

ARDS AND NORTH DOWN BOROUGH COUNCIL

26 August 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 02 September 2025** commencing at **7.00pm**.

Yours faithfully

Susie McCullough
Chief Executive
Ards and North Down Borough Council

A G E N D A

- 1. Apologies
- 2. Declarations of Interest
- 3. Matters arising from the Planning Committee minutes of 5th August 2025 (Copy attached)
- 4. Planning Applications (Reports attached)

4.1	LA06/2025/0516/F	Change of use from ancillary residential accommodation to dwelling 81 Cotton Road, Bangor
4.2	LA06/2023/2012/F	Dwelling (change of house type from approval W/2011/0015/RM) Land between 3 and 4 Sheridan Grove, Helens Bay
4.3	LA06/2024/0720/F	Extension to Existing Temporary Structure to provide additional exhibition space and storage with ramped access. Erection of Project 24 Exhibition Pod. (Temporary Permission) The Sir Samuel Kelly Compound, Copeland Marina Carpark, Railway Street, Donaghadee

4.4	LA06/2023/1688/F	2No. semi-detached dwellings and garages, associated site works and landscaping Approximately 40 m NE of no 12 Craigavad Park, Holywood, 'Plot 16'
4.5	LA06/2023/1984/F	Demolition of building and erection of 4 storey building comprising ground floor office and 5 apartments above King House, 37-39 High Street, Holywood

Reports for Approval

5. Update to Statement of Community Involvement (Report attached)

Reports for Noting

- 6. Update on Planning appeals (Report attached)
- 7. Dfl Annual Planning Statistics 2024-25 (Report attached)
- 8. Update on Trees Preservation Orders and Works (Report attached)

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

Reports for Noting

9. Quarterly update on Enforcement Matters (Report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

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

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 5 August 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine (zoom)
McDowell
McIlveen
Smith

Councillors:	McCollum	McKee (zoom)
	Harbinson	Morgan (zoom)
	Hennesy	Smart
	Kendall (zoom)	Wray
	Kerr	

Officers: Director of Place (B Dorrian), Head of Planning (G Kerr), Planning Officers (C Barker and J Hanna) and Democratic Services Officer (J Glasgow)

1. APOLOGIES

An apology for inability to attend was received from Councillor Cathcart.

2. DECLARATIONS OF INTEREST

Councillor Hennesy declared an interest in Item 4.1 - LA06/2025/0137/F – 2 Brianville Drive, Bangor.

Alderman McIlveen declared an interest in Item 4.2 - LA06/2023/2314/F – 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.

Councillor Smart declared an interest in Item 4.2 - LA06/2023/2314/F – 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 and Item 4.4 - LA06/2022/0708/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.

3. MATTERS ARISING FROM THE PLANNING COMMITTEE MINUTES DATED 1 JULY 2025

PREVIOUSLY CIRCULATED:- Copy of the above.

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

4. PLANNING APPLICATIONS

4.1 LA06/2025/0137/F – 2 Brianville Drive, Bangor (Appendices I – II)

PREVIOUSLY CIRCULATED:- Case Officer's Report and Addendum.

DEA: Bangor East and Donaghadee

Committee Interest: Local application, called in from the delegated list.

Proposal: Single storey wooden structure for home gym and workshop to the front of the property (retrospective)

Site Location: 2 Brianville Drive, Bangor

Recommendation: Refuse Planning Permission

Having previously declared an interest in the item, Councillor Hennessy withdrew from the meeting.

The Chair welcomed Dr Jonathan Hanna, Planning Officer to the meeting.

The Planning Officer (J Hanna) commenced his presentation of the application. After a short period, technical difficulties were experienced and the meeting went into recess until those were rectified.

The Planning Officer then recommenced his presentation for the benefit for those in attendance virtually.

The Planning Officer detailed that the application had been brought before Planning Committee for consideration as Officers had recommended refusal of the application as it was 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 was 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, detracted from the appearance and character of the surrounding area.

For note, additional information had been received. Officers had given this consideration and that was contained the addendum circulated to members. Nothing new had been materially raised. One letter of objection had been received in relation to the proposal. The specific concerns raised were set out and considered in detail in the case officer's report. The material considerations raised related mainly to the visual impact of the development on the character of the area.

The site was located in a long-established residential area in Bangor East and Donaghadee. The area generally comprised detached dwellings on moderately sized plots. In the immediate area on Brianville Drive, the dwellings were similar in design with a mix of finishes.

The existing dwelling had a one and a half storey appearance to the front but had a full two storeys to the rear with a single storey extension projecting out from the rear facade. The site boundaries were defined by hedges to the east of the site and some fencing along the northern aspect.

The slide displayed the site layout plans, the structure shaded in red was already in situ and was situated to the front of the plot. The structure itself measures 7m x 6m with a ridge height of 3m with the finish in a light timber cladding. The description of the proposal indicated that the use would be for a home gym and workshop, separating by an internal divide.

In respect of the policy context, EXT1 of the PPS 7 Addendum was material in assessing the application. Officers were of the opinion that the proposal did not comply with criteria (a). In relation to the policy's justification and amplification, the applicant had provided supporting information which the planning department accepted detailing a need for the home gym. As such officers had assessed the application under relaxed policy criteria.

In respect of the impact on character, the Planning Officer detailed that Policy EXT1 of PPS7 Addendum required the scale, massing, design and external materials of the proposal to be sympathetic to the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area. The Planning department was satisfied that the design and materials of the proposed extension would not be out of keeping with both the existing dwelling and the surrounding area. However, the positioning within the front garden was deemed to not comply with relevant planning policy. Paragraph 4.12 of the SPPS stated: *"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 structure was considered to be visually intrusive.

EXT1 also required that the guidance set out in the PPS7 addendum was taken into account when assessing proposals. Paragraph A12 specifically highlighted outbuildings that extend beyond the established building line or were located in front gardens could over-dominate the property and negatively impact the street scene and were not considered to be acceptable. Furthermore, Paragraph A11 stipulated that outbuildings should be subordinate in scale and compatible in style with the existing property.

The Officer displayed a visual which showed views of the site from different aspects travelling along Kilmaine Road. As could be seen there were limited views, with the structure becoming more prominent as approaching the junction while views from the south were screened by hedge. It was noted that while this hedge did offer screening from this aspect, it did encroach the public footpath by approximately one metre.

In respect of the views from Brianville Drive, the shed did appear prominent from several viewpoints from this direction.

The need for the building must also be carefully weighed against the harm caused to the character and appearance of the area, and also whether or not alternative options were available. In this case, there were two smaller sheds within the curtilage of the property to the rear. It was considered that those could easily be replaced with a larger shed to accommodate the gym as indicated by the area shaded yellow. The 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 sympathetic consideration had been given in accordance with paragraph 2.7 of PPS7, it was not considered that the need for the size or location within the front garden had been justified. Within that policy, it stated that imaginative design considerations would be considered, providing it also meet the criteria. Considering the size and location of the structure in advance of the established building line it was over-dominant, visually intrusive to the streetscape, and would detract from the overall character of the area, subsequently failing to meet criteria (a).

In respect of the impact on residential amenity, the Planning department was also satisfied that the proposed development would not result in any unacceptable adverse impact on the privacy or amenity of neighbouring residents. The adjacent properties most likely to be impacted by the development included those closest at 4 Brianville Drive adjoining the site, and no.1 &3 adjacent the site.

In terms of the privacy of neighbouring properties, the structure did not include any windows facing adjacent dwellings, and therefore, no adverse impact in terms of overlooking had been identified. Furthermore, as the shed was a modest height of 3 metres, it was not considered to cause overshadowing or result in any significant loss of light to neighbouring properties.

Considering the impact on the amenity space within the site, the available recreational space around the property had been significantly diminished. The site had become increasingly developed with multiple sheds and storage structures, leading to a substantial reduction in usable amenity space. Paragraph A41 of PPS7 offered guidance stating that the garden area surrounding a residential property played 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.

Based on the measurements taken from the submitted site layout plan approximately 78 sq.m of amenity space remained to the rear and side of the dwelling. However, it appeared that the site plan did 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, showed the available space was even more limited than indicated. The footprints of the two smaller sheds to the rear of the site were larger than shown on the submitted plans.

Following measurement the remaining space was approximately 38 sq.m, which fell below the minimum acceptable standard for private amenity space as set out in Creating Places guidance. Taking into account the modest size of the plot and the significant reduction in available recreational space, it was considered that the site was currently overdeveloped. However, given that the remaining private amenity space was just below the recommended minimum of 40 sq. m and giving weight to the specific need for the proposal, it was not considered to fall against criterion (d) of EXT1.

In summary, the Planning Officer detailed that the proposal was not considered to be acceptable taking account of the relevant policy requirements and guidance contained within the Addendum to PPS7. The proposal was 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, detracted from the appearance and character of the surrounding area. Therefore, on this basis it was recommended that full planning permission should be refused.

The Chair invited questions from Members.

Alderman McIlveen noted that the structure was temporary and he asked if there was any scope for permission for a temporary structure for a number of years to accommodate this type of application. The Planning Officer stated that Officers had to assess what was before them. The application was retrospective as a result of enforcement action. A temporary permission would still have a similar effect.

Alderman McIlveen stated that the alternative suggested was the removal of the sheds to the rear and replacement with a shed that fitted into that space. The planning department had recognised the need, it was for Council to decide if it met policy and to look at EXT1 in a sympathetic way. Alderman McIlveen questioned if it was within the Committee's power to accept the proposal on a temporary basis.

The Head of Planning appreciated that the application was for disabled persons and Officers had tried to be as lenient as they could. Temporary permission had not been applied for and even if it was temporary it still did not comply with policy. The planning department were of the view that the shed was unacceptable in the position as it was forward of the building line. Officers had set out what would be acceptable and that could be given future consideration by the applicant, however that would need to be done under a fresh application.

The Mayor, Councillor McCollum appreciated that the application would attract sympathy given the circumstances and the planning department had therefore given the application consideration under paragraph 2.7. She accepted temporary permission had not been applied for but asked if temporary permission could be granted to allow for reorganisation of the site if the applicant was minded to do so.

The Head of Planning stated that the opinion was that the existing location was unsuitable whether it was temporary or not. There were sheds to the rear that could be reconfigured and/or reutilised without using the shed at the front. She reminded Members, that the application had been submitted due to enforcement action and there was one objection to the application. Planning Officers had fully considered the

application and in their professional planning opinion was that even on a temporary basis the shed would not be acceptable.

Councillor McCollum questioned if the shed had been smaller would it have been acceptable. The Planning Officer reiterated that Officers had to assess what was before them. It would difficult to say that a shed to the front of the property would not detract from the streetscape. There was scope to the side and to the rear of the property for reconfiguration.

Councillor McCollum asked if the location of the shed would be definitively fatal. The Head of Planning stated that Officers would not pre-determine.

