011 (the 'WANE Act'), and priority species included in the Draft Local Biodiversity Action Plan 2022-2032 (Ards and North Down Borough Council, 2022).

The site offers negligible Bat Roost Potential (BRP). Eleven trees on site offered negligible BRP, 10 offered low BRP and 4 individual trees had moderate BRP. No trees with a Bat Roost Potential of Moderate or higher will require to be removed from site.

An Invasive Species Management Plan (ISMP) was also submitted with the application. A stand of Spanish bluebell hybrids are located in the north of the site however there was no evidence of Japanese Knotweed found on site and there is no planned or required excavation in the vicinity of the Bluebells and no machine access over them. NED is therefore content with the mitigation measures provided in the ISMP and has recommended that final details of the proposed mitigation measures, including those of the ISMP should be provided in a final CEMP. NED has recommended that an appropriate condition is attached to any planning approval requiring a final CEMP to be submitted and agreed prior to any development activity commencing.

No evidence of any other protected or priority species was found on the site. With regard to badgers, there was no suitable habitat on-site for sett creation and no evidence of badger on-site or within the survey area, such as latrines, snuffle holes and mammal trails. The amenity grassland on-site would also likely provide limited foraging opportunities.

Flooding and Drainage

A Flood Risk Assessment (FRA) and Drainage Assessment were submitted with the application and considered by DfI Rivers.

With regard to policy FLD1 of PPS15 - Development in Fluvial Flood Plains, Flood Maps (NI) indicate that the development does not lie within the 1 in 100 year climate change fluvial or 1 in 200 year climate change coastal flood plain.

With regard to policy FLD3 of PPS15 - Development and Surface Water, the applicant has received a conditioned response from NIW to requisition a new storm sewer to serve this site. As only an indicative drainage layout has been submitted with the application, DfI Rivers has requested that any approval should be subject to a condition requiring submission and approval of a final Drainage Assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 prior to the commencement of development.

With regard to policy FLD5 of PPS15 - Development in Proximity to Reservoirs, DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Strangford Lough Wildfowlers Pond (Glenvale Dam).



Figure 29 - DfI Rivers online flood maps showing site is affected by the inundation area of the Strangford Lough Wildfowlers Pond Reservoir

It has not been demonstrated to DfI Rivers that the condition, management, and maintenance regime of Strangford Lough Wildfowlers Pond (Glenvale Dam) is appropriate to provide sufficient assurance regarding reservoir safety. As a result of this analysis the overall hazard rating at this site is considered high. This is considered by DfI Rivers to be an unacceptable combination of depth and velocity for this particular development proposal.

DEFRA hazard mapping provided by DfI Rivers PAMU shows that most of the application site falls within the green banded area (inundation only). As outlined within TGN25 those areas within the green and amber banded areas do not have an unacceptable combination of depth and velocity and, therefore, proposed development within these zones is deemed acceptable.

A small area along the northern site boundary is shown to be within the red banded area. Any red band areas are deemed within TGN25 to have an unacceptable combination of depth and velocity. The proposed site layout includes development within this red banded area. However, most of the proposed development within the red banded area is the road access for buses utilising the turning circle and bus stops.

The nature of the proposed access road within the red banded area means that there will be no significant risk to people or buildings should an uncontrolled release of flood waters occur. There are no buildings at risk of destruction in such an event, and there is safe egress from the red banded areas at all times. In addition, given the nature of the pre-existing development at the site, i.e. the leisure centre, the proposed development does not constitute any increase in intensity of use, neither does it increase the number of vulnerable users at the application site. As the proposed development is intended as a park and ride facility, there is a low likelihood of there being a significant number of users at the site at any given time.

Therefore, whilst a small section of development has been included within the area of unacceptable depth and velocity combination, every effort has been made to design the proposed layout to remove vulnerable users from these areas and to make sure that in the event of a catastrophic dam failure, there will be minimal impact to site users.

While policy FLD 5 of PPS 15 states that there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity, in this instance significant determining weight must be afforded to the previous long-established use of the site as an intensive leisure facility. It is not considered that the proposed Park and Ride use on the site would result in any significant increase in risk. Those using the site are likely to be mainly commuters and by its nature, a Park and Ride use would not have users on the site for any extended periods of time.

Contaminated Land

Preliminary and Generic Quantitative Risk Assessments (PRA / GQRA) have been provided by Tetra Tech in support of this application. Tetra Tech report no unacceptable risk to controlled water receptors at the site. Having reviewed the submitted assessments, both Environmental Health and DAERA Regulation Unit (RU) Land and Groundwater Team have no objection to the proposal subject to the recommended conditions.

Archaeology and Built Heritage

The application site is in the location of a former mill race associated with Glen Mill (Industrial Heritage Record IHR 02600:000:00). The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

The site is also in proximity to the following listed buildings which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011:

- HB24 11 009 A 2 William Street Newtownards Co Down (Grade B2)
- HB24 11 009 B 4 William Street Newtownards Co Down (Grade B2)
- HB24 11 009 C 6 William Street Newtownards Co Down (Grade B2)
- HB24 11 009 D 8 William Street & 2 Corry Street, Newtownards Co Down (Grade B2)
- HB24 11 001 St. Mark's (C of I) parish church, Church Street Newtownards (Grade A)

Historic Environment Division (HED), Historic Buildings, has considered the impact of the proposal on the listed buildings and on the basis of the information provided, has advised that it is content with the proposal as presented which is considered to comply with the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.12 and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building). HED (Historic Buildings) consider the proposal is sufficiently removed within the existing established developed environment as to have no impact on the listed buildings.

Sewerage Infrastructure

NI Water has been consulted on the application and has raised no objections. While there is no public surface water sewer within 20m of the proposed development boundary NI Water has advised that access is available via extension of the existing public surface water network, or via direct discharge to a designated watercourse, at an agreed discharge rate.

The applicant has advised that the proposal will have a formal stormwater drainage network which will discharge stormwater runoff to a requisitioned NI Water storm sewer subject to NI Water approval. Tetra tech have gained Article 154 approval for a stormwater discharge to a requisitioned storm sewer at the greenfield runoff rate of 23 l/s.

5. Representations
No representations received
6. Recommendation
Grant Planning Permission
7. Conditions
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular accesses/egresses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03E prior to the commencement of any development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>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 development hereby permitted and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. The access gradients 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>5. No development hereby permitted shall be commenced until the road works indicated on Drawing No 03E have been fully completed in accordance with the approved plans.</p> <p>Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.</p>

6. The appointed contractor must submit a final Construction Environmental Management Plan (CEMP) to be approved in writing by the Council prior to the commencement of any works on site including ground preparation or vegetation clearance. The CEMP must contain all the appropriate pollution prevention mitigation as contained in the Outline CEMP by Tetra Tech Europe (NI) Ltd dated 28/07/2023 and as advised by NIEA WMU and NED in their responses to the consultation dated 20/12/2023 and 30/05/2024. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will prevent adverse effects on features of the hydrologically connected Strangford Lough SAC/SPA/Ramsar and to protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified.

7. Prior to works commencing on site, all existing trees shown on drawing No. 03E as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No tree indicated on the approved plans as being retained, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species and to maintain a high quality of landscaping on the site.

8. No development shall commence until suitable risk assessments and supporting site data have been submitted to and agreed in writing by the Council. These must identify all unacceptable risks to health and the water environment. The investigations shall target the presence of Trichloroethylene (TCE) and associated degradation products. The investigations shall include:

- identifying all potential contaminant sources within the planning boundary,
- suitable site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites, to identify the contamination risks associated with the potentially contaminating activities which took place in the adjacent industrial area.
- Provision of risk assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance, to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.

Reason: Protection of receptors to ensure the land will be in a condition suitable for the proposed development.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works

shall cease, and the 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/land-contamination-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

10. After completing any remediation works required and prior to operation of the development, a verification report shall be submitted and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

11. Prior to the site becoming operational, two 2m high acoustic barriers and one 3m high acoustic barrier shall be erected along the site's boundary as presented in Figure 6.1 of the Noise Assessment, Translink Park & Ride Newtownards, submitted by Tetra Tech, referenced 784-B026304 and dated 31st August 2023. The acoustic barriers will be of close boarded construction (no gaps), with a minimum mass per square metre of 10 Kg/m² and shall be maintained and permanently retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

12. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 07:00 – 19:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public/ bank holiday.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

13. Prior to commencement of development, a site-specific dust management plan shall be submitted to and approved in writing by the Council. The plan must include relevant dust mitigation measures set out in the Table 6-1 of the Air Quality Screening Assessment and in Section 4.6.2 Management of Dust and Airborne Pollutants as specified in the Construction Environmental Management

Plan. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenity of neighbouring dwellings with respect to dust

14. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021.

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

15. Prior to the commencement of any development hereby approved, a final Drainage Assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Council for approval in writing. The development shall be carried out in accordance with the approved details.

Reason: To safeguard against flood risk to the development and elsewhere.

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

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

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

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 16 above.

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

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 16 above. These measures shall be implemented and

a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

19. No development shall take place until drawings showing the detailed design and play equipment for the proposed play park as indicated on Drawing No. 03E have been submitted to and agreed in writing with the Council.

Reason: To ensure that the play area is well equipped and maintained.

20. The Park and Ride facility hereby approved shall not commence operation until the play park and areas of open space shown on Drawing No. 03E have been laid out in accordance with the approved details and details to be approved under condition 19 above. These areas shall not thereafter be used for any purpose other than as play space/open space.

Reason: To ensure open space is available concurrently with the development of the site.

21. Details of the arrangements to be put in place for the long-term management responsibilities of the open space and playpark, as indicated on Drawing 03E, shall be submitted to the Council for approval in writing prior to the commencement of development hereby approved.

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

22. The landscaping within the site shall be managed and maintained in perpetuity in accordance with the details set out in the approved Landscape Works Specification and Management/Maintenance Plan compiled by David Clarke Landscape Architect.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

23. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the commencement of operation of any part of the development unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

24. The existing trees within the site as indicated in blue on Drawing no 03E shall be retained. Any existing trees indicated on the approved plans which, within a period of five years from the date of commencement of development, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

25. The development hereby approved shall not commence operation until the surface water drainage works on-site and off-site have been submitted to, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

Site Photographs



View from Hardford Link/Crawfordsburn Rd/Talbot Street/William Street junction



View from Hardford Link/Corry Street junction



Site boundary to Hardford Link



Existing right of way access to site off Corry Street



Existing site entrance and frontage to William Street



Existing car park looking towards rear of William Street properties



Existing car park looking towards rear of Corry Street Properties



Existing cars park looking towards former sports pitch



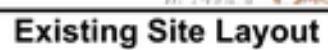
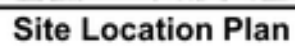
Existing car park and former sports pitch



View from existing car park towards former sports pitch and playpark



View from existing car park towards rear of Corry Street properties



Legend:

- Proposed new building
- Proposed new parking
- Proposed new landscaping
- Proposed new building
- Proposed new parking
- Proposed new landscaping

Table of Dimensions:

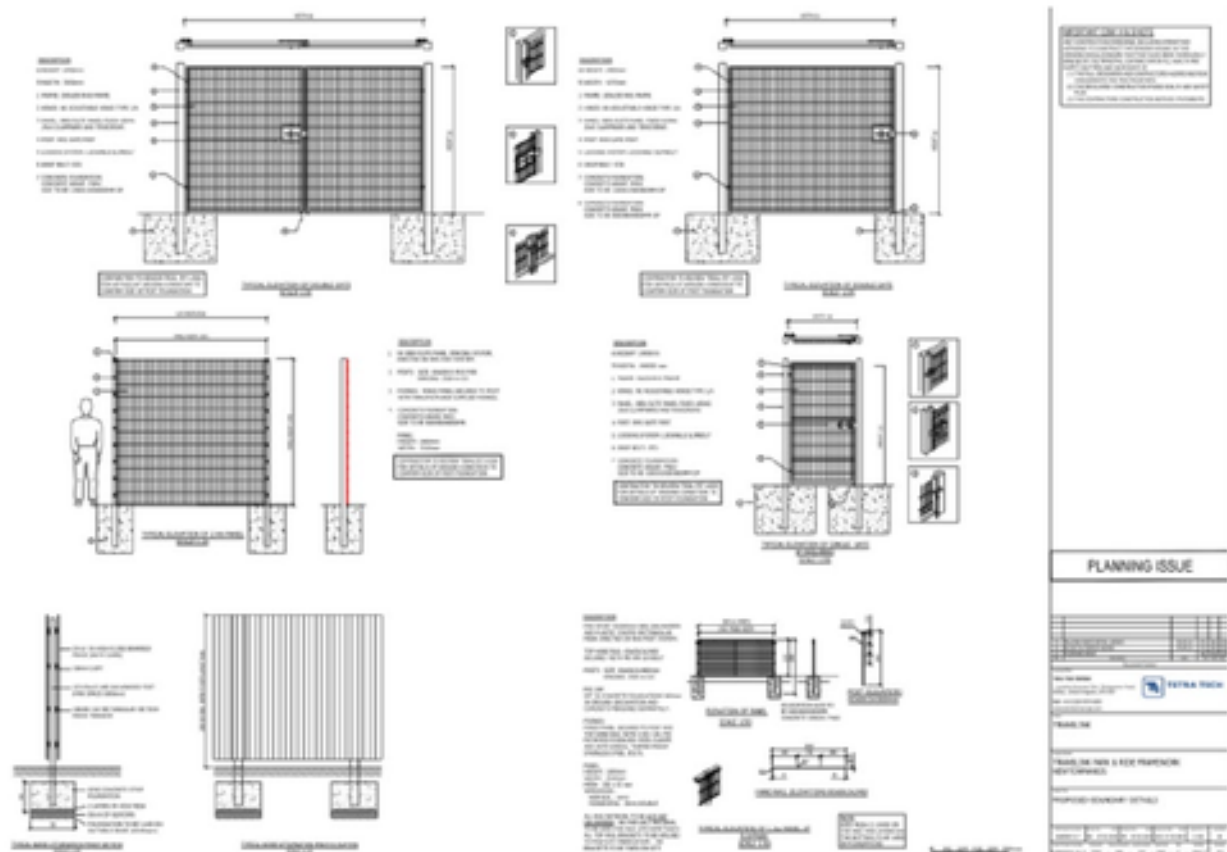
Item	Dimensions
Overall Site Dimensions	100' x 100'
Building Footprint	20' x 20'
Parking Area	40' x 40'
Landscaped Area	20' x 20'
Other Dimensions	...