Alderman Graham highlighted that the Case Officer's report noted that the mature hedge screened the shed. The Officer had expressed some reservations regarding the sustainability of that hedge. Alderman Graham asked if it would be correct to say that the hedge completely screened the shed from the Kilmaine Road direction.

The Planning Officer stated that travelling north from the Kilmaine Road, the shed was well screened. The hedge had grown considerably since the pictures were taken. The hedge was very overgrown onto the footpath. The views had been considered as a whole and from Brianville Drive, the shed was very prominent and sat out.

In relation to the suggestion regarding the removal of the sheds to the rear, Alderman Graham asked if that would mean the contents of those sheds would have to be removed. The Planning Officer stated that was a matter for the applicant. Planning Officers felt there was a potential solution in terms of the sheds to the rear however it was up to the applicant to come forward. As stated in relation to paragraph 2.7, innovative and imaginative design proposals could come forward. Therefore, Officers were not against a creative solution to the problem however the application as it currently stood was not deemed acceptable.

Alderman Smith questioned how disability was weighed in a quantitative way. The Planning Officer stated that applicants did provide information that spoke to the need for the application and the planning department did take that into consideration.

Alderman Smith stated that in this case the application and the additional notes did outline the need and the reasoning and he questioned how the final judgement was made.

The Planning Officer stated that it was important to note that within PPS7, paragraph 2.7, clarification and justification, allowed for a relaxation of what was being assessed. The application was still being assessed under EXT1 and the criteria in terms of scale, massing, impact of streetscape etc were still applicable. Due to the need, officers were allowing for that relaxation however in this instance the shed was considerable in size, went beyond the building line and would have a significant effect on the streetscape.

Alderman Smith noted that there was two sheds to the rear, there was also a middle shed and he wondered what that was used for. The Planning Officer confirmed there was also a large shed/portacabin and he was unsure what that was used for.

Referring to the hedge, Alderman Smith wondered if there was a condition in relation to additional planting to screen the gable end of the shed or a form of softening would that mitigate. The Planning Officer stated that there was considerable views of the structure along Brianville Drive that were long range. He believed such planting would be difficult to implement on site with the shed being close to the boundary. He did not feel there was any way to mitigate the view from Brianville Drive appropriately.

In relation to moving the shed, Alderman McAlpine asked if the age of the shed was known. The Planning Officer stated that the enforcement case was opened in May 2024 with the shed having been erected possibly in January 2024.

In that case, Alderman McAlpine felt that it may well be feasible to move the shed to the rear of the property and cut back the hedge at the rear to allow for more room. She questioned if the shed would need planning permission if it was situated to the rear.

Due to the size of the shed, the Planning Officer confirmed that planning permission was needed and permitted development rights would not apply.

Alderman Graham noted the sensitivities around the application and it was therefore it was difficult to consider.

Proposed by Alderman Graham, seconded by Councillor Morgan, that the Council evoke the relaxations under the applicable policy and grant planning permission. Subject to the conditions that the hedge on the Kilmaine Road was maintained at such a height to provide adequate screening. Also that the finish of the shed was maintained in the natural wood finish.

Speaking further to his proposal, Alderman Graham recognised the judgements made by the planning department however he believed the situation to be unique. He felt the hedge along the Kilmaine Road did mitigate to some degree and the need for the shed was quite extreme. Therefore, Alderman Graham was of the view that the Committee needed to make a judgement considering the number of factors raised. In this instance, he stated that planning permission should be granted with the condition that the hedge needed to be tamed. With regards references made to moving the sheds to the rear, that to a certain extent would interfere with the lifestyles of the people that lived in the property. There was a desire for privacy rather than having the recreation outside and there were issues within that demanded the need for covered space for the recreation and the well-being of the individual concerned. He recognised the size of the structure and the fact that was very close to the building line was pushing tolerance to the edge. The shed was not directly in front of the house, it sat more to the side of the house in the garden and he felt that needed to be taken into consideration. Given all the circumstances outlined, Alderman Graham was content to make his proposal.

As seconder, Councillor Morgan endorsed the comments of Alderman Graham. She viewed the situation as unfortunate and recognised that the views of the Planning Officers in relation to planning policy. However, looking at the whole situation she felt planning permission should be granted.

Alderman McIlveen referred to the matter of planning permission granted for a limited period and under section 52 he did believe the Committee would have the power to impose a condition. In respect of the proposal, he was mindful and was concerned that once permission was given that would last in perpetuity. Alderman McIlveen was sympathetic to the need that the family had at this particular time. He wished for time to be given to receive clarity that whether or not a condition could be put in place to ensure the perpetuity did not take effect. Alderman McIlveen questioned if the proposer and seconder would allow for that to occur.

It was the duty as Acting Head of Planning to advise that there had to be proper planning reasons provided to make a decision different to the Officer's recommendation. She noted Alderman Graham had set out his reasoning. The protocol was clear that any overturn of decision, additional advice could be obtained to ensure what was occurring was sound. The Head of Planning also highlighted that any decision made could have the capacity to create a precedent in the residential area and wider residential areas. As detailed, the planning department had been lenient and in the professional opinion of Planning Officers the application did not comply with planning policy.

Alderman McDowell agreed with the comments of Alderman McIlveen was uncomfortable that the proposal could set a precedent, providing people the opportunity to put large sheds in their front garden. He stated that he was also sympathetic to the family's needs and he felt the best way forward to put a time limit on the shed.

The Head of Planning stated that further advice would need to be obtained in relation to a temporary permission as that was not what had been applied for. She highlighted the importance of protecting the Committee and its decision from a legal perspective.

Proposed by Alderman McDowell, seconded by Alderman McIlveen, as an amendment, that the application be deferred for one month.

Councillor Wray felt uncomfortable that the proposal and that that would set a precedent. He did have sympathies for the applicant and the family however he stated that he did have similar sympathies for other cases and as the application that was before Committee was contrary to planning policy it should not be approved. Councillor Wray would be content to support a proposal for deferment of the application for one month.

Alderman Graham stated that the shed was not bricks and mortar and therefore would not have the same lifespan as a brick building. He appreciated the shed was big however the circumstances within the family were extreme. Regarding the issue of precedent, he felt that if someone else applied for planning permission to build a

shed in front garden with no extreme disability issues then he felt it was a completely different situation. Alderman Graham appreciated the remarks of other members however was content with his proposal as it stood.

Councillor Wray sought clarity on the amended proposal.

The proposal was put to the meeting and was declared CARRIED, with 13 voting FOR, 0 AGAINST, 1 ABSTENTION and 2 ABSENT.

FOR (13)	AGAINST (0)	ABSTAINED (1)	ABSENT (2)
Aldermen			
Graham			
McAlpine			
McDowell			
McIlveen			
Smith			
Councillors		Councillor	Councillors
Harbinson		McClean	Cathcart
Kerr			Hennessy*
Kendall			
McCollum			
McKee			
Morgan			
Smart			
Wray			

**declared an interest*

RESOLVED, on the proposal of Alderman McDowell, seconded by Alderman McIlveen, that the application be deferred for one month to allow for additional clarification to be provided including the provision of legal advice.

(Councillor Hennessy re-entered the meeting)

4.2 LA06/2023/2314/F - 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

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

DEA: Newtownards

Committee Interest: Falls within the category of major development.

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.

Site 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

Recommendation: Grant Planning Permission

(Councillor Harbinson withdrew from the meeting – 7.57 pm)

(Having previously declared an interest in the item, Alderman McIlveen and Councillor Smart withdrew from the meeting)

The Head of Planning (G Kerr) outlined the detail of the application. The site occupied a central location within the settlement of Newtownards being formerly occupied by the old Ards Leisure Centre. The site currently had a meanwhile use as a public car park being used mainly by Council and Ards Hospital employees.

(Councillor Harbinson re-entered the meeting – 7.58 pm)

The immediate area was characterised by a broad mix of uses including, residential, retail, industrial, business and education. In terms of the development plan context, the site was located just north-west of the town centre and was not zoned for any particular use nor was it subject to any designations.

The Head of Planning displayed some photographs of the site. The visuals showed:-

- The main view from the Hardford Link/William Street junction;
- The view from the Hardford Link/Corry Street junction looking towards the existing playpark, the existing site entrance and frontage onto William Street;
- The existing car park on the site looking towards the rear of properties along Corry Street and also the existing right of way from Corry Street into the site.
- The existing car park looking towards the rear of properties along William Street and also the former sports pitch.

The site was already predominantly hard surfaced with the exception of the playpark and associated small area of grassed open space in the western corner. The topography of the site was relatively level throughout with just a slight drop in levels at the southern corner of the car park. In terms of the proposed site layout for the Park and Ride facility, the Head of Planning explained that the main access to the site would continue to be taken from William Street and would just be repositioned slightly further to the north. A secondary access off Corry Street would serve buses only with bus pick up and drop off points and shelters being located in the northern area of the site adjacent to Hardford Link. The existing playpark would be relocated to the north-eastern corner of the site set within a small area of grassed open space. Cycle shelters would also be located in this north-eastern corner in close proximity to the bus drop off and pick up points.

As the planning application was for a major development, pre-application community consultation was carried out in accordance with the requirements of Section 27 of the Planning Act and Regulation 5 of the Planning Development Management Regulations with a public consultation event held on 1st June 2022 in the Strangford Arms Hotel. A lot of general support for the scheme was received and while some concerns were raised, those had been addressed by the applicant in the Pre-Application Community Consultation report submitted with the application. It was also of note that no objections from third parties had been received during the processing of the application.

The proposal would deliver a much-needed Park and Ride facility for Ards. The Ards and Down Area Plan identified the former Scrabo High School site at the bottom of Kemp Stones Road as a potential location for a modal interchange under proposal NS37, intended to provide express bus services and a park and ride facility. However, since the adoption of the ADAP, this site had been substantially redeveloped for housing with a further planning application for an additional 24 dwellings currently under consideration, therefore development of this site for a Park and Ride facility would no longer be feasible.

The proposed site for the Park and Ride facility was considered to meet the regional strategic objectives for transportation as set out in the SPPS, encouraging travel by public transport and reducing reliance on the private car to help tackle growing congestion. The site was well served by main traffic routes and was accessible by foot with Newtownards bus station located nearby, 700m to the south-east on Regent Street. The current proposal was 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 and would provide additional facilities to link to the existing Glider route on the Newtownards Road.