David Clarke
ARCHITECTS

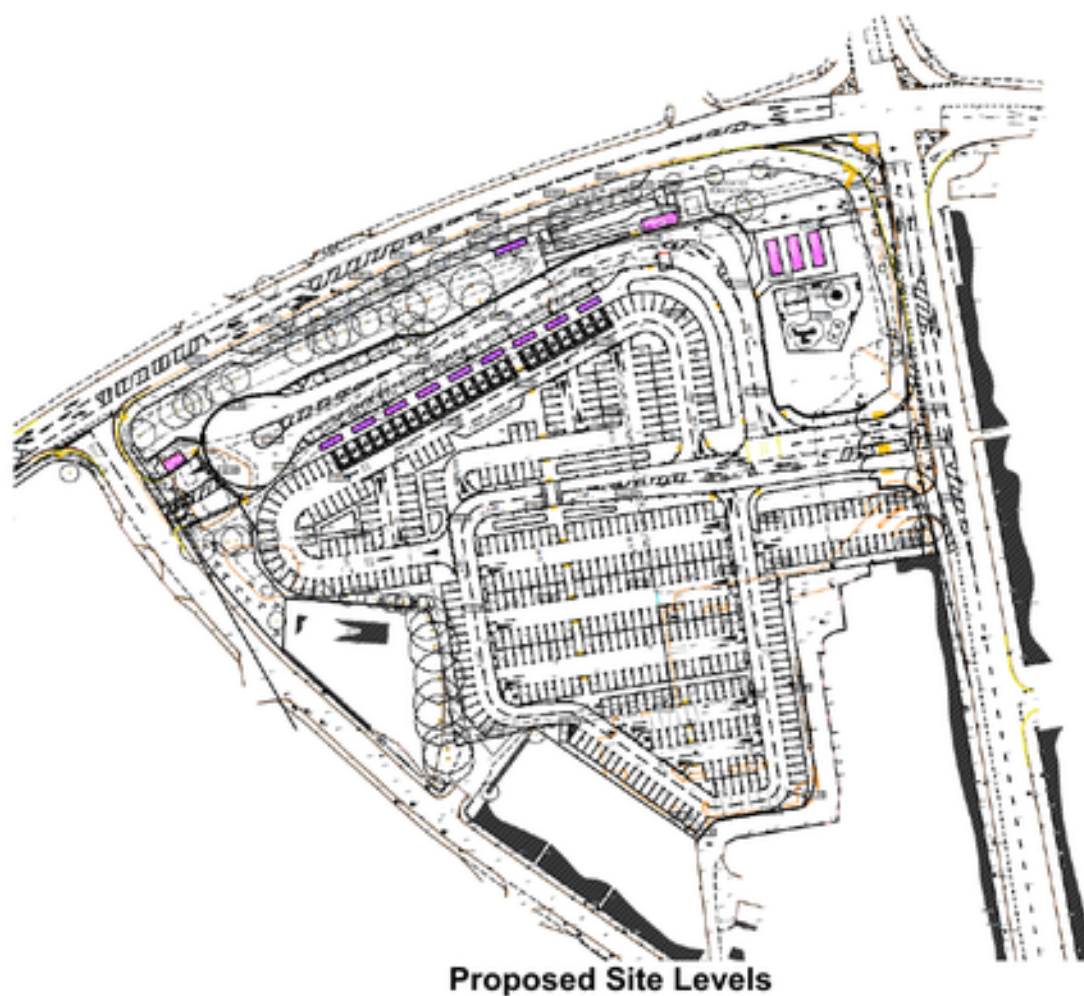
52



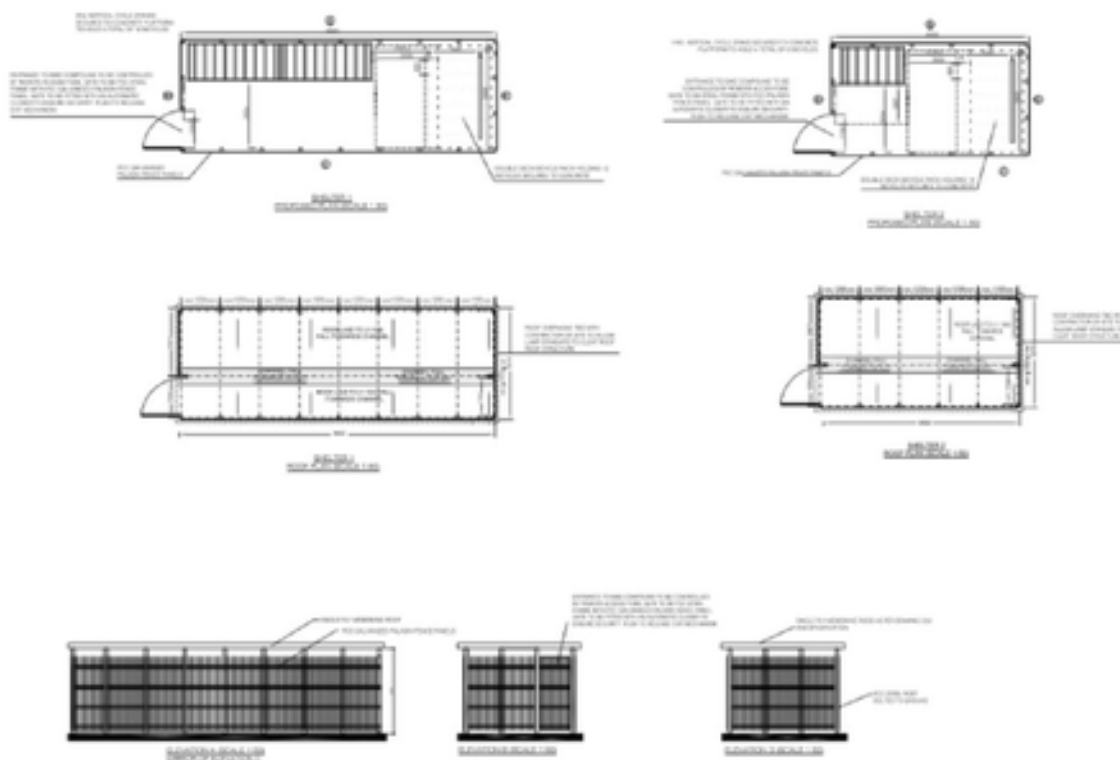
Proposed Surface Make-Up



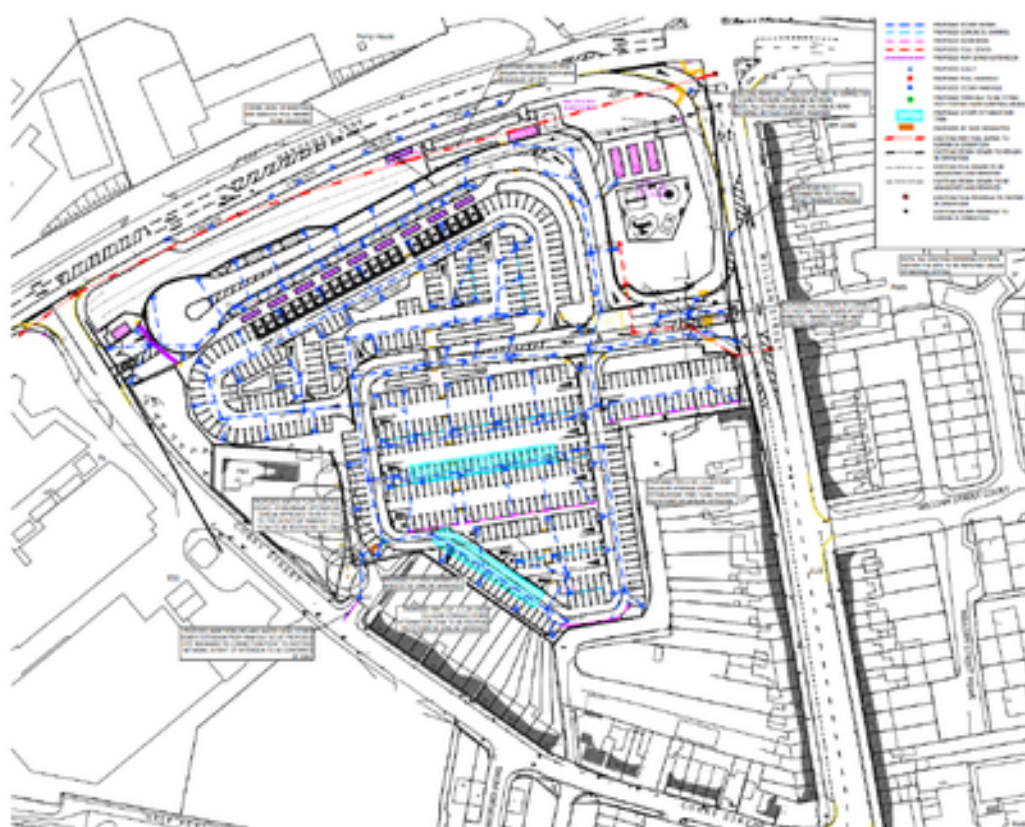
Proposed Boundary Details



Proposed Site Levels



Proposed Cycle Shelters



Drainage Proposals




Proposed Lighting

The technical drawings show the following dimensions:

- Side Elevation:** Overall width is 9,420.5 mm and height is 3,285 mm.
- Front Elevation:** Overall width is 6,587 mm.
- Rear View:** Depth is 1,735 mm.

[illegible]

Development Management Case Officer Report		 Ards and North Down Borough Council	
Reference:	LA06/2022/0708/O	DEA: Newtownards	
Proposal:	Erection of 5 no. detached dwellings with associated landscaping, internal road layout and access provision		
Location:	Lands to the South and adjoining No. 90 Crawfordsburn Road and to the West of No's 71, 83, 85, 87, 89, 91 and 97 Crawfordsburn Road, Newtownards		
Applicant:	WJ Law Bespoke LLP		
Date valid:	19/07/2022	EIA Screening Required:	Yes
Date last advertised:	04/07/2024	Date last neighbour notified:	07/06/2024
Letters of Support: 0		Letters of Objection: 31 objections (from 21 addresses)	Petitions: 0
Consultations – synopsis of responses:			
Historic Environment Division		Content	
NIEA: NED		No objections subject to conditions	
NIEA: WMU		Standing Advice	
DFI Roads		No objections in principle	
NI Water		No objections	
Tree Officer		Content subject to conditions	
Environmental Health		No objections	
NIE		No objections	
Shared Environmental Services		Content subject to conditions	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, Visual Impact and Impact on Character of the Area • Public Open Space/Private Amenity Space • Impact on Residential Amenity • Access, Road Safety and Car Parking • Archaeology and Built Environment • Security from Crime • Designated Sites/Other Natural Heritage Interests • Other Planning Matters • Impact on TPOs 			

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

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

1. Site and Surrounding Area

The application site is located at lands to the south and adjoining No. 90 Crawfordsburn Road within the settlement limit of Newtownards. The site is irregular in shape and comprises approximately 1.6 hectares of land within a woodland area. The woodland consists mostly of deciduous species of varying ages and becomes denser towards the south of the site. As can be seen in the images below, the site itself has a clearing with more gaps and spaces between the trees. The boundaries of the site are defined by mature trees and established hedgerows which provide screening to the site. The site is accessed at the northern corner through an existing field gate on the Crawfordsburn Road. The site levels gradually fall to the south-east corner of the site. A minor watercourse runs along the south boundary of the wider woodland area.



The site is located within a residential area in Newtownards, approximately 2.5km from the town centre. There are predominantly detached homes within the surrounding area with a variety of designs evident.

2. Site Location Plan



3. Relevant Planning History

X/2006/0563/O: Lands to the South and adjoining No. 90 Crawfordsburn Road, Newtownards BT23 4UH and to the West of No's 71 83 85 87 89 91 and 97 Crawfordsburn Road Newtownards: Erection of 5 no. detached dwellings with associated landscaping, internal road layout and access provision: Permission Refused June 2007

During the processing of the above application, the site was in an area marked as Green Belt in the Draft Ards and Down Area Plan 2015. As such, approval of the proposal would have conflicted with the Department's planning policies for Greenbelts and Countryside Policy Areas (notably Policies SP12 and GB/CPA 1 of "A Planning Strategy for Rural Northern Ireland"). It was considered that granting permission would prejudice the outcome of the development plan process by pre-empting decisions on the scale and location of new development.

However, it is important to note that the current planning context has changed. The site is now located within the development limits of Newtownards within the Ards and Down Area Plan 2015. As such, the policy concerns that led to the 2006 refusal no longer apply under the current plan framework.

4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology & The Built Heritage
- Planning Policy Statement 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements

Planning Guidance:

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

Principle of Development

The application site is located within the Settlement Limit of Newtownards under the Ards and Down Area Plan 2015. The site is shown as 'whiteland' within the development plan and is not subject to any zoning/designations. Please see Figure 1 below which shows an extract from the Ards and Down Area Plan.

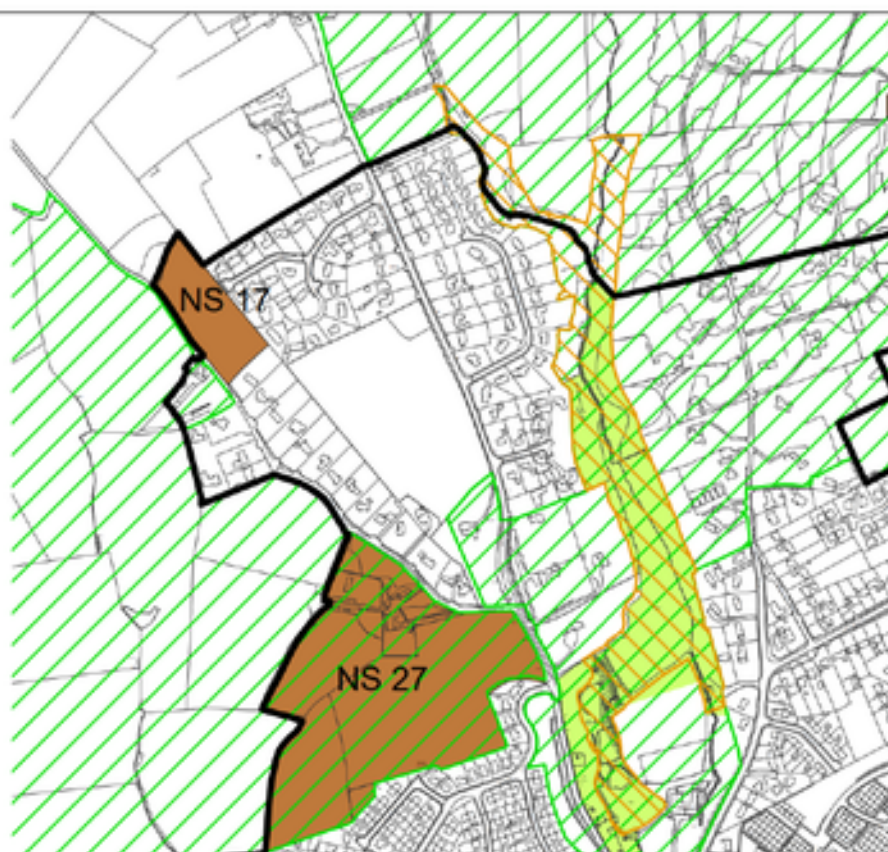


Figure 1: Extract from Ards and Down Area Plan 2015

Policy OS 1 states that The Council will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

It goes on to state that an exception will be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area.

Annex A of PPS8 is headed 'Definition of Open Space' and states that "for the purposes of this Planning Policy Statement, open space is taken to mean all open space of public value". Among the typology of open spaces of public value, the Annex lists, "natural and semi-natural urban green spaces – including woodlands, urban forestry, grasslands (eg. meadows), wetlands, open and running water, and rock areas". In terms of function, the Annex indicates that these include "strategic functions - defining and separating urban areas, providing community greenways, 'green lungs' or landscape buffers. The Annex also refers to open space functioning as havens and habitats for flora and fauna and "as a visual amenity – even without public access, people enjoy having open space near to them to provide an outlook, variety in the urban scene, or as a positive element in the landscape."

The proposed site comprises a clearing within an existing woodland, with the red line only occupying approximately 37% of the overall woodland area. The site is privately owned and there is no formal public access to the land. Regardless, the wider site does offer a landscape buffer within this residential area and offers valuable habitat for a wide variety of flora and fauna.

It must be noted that during the Public Inquiry of the draft ADAP, NIEA objected to the site being zoned for housing and stated that the site should be designated as a SLNCI. Whilst the PAC recommended that the land should not be zoned for housing, they did accept that some development may be able to be accommodated in the central portion of the site as the area is relatively free of vegetation. It was further stated that the best way to determine the extent of the area acceptable for residential development would be through the development control process. The PAC also did not recommend the site should be designated as an LLPA or SLNCI. Please see Figure 2 which shows an extract from the PAC Inquiry.

Planning Appeals Commission

Article 7

4.31.0 Objections to the proposed zoning for housing of land at Crawfordsburn Road, Newtownards (Proposal NS 12) and to its non-designation as a local landscape policy area or site of local nature conservation importance

Objections 988, 996, 999, 1002, 1055, 1056, 1111, 1116, 1118, 1123, 1124, 1129, 1131, 1134, 1135, 1202, 1214, 1218, 1225, 1227, 1228, 1563, 1687, 1757, 1837, 1853, 2168, 2201 and 2205

4.31.1 The objection site is surrounded on all sides by residential development and we agree with the Department's assessment that it lies within the urban footprint of Newtownards and should therefore fall for consideration as an urban capacity site. The draft plan's development strategy for Newtownards (on Page 97) recognises the need to provide choice of housing sites to the west of the town but makes the important qualification that development of visually sensitive areas should be avoided.

4.31.2 There is extensive woodland vegetation, mostly of deciduous species of varying ages, along the outer boundaries of the site. We agree with the objectors that this vegetation provides a very important local amenity and that it should be retained and protected. We understand that there is a blanket TPO on the site and are satisfied that this provides the best and most appropriate level of protection for the vegetation within it. Designating the site as an LLPA would not add anything to the level of protection afforded by the TPO. In our opinion insufficient evidence has been put forward to justify a SLNCI designation. We conclude that it is unnecessary to attach these additional designations to the site.

4.31.3 The central portion of the site is relatively free of vegetation, the evidence being that previous coniferous planting was removed in recent years. The counter-objector argued that this portion of the site, amounting to about 1.5 hectares out of the total site area of 3.69 hectares, could be developed without harming the amenity of the remaining vegetation. We acknowledge that with retention of the perimeter vegetation it may well be possible to design a form of development that would not be visible, in localised or longer views, to a degree that would be unacceptable within an urban context. However, in our opinion, the best way to determine the extent of the area suitable for development would be through the development control process. The submission of a planning application would also enable detailed consideration to be given to issues such as the long-term management and maintenance of the retained vegetation, access to the site and any necessary mitigation measures at the Talbot Street / Crawfordsburn Road / Hartford Link junction.

4.31.4 Given that less than half of the site is capable of development and that considerable care will be required with the scale and form of that development, we conclude that the proposed housing zoning is inappropriate. As the draft plan specifies a maximum density of 10 dwellings per hectare, this would subtract 36 dwellings from the potential overall yield of zoned housing land in Newtownards.

4.31.5 **We recommend that the land is not zoned for housing.**

Figure 2: Extract from PAC Public Inquiry

The proposed development will require the removal of 3 trees protected under Tree Preservation Orders (TPOs) to allow for construction activities. In addition, 10 other trees (protected under TPO) have been identified for removal based on recommendations outlined in the Tree Survey Report and observations from Drawing DRG 04B: Development Impact Drawing. These 10 trees are located within the site boundary and are assessed to be in poor condition, infected with Ganoderma and/or

dead, warranting their felling. Of the trees impacted by the development, only the 3 TPO-protected trees have been marked for removal due to direct construction needs; these are listed in the Tree Survey Report as being in 'Fair' condition. Please see Figure 3 below which shows the trees to be removed and retained on site.



Figure 3: DRG 04B - Trees to be retained/felled

As the central portion of the site is relatively free from vegetation, and the fact that the PAC previously identified it as a potential development site, I would consider that the application site does not constitute open space of amenity value. The main areas of woodland and trees along the boundary will be retained and not included within this proposal for housing. As such I do not consider the site within the red line to constitute an area of open space as defined in PPS 8.

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

Under the SPPS, there is a presumption in favour of appropriate and sensitively designed residential development within the settlement limit.

Visual Impact and Impact on Character of Area

Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. A Landscape Design Statement has been prepared by Park Hood in support of this proposal and therefore has been reviewed as part of this assessment.

Policy LC1 of the Addendum to PPS7 provides additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas.

The proposal is for 5 detached dwellings, associated landscaping and new access/road layout within the site which comprises approximately 1.6 hectares of land. The density of this development is calculated at $5/1.6 \text{ ha} = 3.1\text{dph}$ therefore, this proposal is considered as low density development. When looking at the surrounding area, there are medium-density housing developments, with the following calculations carried out below:

- Crawfordsburn Way/Crawfordsburn Park: 10.3dph
- Tullynagardy Road: 5.4dph
- 85-107 Crawfordsburn Road (10 dwellings): 8dph

I am therefore satisfied that the proposed density is lower than the established residential area, with the proposal to include high quality detached properties. As stated previously, there are a mixture of housing designs and types in the surrounding area, with predominantly detached properties on medium-sized plots. Overall, the application is not considered to adversely affect the character of the surrounding area in terms of density.

Density of a development is only one consideration of many which must be weighed up when assessing the overall impact of a development on the character of an area with the overarching test being primarily a visual one, in other words how the development will appear when viewed within its context. The visual impact of the development and its impact on the appearance of the area has been considered below.

This is an outline application meaning if an approval is forthcoming the proposal will be assessed in greater detail at reserved matters stage in terms of the design, size and layout. The site is situated within an area referred to as Tullynagardy Wood, which offers visual relief within this urban setting. As can be seen in the images below, the site is well screened by a substantial tree buffer, with little visibility into the site. The main public views of the site would be from the field gate entrance to the northern corner of the site, as shown in Image 1.



Image 1: View of site from field gated entrance (approach from northern side of Crawfordsburn Road).



Images 2 & 3: Views of site along Crawfordsburn Road

Tullynagardy Wood is therefore considered a visually (and environmentally) significant resource in the context of the surrounding residential area as it provides a tree-lined backdrop to the Crawfordsburn Road which softens the streetscape and offers visual screening to the surrounding residential properties. It must be noted that the proposed site only includes a portion of this wooded area, with the site partially cleared and consisting primarily of grassland and younger trees. The agent has stated that this area has been selected to minimise the impact upon the mature tree stock across the wider site which will be retained and protected. Please see Figure 4 which shows a concept layout of the scheme.



Figure 4: Indicative Site Layout

It must be noted that the site is covered by a TPO therefore any impacts upon protected trees and any mitigations proposed will be assessed later in the report.

I consider that an appropriately conditioned housing scheme for 5 dwellings could be integrated into the locality. The layout, scale, proportions, massing and appearance of the proposed dwellings along with further details on landscaping and hard surfaced areas will be assessed in greater detail at reserved matters stage. I do not consider there to be an established building line along this side of the Crawfordsburn Road. The proposed site concept plan shows dwellings situated in satisfactory plot sizes that will be largely screened by the existing woodland surrounding the site. Whilst views of the dwelling adjacent to the entrance will be apparent, existing and proposed landscaping will soften its appearance and assist its integration into the wider landscape.

It is my professional planning opinion that the scheme offers a well-considered design that will retain the visual amenity of the woodland and offer a low-density and high-

quality residential development. The layout has been designed to allow the dwellings to fit into the landscape, rather than dominate it, with little impact upon the character of the area. The proposed access will be located to the northern corner of the site, along the Crawfordsburn Road. Finishes and design detail of proposed house types will be fully assessed at reserved matters stage.

Residential Amenity

This is an outline application and full design details will be assessed through a reserved matters application. I do not consider that 5 proposed dwellings on this site will create conflict with adjacent land uses. The concept site plan shows adequate separation distances between proposed dwellings and the neighbouring dwellings. The proposed dwelling to the front of the site is situated over 20m from the adjacent dwelling at No. 90 Crawfordsburn Road. Given this separation distance and the intervening vegetation along the boundary of the site, I do not consider it necessary to condition any obscure-glazing along the rear elevation. As the dwellings within the surrounding area are predominantly one-and-a-half or single-storey in nature, I will include a condition to restrict the ridge height to 6.5m above finished floor level.

Amenity Space

The concept site plan indicates there is adequate private amenity space for each of the proposed 5 dwellings on the site. The site can adequately accommodate the minimum of 70sqm (as set out by creating places) per dwelling within the site boundaries.

The provision of public open space is required under PPS8 Policy OS2 as the site is over 1 hectare in size. There are areas of open space provided within the site, located to the north and south of the site, and along the outer boundaries. These areas consist of grassland and protected trees as shown in the landscape proposal in Figure 5 below. This open space would be over 10% of the total site area. It is recommended that any approval be subject to a condition to ensure that suitable arrangements will be put in place for the future management and maintenance of areas of public open space required under this policy. Details of the landscape management plan will be required at reserved matters stage.



Figure 5: Landscape Proposal

Access, Roads Safety & Parking

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. A new access is proposed onto the Crawfordsburn Road as shown above, which is not a protected route. DfI Roads was consulted on this outline application and offered no objections in principle subject to a condition showing the access to be constructed and other requirements in accordance with the form RS1. It must be noted that DfI Roads stated that this proposed road will remain private and therefore will not be maintained by this department.

As DfI Roads offer no objections, it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Car parking spaces will need to be shown in detail on any subsequent reserved matters application.

Movement Pattern and Security

The internal road within the development will be utilised for both pedestrian and vehicular access. A path around the areas of open space has been shown on DRG

07A: Landscape Proposal. Further details will be required at reserved matters stage, with all rear gardens to be enclosed for security purposes.

Impact on TPOs

The Council's Tree Officer was consulted on the proposal as there were several trees protected by a Tree Preservation Order located on the site. DRG 04B: Development Impact Drawing identifies the tree protected by virtue of a TPO on site and all other trees/hedging. The agent submitted landscape drawings to the Council, along with a Landscape Management and Maintenance Plan to be considered by the Council's Tree Officer.

The Tree Officer's comments are summarised below:

- Some tree removal is necessary, but it is minimal, with new planting proposed.
- The proposed utility route has been indicated - detailed plans, including sewers, will be required at the Reserved Matters stage.
- No changes to the ground levels within tree root protection areas are proposed.
- Roadside hedging will be removed for visibility, but no trees will be affected. Replacement hedging is recommended for screening.
- The submitted Landscape Management Plan requires adjustments at the Reserved Matters stage, including detailed landscaping and responsibilities.
- New landscaping details should be submitted at the Reserved Matters stage; the current details are acceptable.
- Separation distances between retained trees and the proposed development are now satisfactory.
- Protective fencing details should be conditioned if approval is granted.
- New landscaping and boundary treatment details should be submitted at the Reserved Matters stage.

The Tree Officer was therefore content subject to conditions which will be included on any approval.

Historic Environment Division

HED (Historic Buildings) has considered the effects of the proposal on the setting of the following listed building: HB24/10/014 30 Mountain Road, Newtownards, County Down, BT23 4UL (Grade B2) which is of special architectural or historic interest as set out in Section 80, of the Planning Act (NI) 2011.

On the basis of the information provided under the policy requirements of the SPPS (NI) paragraph 6.12 (setting) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advised that it considers the proposal is sufficiently removed in context from the listed building as to have no impact.

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. An Ecological Impact Assessment was submitted with the application. SES was consulted on and made the following comments:

'Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.'

'In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval.'

The conditions recommended will be included on any decision notice associated with this application. 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 identify a scenario where survey information may reasonably be required. Given the site is within an existing woodland, a biodiversity checklist and ecological statement was submitted.

NIEA: NED has reviewed the information in the Biodiversity Checklist and Ecological Statement and concluded that the proposed development is unlikely to significantly impact local wildlife. No badger setts, red squirrels, pine martens, or smooth newt breeding ponds were found on-site during the surveys. NED is satisfied with the retention of surrounding trees, which would minimize impacts on these species. However, NED recommended that conditions be attached to protect retained trees during construction and ensure the submission of a landscaping plan at the Reserved Matters stage, including compensatory native species planting.

Under PPS 2 'Natural heritage' Policy NH 5, planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance which includes ancient and long-established woodland. Natural Environment Division has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to recommendations.

NIEA has welcomed the ecologist's proposal to enhance the surrounding woodland. Whilst NED expressed concern regarding the impact on the remaining long-established woodland, it stated that the mitigation proposed in the Ecological Impact Assessment could enhance the biodiversity value of the surrounding woodland and may be appropriate mitigation for the development of the site. In accordance with the advice provided by the expert consultee, it is recommended that approval be subject to a condition requiring the proposed habitat enhancement measures for the wider

woodland area to be incorporated into the Habitat Management Plan to be agreed at Reserved Matters stage.