The proposal also met the requirements of Planning Policy Statement 3, Policy AMP10: Provision of Public and Private Car Parks which required proposals to meet a need identified by the Department for Regional Development or a need accepted by DRD following a robust analysis provided by the developer. In 2015 DfI carried out a strategic review of Park and Ride in NI which sought to enhance the targeted provision of Park and Ride. Strategic transport corridors into Belfast and the Park and Ride facility currently proposed for Newtownards was one of 5 projects that had been prioritised by DfI as part of the Park and Ride programme across NI. The selection process for the Ards Park and Ride facility involved a detailed appraisal carried out by Atkins Consultancy who were commissioned by DfI in 2018. Three sites were considered, the current former leisure centre site, former MOT centre and the site at Kempe Stones Road, taking account of factors such as location, size, site availability and service capacity to determine their suitability for development with the former leisure centre site ranking highest by the study.

The impact of the development on existing highways had been considered in detail in the submitted Transport Assessment. A number of road improvement works would be undertaken in accordance with the findings and recommendations of the transport assessment however overall, the development had been shown to have minimal impact on existing road network operation. Road improvement works would include a right turn ghost island at the William Street site access to ensure that through traffic movement here remained uninhibited. A proposed left turn lane only and give way junction would be provided at the junction of William Street and Hardford Link and a proposed right turn ghost islands would also be provided from Hardford Link onto Corry Street and from Hardford Link onto Glenford Road.

A detailed landscaping scheme had been submitted with the application. While some of the existing trees along the William Street frontage would need to be removed to accommodate the new access and footway, a considerable number of new trees would 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. Small

pockets of landscaping and tree planting had been proposed throughout the car park layout to break up the large areas of hardstanding. Given the extensive landscaping proposed and the retention and enhancement of the soft green edges around the site, it was considered that the proposal would cause no adverse visual impact on the existing townscape.

The existing play park and small area of open space would be relocated to the north-eastern corner of the site and as set out in the case officer's report, the Planning Department was satisfied that the proposal meets the requirements of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation. It was proposed that the ownership and management of the replacement playpark would be transferred to the Council. It was also recommended that approval would be subject to a condition requiring details of the design of the playpark and the play equipment to be submitted to the Council for approval prior to commencement of development along with a management and maintenance plan.

In terms of environmental impact, an Ecological Appraisal was undertaken and an Ecology Report submitted with the application. Both Shared Environmental Service and DAERA Natural Environment Division were consulted on the application and were content that the project would result in no adverse impact on the integrity of any European site. NED was also content that the proposal was unlikely to result in any significant impact on protected or priority species and habitats subject to the recommended conditions.

The Planning Department was also content that the proposal would not result in any unacceptable adverse impact on the amenity of adjacent residential properties. Noise Assessment and Air Quality Assessment reports had been submitted in support of the application. The Noise Assessment concluded that the proposed park and ride car park and bus centre would feature noise sources that were already present within the existing ambient noise climate (i.e. road traffic noise). As such, the proposal was not expected to cause a nuisance in this respect. Environmental Health had been consulted and having considered all of the submitted information and assessments, was content subject to the recommended planning conditions.

In terms of impact on privacy, 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. All of those properties are between 23-39m from the site boundaries with 2-3m high acoustic fencing proposed to provide further mitigation. Furthermore, given that the area to the immediate rear of the existing dwellings was originally used as a car park for the leisure centre and continued to be used as car parking it was not considered that the proposed Park and Ride car parking use would result in any significantly greater impact.

A series of pole mounted lighting columns and CCTV cameras were also proposed throughout the site. It was considered that all of those were located a sufficient distance from existing residential properties to ensure no adverse impact on amenity would occur. Environmental Health had raised no concerns with regard to the proposed lighting subject to a condition requiring that any artificial lighting must

conform to the requirements of the light intrusion levels contained within Table 2 of the Institute of Light Engineers Guidance Notes.

In summary, the Planning Department was satisfied that the proposed Park and Ride facility meets all of the relevant planning policy requirements contained within the SPPS and Planning Policy Statement 3: Access Movement and Parking and would not be contrary to any policies or designations contained within the ADAP.

The proposal would provide a much-needed Park and Ride facility for the Ards area in line with the need identified by DfI. No objections had been received to this application from third parties. Therefore on this basis it was recommended that full planning should be granted.

The Chair invited Martin Kelly (Gravis Planning), Keith Hanna (Tetratex) and Jennifer Faulconbridge (Translink) to the meeting and they were admitted to the virtually.

Mr Kelly detailed that a Strategic Review of Park and Ride carried out by the Department for Infrastructure sought to target provision of Park & Ride proposals to locations which provided maximum opportunity to meet strategic objectives based on settlement and commuting patterns together with the availability of high quality and frequent public transport services. Translink was leading the transformation of public transport in Northern Ireland through a vision to be 'Your first choice for travel, today, for tomorrow'. They were creating the advanced public transport services and integrated networks which connected people and communities, enhance the economy and improve health and the environment.

The proposed Park and Ride facility in Newtownards included 450 park and ride spaces (including 22 disabled access parking), a tarmacked parking area, landscaping, boundary fencing, CCTV, and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter, acoustic fencing and a relocated playpark. The subject site was 3.81 hectares and was the site of the former Ards Leisure Centre, 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 in Newtownards. Demand for Park and Ride facilities had grown in recent years as more and more people enjoy the convenience of taking public transport as a better way to travel. Translink had found that customers enjoy more productive time on board with the opportunity to work, browse the internet and social media with free WiFi or simply relax on board.

The proposal was designed to meet growth in demand from passengers travelling on the important transport corridor from Newtownards to Belfast while also benefitting North Down and the Ards Peninsula. The planning application was submitted to the Council in September 2023 following a successful Pre-Application Community Consultation process the feedback from which was very positive and helped refine the proposal and design. 2

Key design principles were formulated at the outset which underpin the development following an analysis of the site and its context. These included:

- Preserve and enhance the existing landscaping features to provide an attractive and ecologically rich environment that integrates into the surroundings;
- Attain a suitable access off William Street;
- Provide adequate pedestrian access;
- Provide a development that is highly accessible for the public with disabilities, through measures such as widening pedestrian pavements and dropped kerbs;
- Provide a development that contributes and enhances the already existing environment;
- Consider pedestrian linkage to the public road network;
- Provide suitable drop off points;
- Eliminate the health and safety risk to pedestrians, associated with users parking on the road network and nearby car parks;
- Future-proof the development to cope with projected growth of public transport users.

The new P&R facility would be accessed off William Street, Newtownards via the relocation of an existing access to the site. A right turn ghost island would 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 remained uninhibited. A new left turn slip lane with associated pedestrian island was proposed on the William Street arm of the William Street /Hardford Link/ Talbot Street / Cullybackey Road signalised junction. A proposed right turn ghost island was also provided on Hardford Link into Corry Street.

The design took cognisance of the needs of pedestrians, with footways, dropped kerbs and tactile paving included at appropriate locations within the development and linkages to the bus stops. The site would be monitored with CCTV cameras. Signage will also be used within the proposed development to direct pedestrians from their cars to a safe route to the bus stops.

The proposal sought to retain as much existing boundary vegetation as possible and augment this with supplementary planting of appropriate species to integrate the facility into the surrounding setting. The proposed park and ride facility would greatly enhance the opportunity for commuters to make use of existing public transport facilities. The displacement of on street and providing additional off-street parking in the vicinity of Newtownards Bus Station would make the public bus service more accessible. That would encourage a modal shift from the private car to public transport. The park and ride facility would provide a bus turning area within the site for bus substitution services. That meant a reliable service could be provided for public transport users.

Mr Kelly welcomed the Council's recommendation and commended the Council's Planning Section for their helpful assistance throughout the application process along with their consultees, in bringing this application to this stage.

The Chair invited questions from Members.

Alderman Smith raised a question regarding vehicle charging infrastructure. Ms Faulconbridge advised that with regards to e-charging points, Translink had future proofed the site and the ducting would be in place but those were not included at this

point. DfI were developing their own policy on e-charging and whether that would be included within park and ride sites. The use around park and rides and whether it was appropriate for people to park and charge their vehicles all day was debatable. On a side note, Ms Faulconbridge advised that in terms of the Translink fleet the aim was to be zero emissions by 2040.

Alderman Smith noted that the Park and Ride was not far from Newtownards town centre, it would nice to have additional free parking for town however noted that was not the primary purpose. He asked how usage could be managed. Ms Faulconbridge stated that the facility was being put in place to alleviate congestion, help with reducing emissions and supporting modal shift. From experience in other areas, it was found that commuters availed of the parking first and the parking would be monitored. Translink were looking at an effective technological solution going forward which take the form of an integrated ticketing system.

Alderman Smith noted that within the plans there was a covered area for users to wait for the buses. Other similar facilities had an indoor waiting area with toilets and he questioned why that was not included for this site. Ms Faulconbridge stated that the Park and Rides were managed by DfI and there was a resource issue for such. Translink did not wish for such facilities to introduced, when there was that resource issue and therefore no such provisions would be made available at this point in time.

Councillor Wray referred to the playpark provision within the grounds and asked who was paying for the building of the playpark along with the costs associated with the management company. Ms Faulconbridge advised that Translink were liaising with the Council's Capital Project Team in respect of the playpark. The land was currently in ownership of DfI and that would be transferred back to the Council for the Council to develop.

Councillor Morgan noted that there would 452 car parking spaces yet only 22 cycle spaces. She inherently found that quite disappointing and felt it would be great to see more people cycle to Park and Ride. She also asked if any consideration had been given to cyclist safety in terms of the access roads.

Ms Faulconbridge stated that with the detailed design the number of cycle spaces could be looked at. She agreed that cycling should be encouraged and advised that the spaces were positioned next to the boarding point and there would be variation of cycle stands. In terms of the safety of cyclists, Translink worked closely with DfI's Active Travel team and the NI Active Delivery Plan looking at the priority routes proposed for Newtownards. The footways surrounding the site had been future proofed, they were 5m wide and therefore would allow for a potential shared cycleway for DfI to put in place. Translink were also working closely with the Council to ensure those priority routes link with the Greenways for further travel. She highlighted the importance that the new facility was seen as a sustainable transport hub.

The Chair thanked the representatives for their presentation and they were returned to the virtual public gallery.

Proposed by Alderman Smith, seconded by Councillor Kerr, that the recommendation be adopted, that planning permission be granted.

Alderman Smith stated that the application had been in the system for some time and the facility was welcomed. He felt it would make a great difference for commuters travelling into Belfast, would be well used facility and he hoped toilet provision could be provided in the future.

Alderman Graham added his support for the application. The facility would be welcomed not only by those using public transport who wished to travel into Belfast but those residents who currently had commuters parking at the front their houses.

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

(Alderman McIlveen returned to the meeting)

4.3 LA06/2023/2012/F - Land between 3 and 4 Sheridan Grove, Helens Bay

PREVIOUSLY CIRCULATED:- Case Officer's Report.

The application had been withdrawn in advance of the meeting.

4.4 LA06/2022/0708/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

DEA: Newtownards

Committee Interest: Local application which has received six or more separate objections contrary to the case officer's recommendation.