Drainage & Flooding

A Drainage Assessment was submitted alongside the application. The following conclusions were reached in the report:

- This application site does not include any lands within the stated Fluvial or Coastal Flood Plains as indicated on the 'Flood Maps (NI)'.
- Two areas of pluvial flooding were indicated, but these are not part of the proposed development.
- Storm drainage will be designed per NI Water requirements and discharged properly. Standard drainage design including the 'Gravity Over Engineered' pipes to provide the on-line storage and a Vortex Flow Control, with the flow restricted to 10 l/s per Hectare for connection to the watercourse (Schedule application submitted), will effectively mitigate the flood risk to the proposed development and from the development elsewhere in compliance with FLD3.
- No modifications to watercourses are needed, aside from minor crossing points, which are allowed under FLD4.
- No reservoir flooding is shown near the site.
- The development will not impact flooding in the area or watercourses, and no increased flood risk is anticipated from the development.

DFI Rivers was consulted and asked to review the assessment and made the following comments:

'Dfi Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).'

The Drainage Assessment states that the drainage design requires further detailed design, therefore Dfi Rivers requests that the Planning Authority includes the following Condition as part of its planning permission if granted.

Condition – Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.'

5. Representations

The proposal has been advertised in the local press and neighbours have been notified as per the Section 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

A total of 31 objections from 21 different addresses were received from elected representatives, residents of the surrounding area, organizations (Woodland Trust & Ulster Wildlife) and members of the public. The following matters were raised:

1. **Biodiversity and Natural Heritage Concerns**

- **Failure to comply with policies:** Several objectors stated that the development contradicts policies aimed at preserving biodiversity and the natural environment, such as Policy RG 11, SPPS Para 6.192, Policy NH5 of PPS 2, and Policy OS1 of PPS 8.
- **Damage to ancient woodland:** It was also stated that the site in question is considered to be ancient, semi-natural woodland that needs preservation due to its biodiversity value.
- **Threat to wildlife and habitat:** It was stated that the development is leading to the destruction of a rare, unique ecosystem, with the loss of flora and fauna like trees, fungi, and species. This would also lead to fragmentation of habitat and displacement of wildlife. There are concerns that the construction of housing would reduce the natural habitat for species like deer, bats, hedgehogs, badgers, owls and butterflies.
- **Risk to water flow:** One objector stated that development could disrupt underground water systems, which could further damage vegetation and wildlife.

Response:

These matters have been addressed under 'Principle of Development' and 'Designated Sites and Natural Heritage' above. As the central portion of the site is relatively free from vegetation, and the fact that the PAC previously identified it as a potential development site, I would consider that the site does not constitute open space of amenity value. The main areas of woodland and trees along the boundary will be retained and not included within this proposal for housing.

While the wider area has been identified as woodland with notable biodiversity value, it is important to highlight that the primary woodland area lies outside the development boundary (red line). This area is already safeguarded by a Tree Preservation Order (TPO) protecting those trees worthy of protection by virtue of a TPO. This protection ensures that the ecological integrity and biodiversity of the woodland will remain intact, mitigating concerns regarding potential damage. NIEA: NED was consulted and reviewed the preliminary ecological statement provided by the agent and offered no concerns subject to conditions. Further details will be required at reserved matters stage which include a Habitat Management Plan alongside a landscaping and planting plan.

2. **Environmental and Ecological Impact**

- **Inappropriate mitigation:** There were concerns that the Ecological Impact Assessment submitted is outdated and inadequate, failing to address the presence of priority species or to consider the cumulative long-term effects of construction.
- **Woodland significance:** It was stated that the woodland is not only ecologically important but also historically significant, with 200-year-old

trees. The objectors state that the site should be protected under local heritage policies.

- **Ecological survey issues:** The ecological survey is criticized for not being up-to-date or thorough enough to fully capture the site's current biodiversity. Several objectors stated that heavy machinery was used on the site in 2018, clearing trees that are now being referred to as a "natural clearing."

Response:

The Ecological Impact Assessments and ecological statements were submitted during the application process and therefore are not considered outdated. SES and NIEA have been asked to review this information alongside the other surveys submitted and offered no concerns subject to conditions. The site is not subject to any planning zoning/designations. As shown below, part of the woodland is considered as 'Long Established Woodland' in the Northern Ireland Ancient Woodland Directory. Trees within the site are protected by a TPO therefore any works or impacts on the protected trees have been considered, with further details required at reserved matters stage. I am satisfied that the amenity afforded by the trees will be maintained. It is recommended that any potential approval of the application will be subject to conditions to ensure that trees are adequately protected during the construction phase.



The following enforcement cases were opened and closed in relation to the alleged clearing of the land and felling of trees:

LA06/2021/0023/CA: Alleged unauthorised work adjacent to protected trees and rubble brought on site: Case Closed - No breach of planning control was identified. Consultant arboriculturalist was content with the work carried out on site.

LA06/2025/0022/CA: Alleged unauthorised pruning of and damage to trees protected by a TPO: Case Closed - No breach of planning control was identified.

- 3. Tree Protection Orders (TPOs):** Several objectors stated that the site has TPOs in place, and the proposed development is likely to damage or endanger the protected trees.

Response

These matters have been addressed under 'Impact on TPOS' above.

4. Policy and Planning Conflicts

- **Local Development Plans:** It was mentioned that the development goes against several documents, including the Council's Corporate Strategy 2021, Local Biodiversity Action Plan, Tree and Woodland Strategy, and the Local Development Plan. Specifically, the proposal conflicts with the goal of preserving ecological networks and open spaces. It was mentioned several times that this site is an important area of open space.
- **No identified need for housing:** Several objectors stated that there is no identified housing need for this area, and there is sufficient land already designated for housing development elsewhere in the region. It was also mentioned that brownfield sites should be developed in the first instance.

Response

These matters have been addressed under 'Principle of Development'. Tullynagardy Wood as a whole is considered a visually (and environmentally) significant resource in the context of the surrounding residential area. The proposed site only includes a portion of this wooded area, with the site partially cleared and consisting primarily of grassland and younger trees. I would therefore re-iterate that, in my professional planning opinion, the site within the red-line would not be considered an area of open space. Many of the documents mentioned are not relevant to the assessment of this application. The new local development plan which takes account of the Council's wider strategies and plans has not yet been published. This application has been assessed against the extant development plan which is Ards and Down Area Plan 2015. In relation to the need for housing, there is a presumption in favour of development within settlement limits subject to policy assessment and consideration.

5. Road Safety and Accessibility Concerns

- **Unsafe road access:** Several objectors stated that the proposed access road is in a dangerous location, with poor visibility due to a dip in the road and a slight bend. There are significant concerns about the safety of residents and drivers, as the area already has a high frequency of traffic and accidents.
- **Traffic and congestion:** The increase in traffic from new housing is seen as detrimental to the road network, adding to existing pressures in the area.

Response

These matters have been addressed under 'Access, Roads Safety & Parking' above. DFI Roads was consulted on the proposal and responded stating that they had reviewed the objections from the neighbours and offered no objections in principle. Further details will be required at the reserved matters stage.

6. Potential Precedent and Future Impact

- **Precedent for future development:** There is a fear that allowing this development could set a dangerous precedent, encouraging future developments that would further damage woodland areas.

Response

Each application is assessed on a case-by-case basis and therefore it is not considered that this application will set any precedent. Again, it must be highlighted that the site does not benefit of any environmental/archaeological zonings/designations within the extant plan.

7. Public and Community Impact

- **Loss of amenity:** Several objectors highlight the importance of Tullynagardy Wood for local residents as a source of green space and respite. Losing it to development is seen as a loss for community well-being and mental health.
- **Increased pressure on services:** It was also highlighted that objectors have concerns about increased pressure on local services like schools and healthcare facilities due to the proposed housing development.
- **Preserving the site as an open space:** Tullynagardy Wood is considered a valuable local resource, and its loss to development would diminish the area's biodiversity and contribute to a general loss of amenity for the local community.
- **Lack of public access:** The objectors suggest that the area's lack of public access should not be a reason to develop it and that five new houses do not constitute a meaningful community benefit.

Response

As previously highlighted, Tullynagardy Wood is not designated as open space within the development plan however, it is appreciated that the site does offer a visually (and environmentally) significant resource in the context of the surrounding residential area. Only a section of the woodland is being developed, with the wider site remaining as existing. It is not considered that this proposed development for 5 dwellings will significantly increase pressure on local services such as schools and doctor surgeries. Whilst the site offers visual amenity to the surrounding area, it is considered that the proposed scheme has been sensitively designed to ensure there is no significant impact upon amenity.

2. Recommendation

Grant Planning Permission

3. Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. The proposed layout of the development including the access, internal road layout, location and orientation of dwellings and the curtilages of dwellings shall be generally in accordance which is broadly in line with the indicative layout plan DRG 03 and DRG 07A but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.

Reason: In the interests of visual amenity in the surrounding area.

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

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

5. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to commencement of any 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.

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

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

7. The proposed dwellings shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is (not prominent/satisfactorily integrated) into the landscape.

8. The depth of under build between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

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

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

10. Prior to the construction of the drainage network, A final Drainage Assessment, compliant with FLD 3 and Annex D of PPS 15, shall be submitted to and agreed with the Council in writing. The Drainage Assessment shall demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The surface water drainage network shall be subsequently implemented as approved.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

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

- a) Clear aims and objectives of proposed habitat management/restoration;
- b) Description of pre-construction, baseline habitat conditions;
- c) Appropriate maps, clearly identifying habitat management areas;
- d) Detailed methodology and prescriptions of habitat management and restoration measures, including timescales, and with defined criteria for the success of the measures;
- e) Details of the prohibition of habitat damaging activities, including agricultural activities;
- f) Details of woodland enhancement (as described in sections 227-230 of the Ecological Impact Assessment prepared by Blackstaff Ecology).
- g) Details of the regular monitoring of the effectiveness of habitat management and restoration measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 5, 10, after construction);
- h) Details of the production of regular monitoring reports which shall be submitted to the Council within 6 months of the end of each monitoring year and which shall include details of contingency measures and

timescales for implementation should monitoring reveal unfavourable results. All contingency measures shall be subsequently implemented in accordance with the details and timescales agreed.

Reason: To ensure the proposal has no detrimental impact upon designated sites and other natural heritage interests.

12. At Reserved Matters a Tree Constraints Plan shall be submitted to the Council for approval. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council. The Plan shall include:

- a) The retention of mature trees and hedgerows on the site;
- b) Details of the protection of retained trees and hedgerows by appropriate fencing and further ground protection in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The Plan shall detail the specification and location of protective measures for all trees and hedgerows to be retained within the site and a programme for its implementation

Reason: To ensure the proposal has no detrimental impact upon designated sites and other natural heritage interests.

13. A detailed hard and soft landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation. All hard and/or soft landscaping works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.

14. No equipment, machinery or materials are to be brought on the site for the purpose of construction work, including any demolition and site clearance until all trees to be retained have been protected by fencing. Within the fenced area no activities shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the construction process.

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

15. At Reserved Matters application stage, a landscape management and maintenance plan shall be submitted to and shall be approved in writing by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of

landscaping and open space. The landscape management plan shall be carried out as approved.

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

16. The long term management and maintenance of the open space shall be undertaken by a management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, shall be submitted to and agreed in writing with the Council prior to the occupation of any dwelling hereby approved.

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

17. 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: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

18. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, fences, gates, walls or other built means of enclosure shall be erected without express planning permission.

Reason: Any further fencing or walls require further consideration to safeguard the protected trees

19. No development shall commence on site until the details of the position of any utility apparatus associated with the development, including foul and storm sewers, and a construction method statement for same in accordance with NJUG 4 Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees, have been submitted to and agreed in writing with the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure that construction is carried out without causing root damage to protected trees.

20. No development shall take place until a plan indicating finished floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to the Council for approval at Reserved Matters application stage.

Reason: To ensure the dwellings integrate into the landform and to ensure residents' privacy is not adversely affected.

Informative

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

Appendix One: Proposed Plans

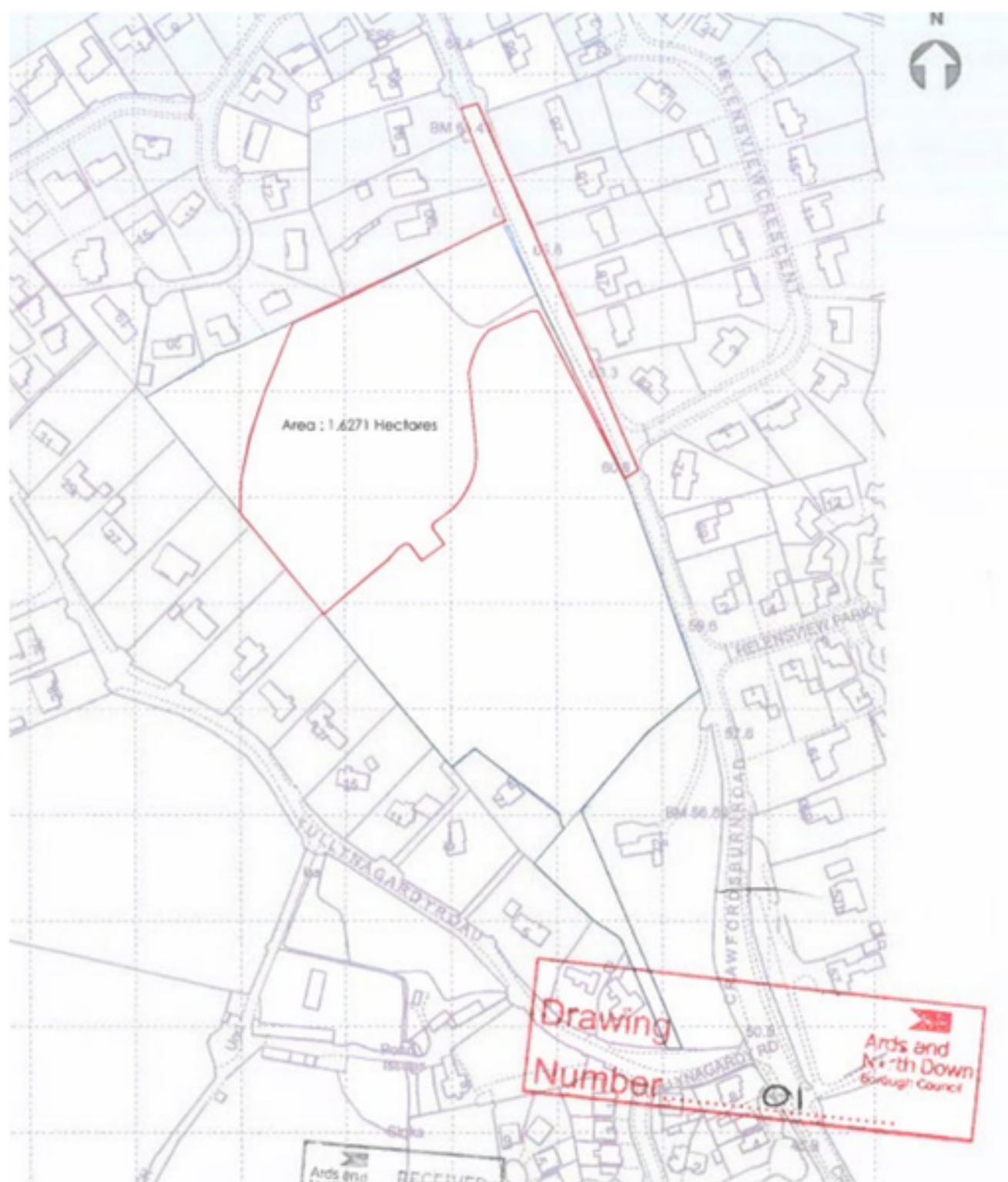


Figure 1: Site Location Plan



Figure 2: Concept Layout Plan

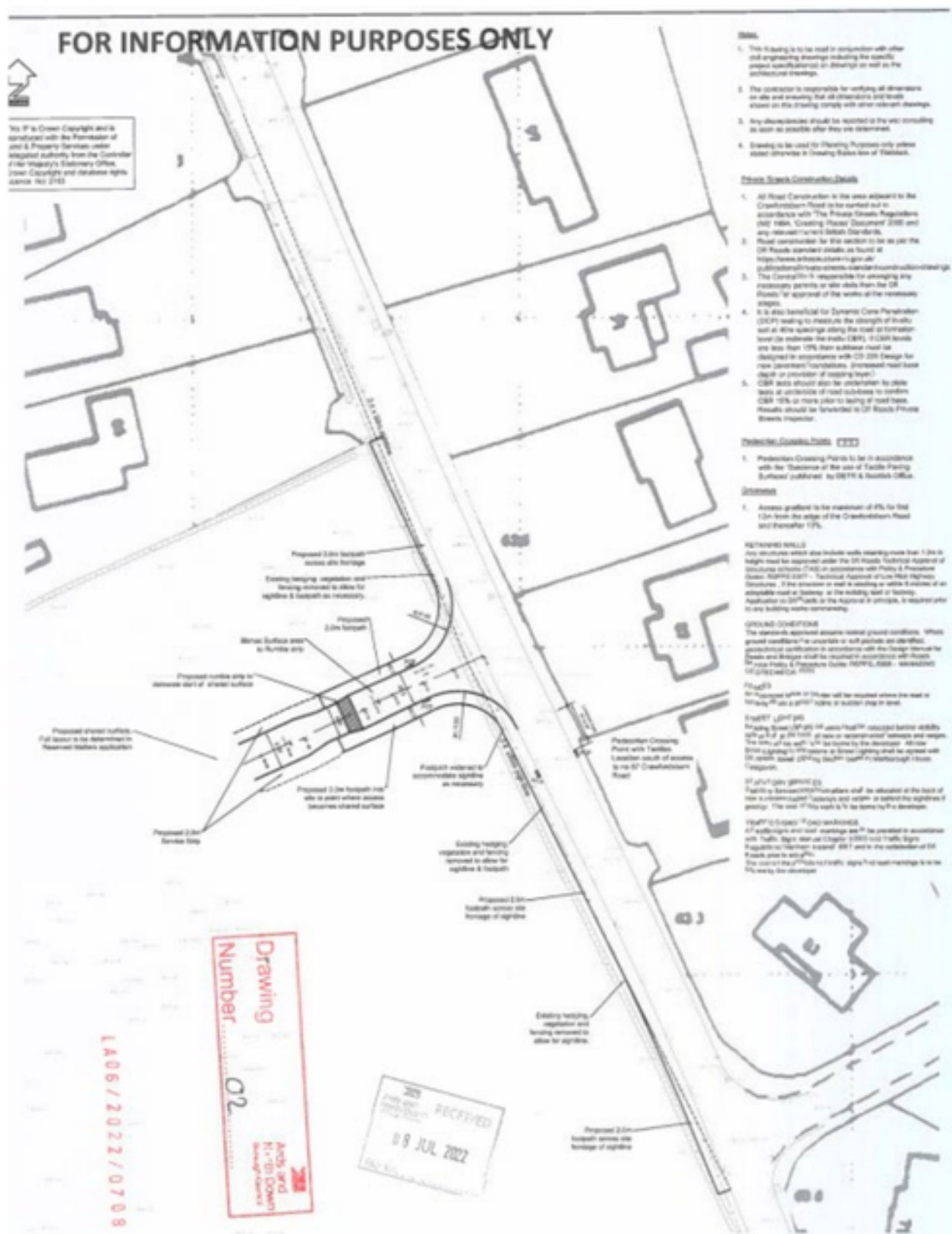


Figure 3: Road Access & Sightline Details

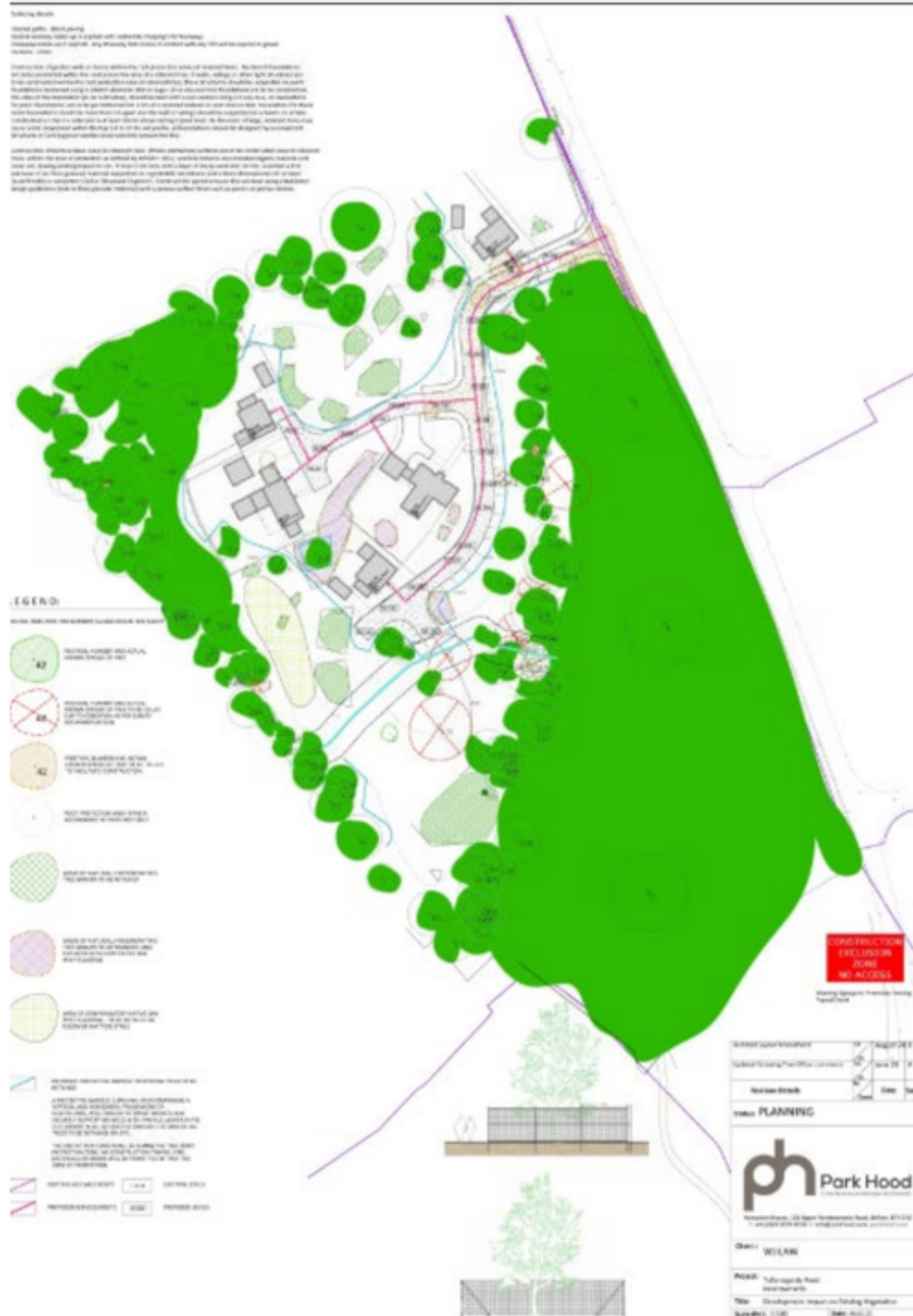


Figure 5: Development Impact Drawing

[illegible]

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Appendix Two: Site Photos



Site Entrance onto Crawfordsburn Road





Clearing within proposed development area





Protected Trees surrounded by fencing on site





Protected Trees surrounded by fencing on site





Boundary Treatments of Site





Additional Images of Site





Additional Images of Site



Addendum to LA06/2022/0708/O

Following the publication of the case officer report, one further objection has been received and issues in relation to TPO trees need amended and clarified from the original report.

Objection

The objection reiterates concerns that have already been raised regarding the proposed development, specifically emphasizing the environmental significance of the woodland. It underscores the need for preservation of Northern Ireland's limited wooded areas and affirms that luxury housing is incompatible with the location's ecological value. Accordingly, the objector stated that the application should be refused in alignment with ANDBC's stated environmental commitments.

Tree Removal

A detailed review of the submitted Tree Survey Reports and DRG 04B: Development Impact Drawing confirms that 18 trees are proposed for removal. This includes 9 trees protected under Tree Preservation Orders (TPOs) recommended for felling due to poor condition, disease (such as Ganoderma infection), or confirmed mortality, as well as 3 TPO trees required to be removed for construction works. The remaining 6 comprise 4 non-TPO trees and 2 TPO-protected trees with no stated reason for removal. While these figures indicate a slight increase from earlier estimates, the overall impact remains limited when considered in context: a significant majority of trees on site are to be retained, with many removals driven by arboricultural concerns rather than design. The proposal demonstrates careful planning around existing trees, and the inclusion of new planting and detailed landscaping plans at later stages will further ensure a net positive environmental outcome. The Council's Tree Officer reviewed the scheme and raised no objections subject to appropriate conditions.

Therefore, the recommendation to GRANT planning permission remains unchanged.

Unclassified

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ITEM 5

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 August 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	21 July 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	Statutory and Non-Statutory Planning Charges
Attachments	Appendix 5.1: Schedule of charges for copies/extracts from Planning Registers - see end of report; Appendix 5.2: Schedule of charges for removal of statutory charges - see end of report; Appendix 5.3: Schedule of charges for non statutory services - see end of report. Appendix 5.4 (separate): Report previously presented 2017

Background

1. Fees in respect of applications for planning permission are set out in regulations made by the then Department of the Environment (The Planning (Fees) Regulations (NI) 2015) and are applied across all eleven Councils and the Department for Infrastructure.

Not Applicable

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2. Section 242 of The Planning Act (NI) 2011 specifies that the Council must keep one or more registers containing such information as specified for each in accordance with the Planning (General Development Procedure) Order (NI) 2015. Section 242 (4) states that the Council may provide a copy of, or an extract from, any register kept under this section to any person on payment of such reasonable charge as the Council may specify.
3. A certain number of matters specified in Section 245 of the Planning Act (and the Land Registration Act (NI) 1970) require to be formally registered in the Statutory Charges Register. The Council receives a number of requests for removal of statutory charges which incur a charge to the Council (both the fee to remove and associated administrative processing costs) and it was previously agreed by members of the Planning Committee in 2017 (see Item 6a) that this charge be passed on to the requestor.
4. The Planning Service previously provided services for which there was no legislated fee. Through liaison with other council Planning Departments, a standard set of charges were determined as appropriate to facilitate recovery of part of the cost to Council (and in line with similar charges by Building Control) and was previously agreed by members.