Proposal: Erection of 5 No. detached dwellings with associated landscaping, internal road layout and access provision

Site Location: 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

Recommendation: Grant Planning Permission

The Planning Officer (C Barker) outlined the detail of the application which was for outline planning permission therefore it was the principle of development being considered with additional detail being conditioned to be submitted at reserved matters stage.

The site was located within the settlement limit of Newtownards in a residential area some 2.5km from the town centre. It was irregular in shape and comprised approximately 1.6 hectares of land within a woodland area consisting of deciduous species of trees of varying ages which was protected by virtue of a tree specific Tree Preservation Order (TPO). Part of the area of site, as outlined by the red line of the proposal site and also the blue line, was mapped on the Northern Ireland Ancient Woodland Inventory as a long-established woodland. The boundaries of the site were defined by mature trees and established hedgerows. The site was accessed at

the northern corner through an existing field gate on to the Crawfordsburn Road. There were predominantly detached homes within the surrounding area of varying designs.

The proposal sought approval for the erection of 5 detached dwellings with associated landscaping, internal road layout and access provision. The land in question was shown as 'whiteland' within the Ards and North Down Area Plan 2015 and was not subject to any zonings/designations as illustrated on the slide. 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, in their report in 2008, they did not recommend that the site be designated as an LLPA or SLNCI. They did accept that some development may be able to be accommodated in the central portion of the site as the area was 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 proposed site comprised a clearing within an existing woodland, which was privately owned, with no formal public access to the land. The proposed application site occupied approximately 37% of the overall woodland area. Up until approx. 2019 the site was not accessible due to the level of undergrowth within the site which could be seen from the google street view images from 2011.

PPS8 - Policy OS1 stated that the Council would 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 would apply irrespective of its physical condition and appearance. Annex A of PPS8 was headed 'Definition of Open Space' and stated 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 indicated that these include "strategic functions - defining and separating urban areas, providing community greenways, 'green lungs' or landscape buffers. As the central portion of the site was relatively free from vegetation, and the fact that the PAC previously identified it as a potential development site, the Council consider that the application site as defined with the red line did not constitute open space of amenity value and as previously mentioned, the PAC accepted that that some development may be able to be accommodated in the central portion of the site as the area was relatively free of vegetation. The main areas of woodland and trees along the boundary would be retained and were not included within the red line for the proposal for housing. As such the Council did not consider the site within the red line to constitute an area of open space as defined in PPS8.

The SPPS stated that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Under the SPPS, there was a presumption in favour of appropriate and sensitively designed residential development within the settlement limit and the Council consider that was what was proposed.

The site was protected by virtue of a TPO. This TPO was confirmed on the site, with modifications, on 14 December 2020. There had been a previous TPO placed on the site on 14 November 2003, however, it came to light that this TPO was not legal and therefore did not afford any protection to the existing trees. The current confirmed TPO was tree specific with both individual trees and tree groups protected.

As part of the planning application the Councils Tree Officer was consulted. The proposed development would require the removal of approx. 18 trees in total and some small areas of vegetation and hedging which would not be protected by the TPO. 13 of those trees were being indicated for removal in relation to their health and condition. Out of the 18 trees indicated to be removed 14 of those were protected by virtue of the TPO. The Tree Officer was content, subject to conditions, that although some tree removal was necessary that was not extensive and new planting was proposed. Conditions had been proposed which would seek the submission of detailed plans at Reserved Matters stage ensuring the protection of any retained tree.

The proposal was for 5 detached dwellings, associated landscaping and new access/road layout within the site which comprised approximately 1.6 hectares of land. Policy QD1 of PPS7 stated that planning permission would only be granted for new residential development where it was demonstrated that the proposal would create a quality and sustainable residential environment. The addendum to PPS7 within Policy LC1 provided additional provisions on the protection of local character, environmental quality and residential amenity within established residential areas. Consideration must therefore be given to the overall impact on the character of the area. The density of the development had been calculated at 3.1dph and would be considered low density development providing high quality detached properties. It was also important to assess the impact the development would have on the character of the area. As could be seen from the images the site was 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. It was acknowledged that Tullynagardy Wood provided a tree lined backdrop to the Crawfordsburn Road which softened the streetscape and that would not change as a result of the proposed development. The application site only included a portion of the overall wooded area and had been chosen specifically to minimise the impact on the mature tree stock. The Planning Officer also highlighted that the heavily wooded area lay outside of the red line of this site and was to be retained.

It was considered 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 would be assessed in greater detail at reserved matters stage. The proposed site concept plan showed dwellings situated in satisfactory plot sizes, with adequate private amenity space, that would be largely screened by the existing woodland surrounding the site. Whilst views of the dwelling adjacent to the entrance would be apparent, existing and proposed landscaping would soften its appearance and assist its integration into the wider landscape.

It was not considered that there would be any negative impact on residential amenity given the separation distances and the existing boundary treatments. A condition would be included to restrict the ridge height of the dwellings to 6.5m.

As a result of the site being over 1 hectare the provision of public open space was required under PPS8 Policy OS2 and areas of open space, approximately 10% of the whole site area, had been provided within the site, located to the north and south of the site, and along the outer boundaries. Those areas consisted of grassland and protected trees as shown in the landscape proposal. Conditions had been proposed to ensure that suitable arrangements would be put in place for the future management and maintenance of areas of public open space required under this policy for example – submission of a landscape management plan.

At the time of presentation a total of 53 objections from 38 different addresses were received in relation to the proposal. The specific concerns raised were set out and considered in detail in the case officers report and the two additional addendums. The concerns raised included, impact on the woodland, biodiversity and natural heritage concerns, threat to wildlife, risk to trees protected by a TPO, conflict with the Plan and policies and road safety. Extensive consultations were carried out and conditions had been proposed seeking the submission of detailed information at reserved matters stage. DfI Roads offered no objections subject to a condition showing the access to be constructed in accordance with the RS1 form. They also confirmed that the proposed road would remain private.

SES were consulted on the Ecological Impact Assessment and were content that the project would not have an adverse effect on the integrity of any European site subject to condition. NIEA NED were also consulted and were content subject to various conditions to protect the retained trees during construction and ensure the submission of a landscaping plan at RM stage. DfI Rivers were also consulted and had no objection subject to conditions.

In relation to the woodland, as could be seen on this slide, the long established woodland boundary as identified on the NI Ancient Woodland Inventory did not include the north easterly portion of the site adjacent to the field gate off the Crawfordsburn Road and notably that was the majorly cleared portion of the site. Subsequently most of the proposed access road and the first detached dwelling fall outside of the defined boundary of the long established woodland. The rest of the proposed site fell within this boundary, however, only 18 trees were proposed to be felled, 14 of those in relation to health and condition, with additional planting proposed. The primary woodland area fell outside of the red line of the proposal and those trees were to be retained and were already safeguarded by a TPO therefore the ecological integrity and biodiversity of the woodland would remain intact.

In summary the development of the site offered a well-considered design that would retain the visual amenity of the woodland and offer a low-density and high-quality residential development. The layout had 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 would be located to the northern corner of the site, along the Crawfordsburn Road. Finishes and design detail of proposed house types would be fully assessed at reserved matters stage. Therefore on this basis it was

recommended that outline planning permission should be granted subject to the stated planning conditions.

The Chair invited questions from Members for the Planning Officer.

Alderman McIlveen noted the complexity of the application and he felt a lot of weight had been given to passing comments made by the PAC. As detailed by the Planning Officer the land sat as whiteland and he was mindful of the fact that the land had not been zoned for housing despite that possibility having been explored. Alderman McIlveen was of the understanding that the land had not been designated an LLPA or SLNCI as that protection could not be offered and he asked the difference if that designated had of occurred.

The Planning Officer explained that the PAC had determined that because there was a TPO on the site that offered a higher level of protection than a LLPA or a SLNCI would provide.

Alderman McIlveen sought confirmation that the PAC had not provided any guidance on what would be on the site and it would up to the planning process to decide what kind of development would be acceptable on the site. The Planning Officer stated that during the enquiry the cleared wooded area had been identified and it had been determined that the development management process would be the right route for that to be decided.

Alderman McIlveen was mindful of other decisions the Committee had made in relation to protecting green space when it was stated that an absence of an open space designation did not remove any protections afforded by that policy. Officers had said they did not feel the land was open space but could that be a determination that the Committee could make. He also questioned if policy OS1 would be the applicable policy in that regard that allowed a presumption in favour of development in certain circumstances.

The Planning Officer confirmed that to be correct and the Committee could give that consideration. Officers had not recognised the area as open space under OS1. The large majority of the wooded area lay outside of the red line and did not form part of the red line of the proposal.

As opposed to Bangor which had quite large parks, Alderman McIlveen felt there was not a lot of green space in Newtownards and he questioned if there was any consideration given to the wider settlement of Newtownards.

The Planning Officer stated that planning were looking at the application before them and assessing that against the relevant planning policies. She reiterated that a large part of the woodland area was excluded from the site and Officers were just looking at what was within the redline.

Alderman McIlveen stated that the SPPS afforded protection to the open space and referred to substantial community benefit vs the loss of open space as an issue. He expressed concerns that the settlement was not being looked at as a whole in terms of its green space.

The Head of Planning stated that as with any application that came before Committee, Planning Officers had to assess what was before them, within the red line. It had been established in the Case Officer's report that this was not seen as being an area of open space. She was also mindful, that apart from the TPO trees on the site there was nothing to stop the owners of the site felling the trees and clearing the entire site. The application had been fully considered, taking the facts into account along with the PAC findings which were a material consideration. The Tree Officer had fully considered the application and any trees recommended for removal were on the basis of them being in poor condition.

Alderman McIlveen referred to the concerns from the NED though they would be content subject to conditions. In their final submission they had stated that there concern remained regarding the impact on the remaining long established woodland and the extensive groundwork that may be required and therefore they required the conditioning.

The Planning Officer emphasised that the application was an outline application and therefore at this stage it was the principal of development that was to be considered. She felt the conditions that had been recommended were fairly extensive. NED had asked for a comprehensive report to be submitted to satisfy them at reserved matters stage for the protection of the trees.

Alderman McDowell had a number of questions which he had written out and provided to the Chair and the Democratic Services Officer. He felt the application was one of the most important issues to come before Planning Committee in relation to Newtownards. He sought clarity on how the recommendation aligned with both statutory planning policy and the Council's environmental commitments. Given the strong public and expert opposition, Alderman McDowell stated that he would appreciate a detailed explanation of the rationale. He posed the undernoted questions:-

Planning Policy and Rationale

- Q1. What specific planning policies were cited to justify the recommendation for approval?
- Q2. How does the proposal comply with PPS2 (Natural Heritage), given the irreversible loss of long established woodland?
- Q3. Was the Strategic Planning Policy Statement (SPPS) sustainability test applied, and how was "environmental protection" evaluated?

Environmental & Heritage Considerations

- Q4. What weight was given to Tullynagardy Wood's listing on the Ancient Woodland Inventory and its Tree Preservation Order?
- Q5. Was an independent ecological assessment commissioned, and what were the findings?
- Q6. How was the Council's 2019 Climate Emergency declaration considered in the Case Officer's report?

Ethical & Mitigation Issues

- Q7. How do planners reconcile the recommendation with the “Do No Harm” principle, given the irreversible nature of the damage?
- Q8. What mitigation measures were proposed, and how do they compensate for the destruction of centuries-old biodiversity?
- Q9. Was replanting considered a valid substitute for ancient woodland, and on what ecological basis?

Public & Expert Opposition

- Q10. How were the 31 formal objections, including those from the Woodland Trust and Ulster Wildlife, weighed in the final recommendation?
- Q11. Were any concerns raised by internal officers – such as the Tree Enforcement Officer – and how were they addressed?

Procedural Transparency

- Q12. Why was the site treated as “undeveloped land” despite its ecological and historical significance?
- Q13. Does this approval set a precedent for future development in protected woodland areas?
- Q14. Was there any internal dissent among planning staff or environmental officers regarding this recommendation?

The Head of Planning noted there was extensive list of questions and she would like time to consider those. She asked Alderman McDowell if he had read the Case Officer’s report as that detailed clearly the consideration of the application.

Alderman McDowell responded that he had read the Case Officer’s report and his questions were aspects which he thought were missing which he felt needed consideration before the Committee made its decision. As an example he highlighted that there was no mention of the climate emergency declaration made and PPS2, that development should not take place on ancient woodland unless there was exceptional circumstances.

The Head of Planning stated that the Case Officer’s report was circulated well in advance and she felt it would have been beneficial to have had an opportunity to address outstanding issues.

RECESS

The meeting went into recess at 9 pm and resumed at 9.12 pm.

The Planning Officer responded to each of the questions posed by Alderman McDowell in turn.

- Q1. *What specific planning policies were cited to justify the recommendation for approval?* With regards the specific planning policies those were referred to within the Case Officer’s report.

- Q2. *How does the proposal comply with PPS2 (Natural Heritage), given the irreversible loss of long established woodland?* The majority of that woodland lay outside the red line. Statutory consultees had been consulted regarding the appropriateness and they had responded with no objection subject to the conditions detailed in the Case Officer's report.
- Q3. *Was the Strategic Planning Policy Statement (SPPS) sustainability test applied, and how was "environmental protection" evaluated?* That was the consideration given to the red line of the site and the SPPS was also a consideration.
- Q4. *What weight was given to Tullynagardy Wood's listing on the Ancient Woodland Inventory and its Tree Preservation Order?* That was covered in the Case Officer's report.
- Q5. *Was an independent ecological assessment commissioned, and what were the findings?* An independent ecological assessment had been undertaken. This was an outline application and there was specific and quite detailed conditions proposed if it was to get approval and then that would be considered during the reserved matters application.
- Q6. *How was the Council's 2019 Climate Emergency declaration considered in the Case Officer's report?* That was not planning policy and the application was being assessed of its appropriateness against planning policy. There were 18 trees to be removed and replanting was proposed.
- Q7. *How do planners reconcile the recommendation with the "Do No Harm" principle, given the irreversible nature of the damage?* Planning had made an assessment based on the outline application before them and they did not consider that there was any damage.
- Q8. *What mitigation measures were proposed, and how do they compensate for the destruction of centuries-old biodiversity?* That aspect was covered in the Case Officer's report. There were 18 trees to be removed and the majority of woodland was outside of the redline.
- Q9. *Was replanting considered a valid substitute for ancient woodland, and on what ecological basis?* It was not ancient woodland, it was long established woodland. Again covered within the Case Officer's report with regards the number of trees to be removed.
- Q10. *How were the 31 formal objections, including those from the Woodland Trust and Ulster Wildlife, weighed in the final recommendation?* As detailed, 53 objections had been received and those had been fully considered in the Case Officer's report and the two subsequent addendums prepared.
- Q11. *Were any concerns raised by internal officers – such as the Tree Enforcement Officer – and how were they addressed?* That was not a material consideration. The Tree Officer had been consulted and their comments had been included, they had offered no objection subject to conditions and that had been detailed within the Case Officer's report.
- Q12. *Why was the site treated as "undeveloped land" despite its ecological and historical significance?* The land was zoned as whiteland within the plan.
- Q13. *Does this approval set a precedent for future development in protected woodland areas?* Planning considered applications on a case-by-case basis.
- Q14. *Was there any internal dissent among planning staff or environmental officers regarding this recommendation?* That was not a material consideration.

As a follow up, Alderman McDowell asked about the ecological assessment. The Planning Officer stated that the application was an outline application and quite specific detailed conditions had been proposed with regards to all those detailed assessments which would then be considered at reserved matters stage.

Alderman McDowell remained unsatisfied with some of the responses given to the questions.

The Mayor, Councillor McCollum noted that during the public enquiry the NIEA had objected to the land being zoned for housing and that it should be designated a SLNCI. The Planning Officer had referenced the PAC not supporting the designation of a SLNCI and she asked if the PAC had authority in that regard. The Planning Officer explained that it was during the public inquiry of the plan where it had been proposed as a housing zoning. The NIEA had objected and stated that they wished for the land to be a SLNCI or a LLPA. The PAC were the relevant body as they oversaw that public enquiry. They had zoned the land as whiteland and set out the specific area that could be developed for housing.

Councillor McCollum was of the understanding that the PAC could not designate an area as a SLNCI. The PAC had recommended against zoning however they did acknowledge that some development in the central portion may be appropriate. She was concerned that the Case Officer's report placed significance reliance on that comment which had been made a significant time ago. Councillor McCollum viewed the context very different now from lots of perspectives.

The Head of Planning stated that as Members were aware that in the assessment of any planning application there were material factors to be taken into account. In this instance, the area plan defined the land as whiteland and it was capable of some form of development. Planning policies had been fully considered, comments from statutory consultees had been taken into account and objections had been fully considered and addressed. Findings from the PAC were a material planning consideration. If this was an intensive form of development, approval would not be recommended. The Head of Planning emphasised that the proposal had been fully assessed which was for an extremely low density, high quality residential development within a residential setting.

Councillor McCollum referred to policy OS1 which was the presumption against development resulting in a loss of open space. She stated that in the addendum it stated that the Council did not consider the central area, proposed for the development to constitute open space of amenity value. Yet the Case Officer's report reads "include "strategic functions - defining and separating urban areas, providing community greenways, 'green lungs' or landscape buffers. The Annex also referred to open space functioning as havens and habitats for flora and fauna and "as a visual amenity – even without public access. 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". Councillor McCollum had difficulty with the two conclusions.

The Planning Officer stated that Officers were looking at the red line of the site which was the proposal site. She felt it was clear that the area of woodland was considered

mostly outside the red line. The amenity value was provided by most of the woodland which was all being retained outside the red line.

With regards to visual amenity for the protection of local character, environmental quality and residential amenity Councillor McCollum noted that the overarching test was a visual one and how the development would appear when viewed in context. Yet it was accepted that the views of the development would be apparent and it was stated that it was a visually and environmentally significant resource in the context of the surrounding area. However the conclusion was that there was no significant impact on amenity.

The Planning Officer reiterated that the majority of the site was cleared. The visual amenity was provided by the woodland to the south of the site which was to be retained and fell outside the red line. The visual prominence would therefore not change and therefore that was why it was considered that the character of the area would not be impacted.

Councillor McCollum stated that the PAC said that it may be possible to have a form of development that would not be visible yet this development would be visible. The Planning Officer explained that the views would be limited. This was an outline application purely for the principle of development and more detail regarding the visual aspects would be looked at reserved matters stage.

Alderman Smith was of the understanding that the land had been designated as whiteland. He stated that he was confused as to PPS8 and the understanding of woodland and amenity land. He raised a question regarding the TPO. He explained that the major issue for him was around the integrity of the site, he appreciated the application was for 37% of the overall area. He wondered if that was not part of the overall eco system and if 5 houses were built with light and noise pollution, that affected the entire site and questioned if that was taken into consideration.

Firstly in relation to the TPO, the Planning Officer explained that there was a TPO on the site in 2004 which was deemed to be not legal which was why in 2020 there was a new TPO placed on the site which was a tree specific TPO. In respect of the whiteland zoning, during the public enquiry, NIEA had objected to the housing zoning and the PAC had considered that, the TPO was a consideration as that afforded a level of protection. It was outline application with specific detailed conditions proposed with further detail to be teased out at reserved matters stage in consultation with the statutory consultees and any measures of mitigation considered.

Councillor McKee referred to the ecological assessments which dated back to 2020 and he questioned when such information became out of date and needed to be redone. The Head of Planning referred to condition 11 which detailed the requirement to submit a habitat management plan which had to be submitted and approved by the Council. Planning would liaise with the expert consultees in respect of that habitat management plan.

Councillor McKee felt the process was flawed as if approved the precedent for development was set. Within the years since the survey was done there had been a lot of amazing work to bring back species and that work was not fully accounted for.

The Planning Officer stated that NIEA and NED had been consulted and were content subject to the conditions.

The Chair invited Claire Millar to come forward who was speaking against the application.

Ms Millar wished to draw attention to the main issue which she felt was whether the site constituted open space defined under Policy PPS8. Annex A of PPS8 provided examples of what constituted open space and includes natural and semi-natural urban green spaces including woodlands, urban forestry and grasslands (amongst others), which the ancient woodland would fall under. Policy OS1 stated that development would not be permitted when it resulted in the loss of existing open space or land zoned for the provision of open space. It was important to note that sites did not have to be zoned open space to fall to be considered as such under Policy PPS8 OS1. Open space under PPS8, was taken to mean all open space under public value and that could also act as a visual amenity. The policy stated that a presumption against the loss of existing open space would apply irrespective of its physical condition and appearance. Significant weight was being afforded to a PAC decision from almost 20 years ago which described the central portion of the site as “relatively free of vegetation”. It also stated that residential development could be acceptable, not would be acceptable. This decision did not account for the current situation on the ground which was now a regenerating woodland, nor did it account for the current position on climate change, the importance of protecting open space and therefore should be considered as outdated. The Case Officer’s report stated that the application site within the red line only did not constitute open space of amenity value. That was incorrect for a few reasons. The site was an ancient and long established woodland, which was defined by its ecology, soils and canopy and not whether there were planted trees on every square meter. An ancient woodland was a sum of all of those elements. In addition, many woodlands have clearings, and examples of those were provided through representations, as they were part of the overall ecosystem. Those clearings often hosted woodland edge species, support biodiversity and were part of the woodland’s structure. Having regard to the blanket TPO which covered the whole site, as the red line covered the entire site it could not be considered that only part of the site was open space – it was open space in its entirety and ancient and long established woodland was the sum of all of its parts.