5. Members should note that the last time details of proposed fees for various admin services were brought before members and agreed was in December 2017 with no increase in fees made since then therefore a review of fees for some services is considered overdue particularly given the change in trends since the COVID pandemic and the installation of the publicly available NI Planning Portal.
6. The Planning Department has operated an appointment- based system for its informal planning advice service since November 2017. It is proposed to increase the charge for this service to reflect the significant preparation by officers and time invested in gathering requested information in advance of the appointment.
7. The following proposed charges include:

Schedule of charges for copies/extracts from Planning Registers

- An increase from £3 per colour copy of decision notice to £5 including an increase from £5 to £6 for any file retrieval.

Schedule of charges for non-statutory services

- An increase from £10 for one file plus £5 for each additional file requested at the same time to £12 and £ 6 respectively.
- Increase for Copy plans per page (minimum charge £1) – see Appendix 3 for breakdown for sizes A4 -A0
- Increase for Scan copies per page (minimum charge £1) – see Appendix 3 for breakdown for sizes A4-A0

Not Applicable

RECOMMENDATION

It is recommended that Council approve the increase in fees for some admin services as per the attached appendices and these are added to the Council's published pricing schedule.

Not Applicable

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Appendix 5.1: Schedule of charges for copies/extracts from Planning Registers

Statutory Register	Proposed fee per copy (inc VAT @ 20%)
Applications made, or deemed to be made, to the Council for any permission, consent, approval or determination:	£5 per colour copy of decision notice plus £6 file retrieval (if required) in addition to copy plans charge
Proposal of Application Notice (made under Section 27 (2))	£5 each
Pre-Application Community Consultation Report (made under Section 28)	
Revocation or modification of any permission or consent granted the Planning Act	
Enforcement Notices or Listed Building Enforcement Notices	
Stop Notices	
Discontinuance Notices (made under Section 73)	
Simplified Planning Zones and Enterprise Zones	
Direction given by the Department under Section 105(4) – Control of Demolition in a CA and Section 118 – Emergencies/Hazards	
Hazardous Substance Contravention Notices	£5 in addition to copy plans charge
Tree Preservation Orders	
Notices under Section 127 – Preservation of Trees in Conservation Areas	£5 each
Breach of Condition Notices	
Certificates of Lawfulness of Existing Use or Development	
Building Preservation Notices	
Temporary Stop Notices	

Not Applicable

Appendix 5.2: Schedule of charge for removal of Statutory Charge

Type of Service	Cost to Council	Proposed fee (inc VAT @ 20%)
Removal of Statutory Charge from Statutory Charges Register of any of those matters made under Schedule 11 of the Land Registration Act (NI) 1970	£25 plus admin costs	£50

Not Applicable

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Appendix 5.3: Schedule of charges for non-statutory services

Type of Service	Cost to Council	Proposed Fee (inc VAT @ 20%)	
Open File Appointment	File retrieval from off-site storage, plus admin time to cleanse file, plus admin time to sit with viewer during appointment	£12 for one file plus £6 for each additional file requested at the same time	
Planning history search back to 1973	Admin costs to look up Planning Portal and tabulate	£30	
Copy plans per page. (minimum charge £1)		A4	50p
		A3	£1
		A2	£5
		A1	£8
		A0	£10
Scan copies per page. (minimum charge £1)		A4	20p
		A3	20p
		A2	50p
		A1	50p
		A0	50p

Appendix 5.4

Ards and North Down Borough Council

Council/Committee	Planning Committee
Date of Meeting	05 December 2017
Responsible Director	Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	21 November 2017
File Reference	Planning Committee
Legislation	Planning Act (NI) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input checked="" type="checkbox"/>
Subject	Statutory and Non-Statutory Planning charges
Attachments	Appendix 1: Schedule of charges for copies/extracts from Planning Registers; Appendix 2: Schedule of charge for removal of statutory charges Appendix 3: Schedule of charges for non statutory services.

Background

1. Fees in respect of applications for planning permission are set out in regulations made by the then Department of the Environment (The Planning (Fees) Regulations (NI) 2015) and are applied across all eleven Councils and the Department (now Department for Infrastructure).
2. Section 242 of The Planning Act (NI) 2011 specifies that the Council must keep one or more registers containing such information as specified for each in accordance with the Planning (General Development Procedure) Order (NI) 2015. Section 242 (4) states that the Council may provide a copy of, or an extract from, any register kept under this section to any person on payment of such reasonable charge as the Council may specify.
3. A certain number of matters specified in Section 245 of the Planning Act (and the Land Registration Act (NI) 1970) require to be formally registered in the Statutory Charges Register. The Council receives a number of requests for removal of statutory charges which incur a charge to the Council (both the fee to remove

and associated administrative processing costs) and it is recommended that this charge be passed on to the requestor as detailed at Appendix 2 of this report.

4. The Planning Service provides other services for which there is no legislated fee. Through liaison with other council Planning Departments a standard set of charges have been determined as appropriate to facilitate recovery of part of the cost to Council (and in line with similar charges by Building Control) and are proposed at Appendix 3.
5. This report was previously presented to Planning Committee at its meeting in June 2017, where officers were requested to review the proposed charging to more accurately reflect cost to Council.
6. The following proposed charges:
 - a. have been updated to offset the paper, time/labour and archive costs involved in retrieving, collating and copying information from planning documents;
 - b. are in line with existing fees levied by the other ten NI planning authorities and other GB planning authorities;
 - c. include scanning charges to acknowledge the considerable time and resource required in scanning and emailing copies of document;
 - d. are proposed to deter planning agents from using the Planning Department of the Council as a photocopying service;
 - e. include a reduction in the minimum charge from £5 to £1 to deter people requesting large batches of scanned copies (i.e. 49 A4 pages) without incurring a fee;
 - f. include a planning history search fee deliberately lower than the Property Certificate fee, to include a caveat that a formal, more precise history can be requested by way of the formal Property Certificate Service.
7. The Planning Department has introduced an appointment based system for its informal planning advice service which commenced on 6th November. A total of seven appointments per afternoon are available Monday to Friday. It is proposed to introduce a charge in the new financial year to reflect the significant preparation by officers and time invested in this service. A report will be brought back to members at that time.

RECOMMENDATION

It is recommended that Members approve the fees as per the attached appendices and be added to the Council's published pricing schedule.

Appendix 1: Schedule of charges for copies/extracts from Planning Registers

Statutory Register	Proposed fee per copy (inc VAT @ 20%)
Applications made, or deemed to be made, to the Council for any permission, consent, approval or determination:	£3 per colour copy of decision notice plus £5 file retrieval (if required) in addition to copy plans charge
Proposal of Application Notice (made under Section 27 (2))	£5 each
Pre-Application Community Consultation Report (made under Section 28)	
Revocation or modification of any permission or consent granted the Planning Act	
Enforcement Notices or Listed Building Enforcement Notices	
Stop Notices	
Discontinuance Notices (made under Section 73)	
Simplified Planning Zones and Enterprise Zones	
Direction given by the Department under Section 105(4) – Control of Demolition in a CA and Section 118 – Emergencies/Hazards	
Hazardous Substance Contravention Notices	£5 in addition to copy plans charge
Tree Preservation Orders	
Notices under Section 127 – Preservation of Trees in Conservation Areas	£5 each
Breach of Condition Notices	
Certificates of Lawfulness of Existing Use or Development	
Building Preservation Notices	
Temporary Stop Notices	

Appendix 2: Schedule of charge for removal of Statutory Charge

Type of Service	Cost to Council	Proposed fee (inc VAT @ 20%)
Removal of Statutory Charge from Statutory Charges Register of any of those matters made under Schedule 11 of the Land Registration Act (NI) 1970	£25 plus admin costs	£50

Appendix 3: Schedule of charges for non-statutory services

Type of Service	Cost to Council	Proposed Fee (inc VAT @ 20%)	
Open File Appointment	File retrieval (delivery and return) from Iron Mountain at £1 per file plus £6 delivery, plus admin time to cleanse file, plus admin time to sit with viewer during appointment	£10 for one file plus £5 for each additional file requested at the same time	
Planning history search back to 1973	Admin costs to look up Planning Portal and tabulate	£30	
Copy plans (minimum charge £1)		A4	10p
		A3	10p
		A2	20p
		A1	20p
		A0	£1
Scan copies (minimum charge £1)		A4	10p
		A3	10p
		A2	20p
		A1	20p
		A0	20p

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	05 August 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	21 July 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 6.1 Appeal 2023/A0072

Appeal Decisions

- The following appeal was dismissed on 19 June 2025.

PAC Ref	2023/A0072
Council Ref	LA06/2018/0673/O
Appellant	Laburnumhill Properties Ltd
Subject of Appeal	Dwelling and garage
Location	Lands approx 51m east of 1 Cardy Road East and approx 11m south of 10 Cardy Road East Greyabbey

The Council refused LA06/2018/0673/O on 10 October 2023 for the following reasons:

- The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding

Not Applicable

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reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, and would, if permitted, result in the creation of ribbon development along Cardy Road East.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY2A of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal is not located within an existing cluster of development which appears as a visual entity in the local landscape, the site fails to provide a suitable degree of enclosure, it is not bounded on at least two sides with other development in the cluster and development of the site could not be absorbed into an existing cluster through rounding off and consolidation and would visually intrude into the open countryside.

4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and criteria (b) and (c) of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, fail to be visually integrated into the surrounding landscape as the site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

5. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, further erode the rural character of the area due to a build-up of development and the creation of a ribbon of development along Cardy Road East.

In relation to the second reason for refusal the Commissioner had to consider whether the appeal site represents a gap site within an otherwise substantial and continuously built-up frontage. Paragraph 5.34 of the amplification text of Policy CTY8 infers that for the purposes of the policy, the 'gap' is between buildings. A building has frontage to a road if the plot on which it stands, abuts the road. Cardy Gospel Hall and its other building both have frontage to the road. The dwelling (No. 7) on the other side of the appeal site is set back from Cardy Road East, and only its access abuts the road. Therefore, No. 7 does not have frontage to the road. Accordingly, there are only two buildings along a road frontage on this side of Cardy Road East. Thus, there is no substantial and built up frontage. Therefore the proposed dwelling and garage would not be on a gap site within an otherwise substantial and continuously built up frontage. The appeal proposal would therefore create a ribbon of development with Cardy Gospel Hall and its other, associated building along Cardy Road East. The Council's second reason for refusal is therefore sustained.

In relation to the third reason for refusal both the appellant and the Council agreed that there is development that lies outside of a farm and consists of four or more

Not Applicable

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buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. However, it was disputed as to whether the alleged cluster of development appears as a visual entity in the local landscape. The Council accepted that the existing gospel hall represents a focal point given that it is a community building. However, they contend that the gospel hall is not located within an existing cluster of development.

Following a site visit the Commissioner determined that the buildings identified within the alleged cluster do not appear as a visual entity in the local landscape. The appeal proposal fails to comply with the second criterion of Policy CTY2a.

The Commissioner also determined that the appeal site does not provide a suitable degree of enclosure, nor is it bounded on at least two sides with other development in the alleged cluster. The fourth criterion of Policy CTY2a is therefore not met.

The proposed dwelling and garage would create a ribbon of development together with the gospel hall and its associated, other building. This would result in a build-up of development in this locality, which would significantly alter the existing character on this side of Cardy Road East and visually intrude into the open countryside. The fifth criterion has therefore not been complied with. Thus, the proposed dwelling and garage offends Policy CTY2a of PPS21 and the third reason for refusal was sustained.

The Commissioner considered that the proposed dwelling and garage would not satisfactorily integrate into the landscape. Accordingly, the appeal proposal offends Policy CTY13 of PPS21 and therefore the Council's fourth reason for refusal was sustained.

Given that the proposed dwelling and garage would be set back from the road akin to No. 7 and the gospel hall, it would result in a suburban style build-up of development when viewed with those buildings. This is even with the vegetation surrounding No. 7. It would also create a ribbon of development when viewed with Cardy Gospel Hall and its associated, other building. This would result in a detrimental change to the rural character of the area and offend Policy CTY14 of PPS21. The Council's fifth reason for refusal is therefore sustained.

With regard to the first reason for refusal as the proposal fails to comply with Policy CTY2a and CTY8 of PPS21, and no overriding reasons were presented that demonstrate that the proposed development is essential, the appeal proposal therefore offends Policy CTY1 of PPS21 and the related provisions of the SPPS. It also offends Policies CTY13 and CTY14 of PPS21. The Council's first reason for refusal is therefore upheld.

The appeal failed and the report is attached at appendix 6.1.

Appeals Lodged

1. No planning appeals have been lodged since the date of the last report

Not Applicable

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

RECOMMENDATION

It is recommended that Council notes the report and attachment.

Unclassified

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ITEM 7

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 August 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Finance
Date of Report	03 June 2025
File Reference	FIN45
Legislation	Section 5 Local Government Finance 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:
Subject	Planning Service Budgetary Control Report - March 2025
Attachments	

The Planning Service's Budgetary Control Report covers the 12-month period 1 April 2024 to 31 March 2025. The net cost of the Service is showing an underspend of £135k (7.8%) – box A on page 2.

Explanation of Variance

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

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£256k favourable	2
Report 3	Goods & Services Expenditure	£131k favourable	2
Report 4	Income	£252k adverse	2

Not Applicable

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Explanation of Variance

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

Type	Variance £'000	Comment
Payroll	(256)	Vacant posts include PTO and SPTO. Restructure of organisation and vacancies should be filled at start of 25/26 year.
Goods & Services	(131)	Range of underspends (Printing, planning portal, legal services, sundry expenditure etc.)
Income	252	Mainly Planning application fees. No major applications received this year.

REPORT 1 BUDGETARY CONTROL REPORT					
Period 12 - March 2025					
	Year to Date Actual £	Year to Date Budget £	Variance £	Annual Budget £	Variance %
Planning					
730 Planning	1,604,923	1,740,400	(135,477)	1,740,400	(7.8)
Total	1,604,923	1,740,400	A (135,477)	1,740,400	(7.8)
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Planning - Payroll					
730 Planning	2,266,664	2,522,500	(255,836)	2,522,500	(10.1)
Total	2,266,664	2,522,500	(255,836)	2,522,500	(10.1)
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Planning - Goods & Services					
730 Planning	235,633	367,500	(131,867)	367,500	(35.9)
Total	235,633	367,500	(131,867)	367,500	(35.9)
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Planning - Income					
730 Planning	(897,374)	(1,149,600)	252,226	(1,149,600)	21.9
Totals	(897,374)	(1,149,600)	252,226	(1,149,600)	21.9

RECOMMENDATION

It is recommended that the Council notes this report.

Unclassified

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ITEM 8

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	05 August 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Finance
Date of Report	18 July 2025
File Reference	FIN45
Legislation	Section 5 Local Government Finance 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:
Subject	Planning Service Budgetary Control Report - June 2025
Attachments	

The Planning Service's Budgetary Control Report covers the 3-month period 1 April 2025 to 30 June 2025. The net cost of the Service is showing an underspend of £69k (15.4%) – box A on page 2.

Explanation of Variance

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

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£92k favourable	2
Report 3	Goods & Services Expenditure	£3k favourable	2
Report 4	Income	£26k adverse	2

Not Applicable

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Explanation of Variance

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

Type	Variance £'000	Comment
Payroll	(92)	Restructure of organisation and vacancies should be filled start from Q2 onwards
Goods & Services	(3)	Range of small underspends – mainly due to budget profiling
Income	26	Mainly Planning application fees.

REPORT 1 BUDGETARY CONTROL REPORT					
Period 3 - June 2025					
	Year to Date Actual £	Year to Date Budget £	Variance £	Annual Budget £	Variance %
Planning					
730 Planning	378,186	446,800	(68,614)	2,122,600	(15.4)
Total	378,186	446,800	A (68,614)	2,122,600	(15.4)
REPORT 2 PAYROLL REPORT					
	£	£	£	£	%
Planning - Payroll					
730 Planning	562,897	654,900	(92,003)	2,619,300	(14.0)
Total	562,897	654,900	(92,003)	2,619,300	(14.0)
REPORT 3 GOODS & SERVICES REPORT					
	£	£	£	£	%
Planning - Goods & Services					
730 Planning	41,080	43,900	(2,820)	492,400	(6.4)
Total	41,080	43,900	(2,820)	492,400	(6.4)
REPORT 4 INCOME REPORT					
	£	£	£	£	%
Planning - Income					
730 Planning	(225,791)	(252,000)	26,209	(989,100)	10.4
Totals	(225,791)	(252,000)	26,209	(989,100)	10.4

RECOMMENDATION

It is recommended that the Council notes this report.