Secondly, the site was one parcel of land; it was not divided up and thus one parcel of open space. The fact that a TPO covered the whole site supported that the site was one parcel of open space. The application site was long established as referred to by DAERA, who had expressed concerns regarding the impact on the long-established woodland. She viewed that the development would adversely impact the woodland as there would be a change to the permanent hydrology of the site which could not be mitigated, there would be more noise and light and there was a risk of The report stated that Tullynagardy Wood was considered a visually and environmentally significant resource in the context of the surrounding residential area as it provided a tree-lined backdrop to the Crawfordsburn Road which softened the

streetscape and offered visual screening to the surrounding residential properties which was referred to particular in PPS8. As stated, an ancient woodland was the sum of all its parts. To permit residential development within this setting would result in the loss of irreplaceable ecosystem which had taken hundreds of years to form. Building in the woodland would result in an increase in urban form and would adversely affect the visual and environmental benefits which it currently offered and provided. Policy OS1 of PPS8 stated an exception would be permitted where it was clearly shown that redevelopment would bring substantial community benefits which decisively outweighed the loss of open space. The application brought no community benefits and was opposed. The grant of development within this open space setting directly contradicted the SPPS which stated (paragraph 6.192) development should be refused if it results in the loss or degradation of ancient or long-established woodland. This development would fragment the woodland. A TPO on the site only protected individual trees and groups of trees but did not prevent damage to woodland habitat through construction compaction, hydrological changes and habitat fragmentation. The ancient and long-established woodland benefits from protection under PPS8 OS1, as defined within Annexe A. Whilst mitigation measures had been proposed, the SPPS and PPS8 stated development may only be permitted where the benefits decisively outweigh the harm caused. There were no benefits to this scheme as that was a scheme for 5 private dwellings. An additional 5 private houses would be negligible in contributing to the current housing shortage. Ms Millar asked Members to refuse the application to protect the ancient and long-established woodland.

The Chair thanked Ms Millar for her remarks and invited questions from Members.

Councillor Hennessy referred to the comments of Ms Millar where she had stated there could be a change to the permanent hydrology of the site and asked for Ms Millar to explain that further. Ms Millar explained that the development would effect the soils and the new drainage would affect the existing woodland.

The Mayor, Councillor McCollum stated that she was struggling with some of the conclusions of the Case Officer's report.

Ms Millar explained that the site could be seen on the very first ordinance site map of Northern Ireland where it was specifically labelled ancient woodland, it was one parcel of land and it was not fragmented or split up. The fact there was no trees on the application site did not mean that it did not form part of the overall ancient woodland. She felt the Case Officer's report was contradictory, in that the application site within the red line was not deemed to be open space where it did not say that the site itself did not constitute open space. The TPO was placed on the site to provide a layer of protection to the ancient woodland, although that only covered trees but the fact that the red line was around the entire site that would signify to her that should be considered as a whole area of open space.

In relation to visual amenity, Councillor McCollum referred to the reliance on the PAC decision when they did state that development may be considered. They also stated that it may be possible to design a form of development that would not be visible. Ms Millar felt emphasis should be placed on the word 'may' noting that was difficult to make a development invisible. She felt there would always be some form of visible

impact however it was how demonstrably harmful that impact was which was the policy test.

Councillor McCollum raised another question in respect of the development process. The Chair intervened noting there would be further opportunities to ask such questions. The Chair thanked Ms Millar for her presentation and she returned to the public gallery.

The Chair invited David Donaldson (Donaldson Planning), Stephen Villiers (Project Architect) and Dr Philip Blackstock (Arboriculturist).

Mr Donaldson explained that the outline application was submitted in July 2022. It had been the subject of extensive consultation with statutory bodies and detailed consideration by Council Officers. He welcomed the professional recommendation that permission should be granted. The concerns expressed by local residents and others were noted. Such concerns were to be expected where change was proposed, especially in a high-quality neighbourhood such as Crawfordsburn Road. Some of the representations were measured on the basis of consideration for the proposal however a lot appeared to be based on misconception or unsupported assertion. Committee Members were aware that they had a legal obligation to determine applications on the basis of facts. In particular, the prevailing presumption was that permission must be granted unless harm could be demonstrated.

Mr Donaldson summarised the facts in this case as follows:

- Minimal impact upon the woodland – The development would not result in the loss of ancient woodland and should not be referred to as such. Development would be in an area which was largely devoid of trees and enclosed within a much larger area of around 4 hectares which remained protected by the TPO. Dr Blackstock had carried out a comprehensive tree survey and only approximately 18 trees would be removed to facilitate the development, 13 of which were for health and condition reasons within and adjacent the application site never mind the hundreds of trees that remained outside the site. The Council's Tree Officer had no objections. It was not a community woodland, it was privately owned land which had minimal management and no public access.
- The proposal was consistent with the development plan. The site was firmly contained within the settlement limit of Newtownards in the statutory Ards and Down Area Plan. The site was considered as a potential local landscape policy of area of nature conservation interest by the PAC at the area plan enquiry. PAC did not support the need for such designations but noted that the central area was relatively free of vegetation and commented *'it may well be possible to design a form of development that would not be visible'; and the development control process was the best way to determine the extent suitable for development'*. The plan stated that existing recreational spaces in the amenity lands within settlements were identified on the settlement maps. Multiple sites of existing amenity open space and recreation were identified in Newtownards at which he outlined.
- The development would respect local character and amenity. At only 3.1 per hectare (1.3 per acre). Safe access could be provided with minimal trimming of roadside hedges, the mature vegetation to Crawfordsburn Road would

largely remain unchanged with the development well screened from view. There was the potential to manage and enhance the existing habitat. It was accepted that the area made a contribution to visual amenity and nature conservation. However the determining issue was whether or not the proposed development would cause demonstrable harm to either of those considerations. He believed it would not with the wooded frontage along Crawfordsburn Road and the vast majority of trees being retained. NIEA and SES had both considered the ecological information which dated from 2020 and again in December 2023 and offered no objections. SES had also carried out an independent habitats assessment and concluded that there would be no adverse impact on site integrity with conditions to mitigate. The potential to manage biodiversity through a habitat management plan, as referred to in condition 11 was welcomed.

Article 6 of the Planning Act required planning to make determinations in accordance with the plan unless material considerations indicate otherwise. The application was in conformity with the development plan and it had been subject to exhaustive and independent consultation with the relevant statutory authorities with none have concluding that demonstrable harm would be caused.

Mr Donaldson believed the recommendation to grant planning permission to be robust and should be endorsed by the Committee.

The Chair invited questions from Members for the representatives.

Alderman Smith referred to his earlier question regarding the overall eco system of the site. The application was for 37% of the full area. He asked the representatives view on the impact of the proposal in particular in terms of light, noise, wildlife and the remaining element of the forest.

Dr Blackstock stated that Tullynagardy Wood was a suburban wood, surrounded by housing. Looking at the first ordinance survey the wood used to be much larger and much of that now was within gardens. He believed that it was likely that the impact would be same impact as to what had already occurred. A significant amount of the area had already been lost to housing. Ecologically, that raised the matter whether or not the area was an old woodland. He elaborated on his view, that the area was likely a wood that was stripped out during the war and replanted with beech and oak. The proposal area seemed to have been a bit of meadow that had been abandoned.

Mr Donaldson stated that issues such as lighting would be expected to be dealt with at reserved matters stage. Lighting could be designed with lux levels and orientation of lighting and they had experience of doing such with similar applications.

Alderman Smith asked if approval was granted how it would be proposed to secure the remainder of the woodland for the future of the community. Mr Donaldson stated that the proposed site was within a relatively contained area. At reserved matters stage, details would be proposed for example sensitive fencing. The access road would be designed in a way it would allow access to the woodland but would inhibit access by those living within the development. There was already houses that

backed onto the woodland with all different fences and hedges, to define their boundaries. The area was already characterised by residential development.

Alderman McIlveen noted that Mr Donaldson had stated that there was certain designations that the site did not warrant and he asked if Mr Donaldson if he accepted that the site did not warrant being zoned for housing.

Mr Donaldson stated that it did not warrant zoning for housing but neither did it warrant an designation of open space, LLPA or a SLNCI.

Alderman McIlveen also noted that Mr Donaldson referred to planning to being a plan led system however because of the lack of zoning he believed the plan to be essentially silent on this area. Mr Donaldson stated that the land was not designated for any purpose. The land was within the settlement and for such there was presumption in favour of development unless demonstrable harm would be caused. Mr Donaldson reinforced that there was no demonstrable harm as a consequence of the development of 37% of the overall area that was being proposed to be developed.

Alderman McIlveen stated that there were factors that could be taken into consideration given that there was no zoning. Mr Donaldson stated that it was important that the PAC did look at the parcel of land as part of the public enquiry. That public enquiry did look at all the elements of the site and recommended that it was not zoned for housing, a SLNCI, open space or LLPA. However, Mr Donaldson stated that it was important to note that it did say that it may well be possible to design a form of development that would not be visible. He viewed that as a very critical, important material consideration in relation to the parcel of land and therefore would place considerable weight on the comments of the PAC. He referred to other aspects of that inquiry and believed that to contain a lot of information that was relevant to the consideration of this case.

Alderman McIlveen agreed that those were points that could be taken into consideration but did not believe determinative weight could be applied. He expressed concerns regarding the weight that was being given by Officers to the application being at outline stage. He asked Mr Donaldson his understanding what the outline permission would provide. He was of the understanding that as more details were provided that the footprint had to be close to what had been provided.

Mr Donaldson stated that there was a danger with outline applications that not enough information was supplied. He felt that the application provided an appropriate amount of information to determine the principle of development for five houses.

In response to a further question from Alderman McIlveen, Mr Donaldson stated that it was expected that the detailed scheme would be relatively consistent to what had been suggested at outline stage. He felt the detail was needed in order to make a robust decision.

Alderman McAlpine noted in the visuals some of the trees had been stripped of their tops and their roots were visible and she questioned why that may have happened.

Dr Blackstock stated that he was unsure what had happened with those trees. His recollection of the site was that there were sapling trees on the area.

The Chair thanked the representatives and they returned to the public gallery.

In response the gentleman in the public gallery who had held a sign for the duration of the meeting, the Chair asked for that to be removed. The point had been made and the sign was distracting and risked a discourtesy to the Members.

Proposed by Alderman McIlveen, seconded by Alderman McDowell, that the Council is minded to refuse the application.

Alderman McIlveen felt the issue was complex and the proposal would afford time to allow the Committee time to submit a detailed reason as to why they would be minded to refuse the application. He had concerns regarding the non-designation of open space and other Members had noted issues around the impact on the wooden area.

Alderman McDowell reiterated that this one of the most important planning decisions for Newtownards. The number of objections showed the public interest in the decision. There were also a number of planning issues that he was not satisfied with the response. Alderman McDowell urged the Committee to support the proposal on the grounds of irreversible environmental harm, policy non-compliance and public opposition. He highlighted the issue of irreplaceable natural heritage. Tullynagardy Wood represented a rare and irreplaceable ecosystem in Newtownards with origins dating back to 1830. Tullynagardy Wood was listed on the Northern Ireland ancient woodland inventory. It was protected by TPO's and was recognised by the Woodland Trust as an irreplaceable ecosystem. The proposed development would destroy part of a long established woodland. In relation to policy, Alderman McDowell stated that the proposed development conflicted with multiple planning policies. The SPPS required sustainable development that protected biodiversity and avoided environmental impacts. PPS2 Natural Heritage stated that development should be refused if it results in the loss of ancient woodland unless there was an exceptional overriding reasons. The Area Plan emphasised the protection of designated environment. While the 'Do no harm principle' was not a legal term in UK planning policy. Do no harm was a widely accepted ethical and strategic planning principle and aligned with the stated policies. Alderman McDowell felt the irreversible destruction of Tullynagardy Wood violated the ethical planning principle of do no harm. In February 2019, the Council declared a climate emergency, committing to protect natural habitats and address biodiversity loss.

(Councillor Wray withdrew from the meeting – 10.19 pm).

Approving this application would directly contradict that declaration and send a damaging message to the community.

With regards to public opposition, Alderman McDowell highlighted that the proposal had already received 56 letters of objection.

In conclusion, Alderman McDowell urged the Committee to reject this planning application. The environmental, ethical and policy based grounds for refusal were overwhelming and Tullynagardy wood must be preserved for future generations. Approving the application would damage the environment and he had 9 valid planning reasons why the application should be refused which he undertook to email to Planning.

(Councillor Wray re-entered the meeting – 10.21 pm)

Councillor Kendall was in agreement with what had been said and felt that if the application was approved a precedent would be set and send out the message that this Council does not care or carefully consider the impact of harm on woodlands.

Alderman McIlveen was mindful of the differing views for refusal, it was a complex issue with a lot of policies involved.

The proposal was put to the meeting and declared CARRIED, with 12 voting FOR, 0 AGAINST, 2 ABSTENTIONS and 2 ABSENT.

FOR (12)

Aldermen

McAlpine
McDowell
McIlveen
Smith

Councillors

Harbinson
Hennessy
Kerr
Kendall
McCollum
McKee
Morgan
Wray

AGAINST (0)

ABSTAINED (2)

Alderman

Graham

Councillor

McClean

ABSENT (2)

Councillors

Cathcart
Smart *

*declared an interest

RESOLVED, on the proposal of Alderman McIlveen, seconded by Alderman McDowell, that the Council is minded to refuse the application.

(Councillor Kendall withdrew from the meeting – 10.23 pm)

(Councillor Smart did not return to the meeting)

5. STATUTORY AND NON-STATUTORY PLANNING CHARGES

(Appendices **)

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching schedule of charges for copies/extracts from Planning Registers, schedule of charges for

removal of statutory charges, schedule of charges for non-statutory services and report previously presented 2017. The report detailed the undernoted:-

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.

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.

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.

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.

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.

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.

The following proposed charges included:

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

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.

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

6. UPDATE ON PLANNING APPEALS

PREVIOUSLY CIRCULATED:- Report from Director of Prosperity attaching appeal 2023/A0072. The report detailed the undernoted:-

Appeal Decisions

1. 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:

1. 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 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 represented 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' was between buildings. A building had frontage to a road if the plot on which it stood, abutted the road. Cardy Gospel Hall and its other building both had 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 were only two buildings along a road frontage on this side of Cardy Road East. Thus, there was 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 was therefore sustained.

In relation to the third reason for refusal both the appellant and the Council agreed that there was development that lay outside of a farm and consisted of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three were 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 represented a focal point given that it was a community building. However, they contended that the gospel hall was 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 did not provide a suitable degree of enclosure, nor was it bounded on at least two sides with other development in the alleged cluster. The fourth criterion of Policy CTY2a was 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 had therefore not been complied with. Thus, the proposed dwelling and garage offended 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 was 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 offended Policies CTY13 and CTY14 of PPS21. The Council's first reason for refusal was therefore upheld.

Appeals Lodged

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

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

RECOMMENDED that Council notes the report and attachment.

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

7. PLANNING BUDGETARY CONTROL REPORT MARCH 2025

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that the Planning Service's Budgetary Control Report covered the 12-month period 1

April 2024 to 31 March 2025. The net cost of the Service was showing an underspend of £135k (7.8%).

Explanation of Variance

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

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

Explanation of Variance

The Planning Service's overall variance could 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

RECOMMENDED that the Council notes this report.

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

The Head of Planning provided an explanation in relation to the income variance for the benefit of Councillor McCollum.

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

8. PLANNING BUDGETARY CONTROL REPORT JUNE 2025 (FIN45)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity detailing that the Planning Service's Budgetary Control Report covered the 3-month period 1 April 2025 to 30 June 2025. The net cost of the Service was showing an underspend of £69k (15.4%).

Explanation of Variance

The Planning Service's budget performance was further analysed into 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

Explanation of Variance

The Planning Service's overall variance could 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

RECOMMENDED that the Council notes this report.

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

TERMINATION OF MEETING

The meeting terminated at 10.27 pm.

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2025/0516/F	DEA: Bangor East & Donaghadee	
Proposal:	Change of use from ancillary residential accommodation to dwelling		
Location:	81 Cotton Road, Bangor, BT19 7QH		
Applicant:	Jude Doherty		
Date valid:	19/06/2025	EIA Screening Required:	N/A
Date last advertised:	03/07/2025	Date last neighbour notified:	20/06/2025
Letters of Support	: 0	Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads	Content		
NI Water	Content		
NIEA - WMU	Content – referred to standing advice		
Summary of main issues considered: <ul style="list-style-type: none">• Principle of Development• Planning History of site and surrounding area• Impact on residential amenity• Impact on the character and appearance of the area• Access and road safety• 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			

1. Site and Surrounding Area

The application site is located at 81 Cotton Road, outside the settlement of Bangor. The site consists of a large, detached, single storey dwelling, with detached 1.5 storey ancillary residential accommodation to its direct south. There is also a large detached stable block to the east. The ancillary accommodation is finished in red brick and natural stone, with a steeply pitched roof and 1no. chimney. Despite its 1.5 storey height, there is no accommodation within the building at first floor level.



Figure 1 – front elevation of ancillary accommodation



Figure 2 – southern elevation of ancillary accommodation



Figure 3 – eastern elevation of ancillary accommodation



Figure 4 – showing distance between dwelling and ancillary accommodation

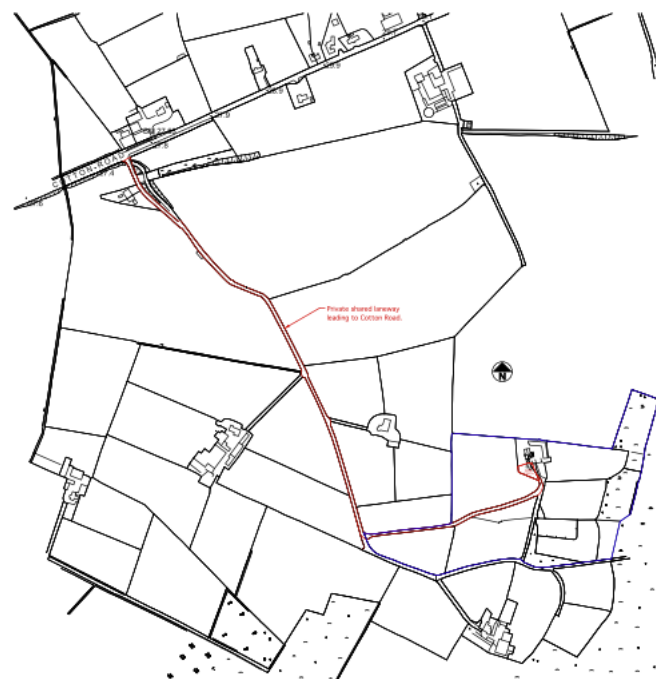


Figure 5 – northern elevation of ancillary accommodation

The site is accessed via a long private driveway which connects to a shared lane off Cotton Road. Upon reaching the dwelling, the driveway splits, leading to the dwelling and stables to the north and the ancillary accommodation to the east. There is a tarmac parking area directly adjacent to the south of the ancillary accommodation, with shared patio areas to the north.

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

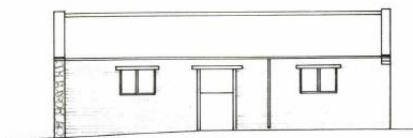
2. Site Location Plan



3. Relevant Planning History

X/2005/0251/F – Refurbishment of existing outbuildings to provide ancillary accommodation for elderly relative as an extension to existing dwelling house – **Approved**

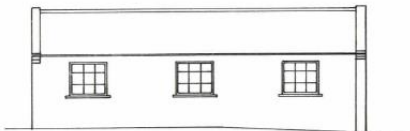
It is of note that the ancillary building present on site was not constructed as approved, as shown by the existing and proposed elevations attached to approval X/2005/0251/F, below. Hence, the current proposal does not involve any internal or external changes, despite showing different elevations to the approval. Considering the amount of time between the approval and today, this breach is immune from enforcement action.



FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION

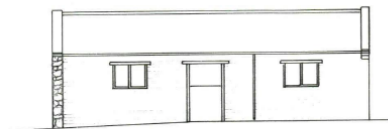


SIDE ELEVATION

EXISTING EXTERNAL FINISHES

<u>Roof</u>		Grey corrugated steel sheeting
<u>Walls</u>	BACK	Roughcast sand and cement painted white
	FRONT	Clay brick
	SIDE	Natural sandstone
	SIDE	Clay brick
<u>Openings</u>	BACK	White painted windows
	FRONT	Black painted timber windows and door

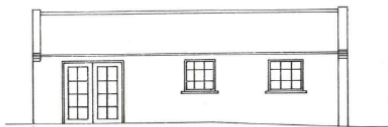
X/2005/0251/F existing elevations



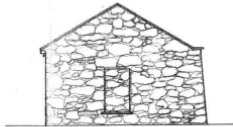
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

PROPOSED EXTERNAL FINISHES

<u>Roof</u>		Grey corrugated steel sheeting
<u>Walls</u>	BACK	Roughcast sand and cement painted white
	FRONT	Clay brick
	SIDE	Natural sandstone
	SIDE	Clay brick
<u>Openings</u>	BACK	White uPVC windows and doors
	FRONT	Existing black painted timber windows and door

X/2005/0251/F – proposed elevations

It is further noted that the approval X/2005/0251/F was not conditioned to be permanently ancillary to the function of the dwelling known as 81 Cotton Road, Bangor.

LA06/2017/0441/F – Proposed alterations and single storey extension to side of existing dwelling house – *Approved*

LA06/2018/0194/F – Proposed single storey kitchen utility extension to rear of existing dwelling – *Approved*

4. Planning Assessment

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

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

Planning Guidance:

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

Principle of Development

Development Plan

ADAP currently acts as the LDP for this area. There are no material provisions in the Plan that are pertinent to the proposal and therefore the determination will be based on other material considerations.

The SPPS sets out the transitional arrangements that will operate until a Local Development Plan is adopted for the Council area. The SPPS retains certain existing Planning Policy Statements (PPS) including PPS 21, Sustainable Development in the Countryside.

Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building as a single dwelling. This goes further than Policy CTY 4 of PPS 21, which refers only to a 'suitable building'.

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

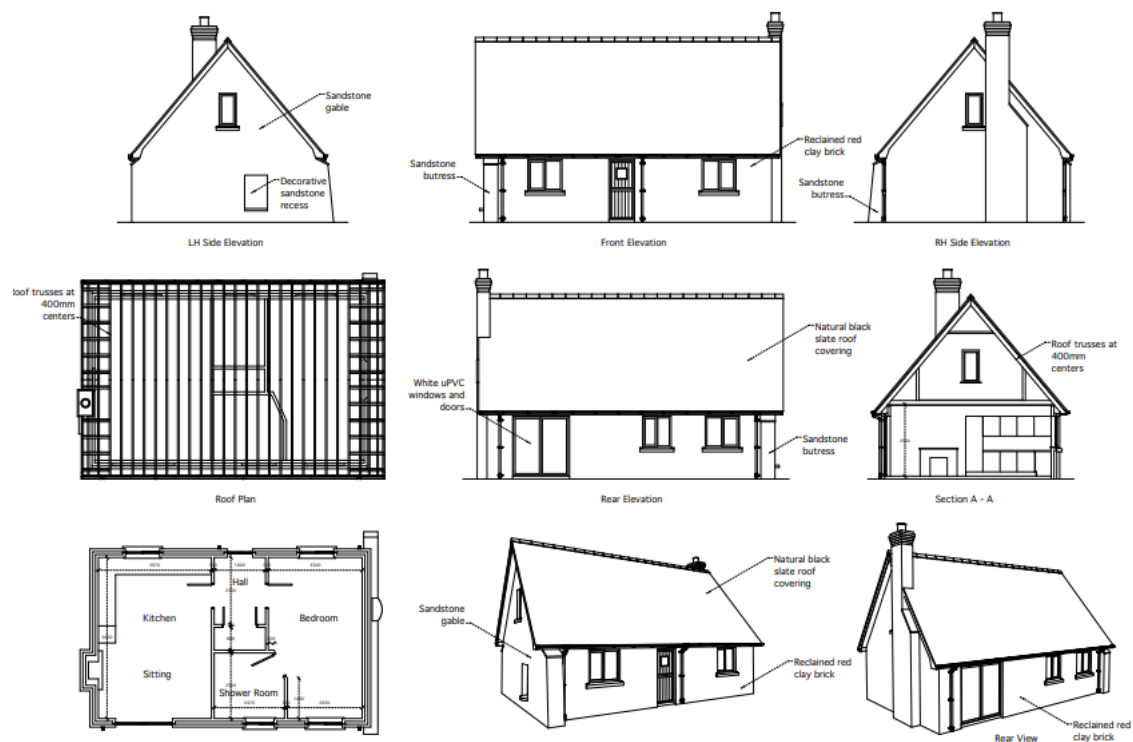
Ultimately, the application site sits in a secluded location, with the ancillary building sitting just south of the main dwelling. The original former barn has already been converted to ancillary accommodation under approval X/2005/0251/F however it was not built in accordance with the approved plans. As the

building was not built in accordance with the plans, any traditional vernacular features the building may have had that would have been of merit have been lost, as the building appears to have a new roof and a different overall footprint to the original building. While it may once have been a small vernacular barn, due to the minor scale of the building, its considerable distance from the public road (and therefore lack of any public views or prominence in the landscape) and the alterations that have been made to it, the structure no longer meets the definition of a locally important building.

I am therefore of the opinion that the principle of development in this instance does not meet the specified criteria, and this application should therefore be refused planning permission.

Design of Dwelling / Integration and Impact on Rural Character

The proposal involves a different design to that approved under X/2005/0251/F, being 1.5 storeys in height with a steeply pitched roof. However, it is noted that the building was constructed in this manner on the back of the above-mentioned approval, and, considering the length of time that has lapsed, it would be immune from enforcement action. I am satisfied in this instance that the design is acceptable in this rural location, as the brick / natural stone finish and pitched, tiled roof matches that utilised on the main dwelling at 81 Cotton Road, and does not have any public views due to its secluded location. As such, I am satisfied that the proposal would meet criteria C of CTY 4, in that any extensions to the building (the alterations to the roof in this instance) are sympathetic to the scale, massing and architectural style and finishes of the existing building. As such, I am satisfied that the building is of an appropriate design, and integrates suitably in this rural context.



Proposed Plans (as existing)

Residential Impact

Criteria D of CTY 4 calls for the reuse or conversion to not unduly affect the amenities of nearby residents. In this instance, while the use of the building as a dwelling would not necessarily cause unacceptable impacts to the residents of the main dwelling at 81 Cotton Road, I am not satisfied that potential future residents of the proposed new dwelling would have a sufficient level of amenity. The existing dwelling has driveways running along both sides of the proposed dwelling, and this, coupled with the lack of private amenity space proposed for the new dwelling, would result in a minimal level of privacy for potential future residents.

As such, while the proposal would not have unacceptable effects on residents of 81 Cotton Road, I am of the opinion that it would not be possible in this instance to provide a suitable level of privacy for residents of the proposed new dwelling, and as such the proposal fails to meet the criteria in this regard.

Amenity Space

As noted above, the proposal does not involve any private amenity space for the dwelling. It is part of the criteria for ancillary accommodation that the amenity space should be shared between the host dwelling and the annex, as noted in Appeal Case 2015/E005. Hence, the lack of private amenity space was deemed acceptable for the annex under X/2005/0251/F but ultimately would not be acceptable for a dwelling in its own right. Creating Places specifies that at least 40m2 of private amenity space should be provided for new dwellings, which is not the case in this instance.

Access and Road Safety and Parking

Ample parking will be provided in accordance with Creating Places standards. DFI Roads was consulted on the proposal, and offered no objections on the basis that the existing visibility splays at the site’s entrance would be retained in perpetuity.

Designated Sites and Natural Heritage

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

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

Sewerage Considerations

The application form indicates that the proposal will utilise a septic tank for foul sewage disposal. NI Water and NIEA WMU were both consulted on this aspect of the proposal and offered no objections.

5. Representations

Four neighbouring properties have been notified of the proposal, as per the Council’s statutory obligation.


As of writing, no representations have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons	
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1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development would be essential and could not be located in a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building does not constitute a “locally significant building”.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is not considered to be suitable for conversion to an independent dwelling as there would be an inadequate degree of privacy for the proposed dwelling and adequate provision has not been made for private amenity space.

<div style="text-align: center;"> Development Management Case Officer Report </div>			 Ards and North Down Borough Council	
Reference:	LA06/2023/2012/F	DEA: Hollywood & Clandeboye		
Proposal:	Dwelling (change of house type from approval W/2011/0015/RM)			
Location:	Land between 3 and 4 Sheridan Grove, Helen's Bay			
Applicant:	Peter Thompson			
Date valid:	21/07/2023	EIA Screening Required:	No	
Date last advertised:	17/04/2025	Date last neighbour notified:	03/06/2025	
Letters of Support: 0		Letters of Objection: 41 (11 separate addresses)	Petitions: 0	
Consultations – synopsis of responses:				
DFI Roads		No objection		
NI Water		No objection		
Council Biodiversity Officer		No objection		
Summary of main issues considered: <ul style="list-style-type: none"> • Principle of development • Parking and Access • Impact on Residential Amenity • Visual impact • Impact on Biodiversity • Objections received 				
Recommendation: Grant Planning Permission Report Agreed by Authorised Officer				
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)				

1. Site and Surrounding Area

The site was previously the side garden of No.3 Sheridan Grove, which at the time of the first site visit had been segregated by a timber fence. Foundations had been excavated and concrete poured as per the previous approval. The remainder of the site consisted of overgrown scrub and grass. The site slopes steeply downward in an easterly direction. The rear boundary consists of a mature hedgerow with a public car park beyond. The northern boundary consisted of a mixture of treatments including a timber fence, a mature tree, and a hedgerow along the lower section of the garden. However, this has since been completely cut back.

Several site visits were undertaken following the initial visit. At the latest visit, the dwelling had been constructed to ridge height, and other ground works and landscaping were also under construction.

The site is located within a cul-de-sac and within the settlement limits of Helen's Bay and the proposed Helen's Bay Area of Village character as designated within the draft BMAP.



Figure 1 – Site photograph looking to the rear of the site, at time of first site visit September 2023



Figure 2 – Site photograph looking toward the front of the site, at time of first site visit September 2023



Figure 3 – Site photograph looking toward the side of the dwelling, facing No.4, January 2025



Figure 4 – Site photograph looking toward the rear and side of the dwelling, facing No.4, January 2025



Figure 5 – Site photograph looking toward the front and side of the dwelling, facing No.3, January 2025

2. Site Location Plan



Figure 6 – Site location map



Figure 7 – Aerial image of site

3. Relevant Planning History

W/2007/0123/O - No 3A Sheridan Grove, Helens Bay - Outline permission for 1No dwelling between No 3 & No 4 Sheridan Grove, Helens Bay – Approval April 2008

W/2011/0015/RM - Lands between Numbers 3 and 4 Sheridan Grove, Helen's Bay - Single dwelling – Approval – September 2011 – (Extant approval)

LA06/2023/0691/CA - Lands between Numbers 3 and 4 Sheridan Grove, Helen's Bay – Alleged unauthorised development – development commencing before planning application LA06/2023/0012/F is approved

4. Planning Assessment

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 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12: Housing in Settlements
- Planning Policy Statement 15: Revised – Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards

Principle of Development

Regional planning policies of relevance are set out in the SPPS and other retained policies. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and the retained policies contained in PPS2, PPS3, PPS7, PPS7A, PPS12 and PPS15 therefore these remain the applicable policy documents to consider the development under.

The application site is within the settlement limit of Helen's Bay as defined in both the North Down and Ards Area Plan 1984-1995 and the Draft Belfast Metropolitan Area Plan 2015. The site is also within the proposed Helen's Bay Area of Village Character

as designated in the Draft Belfast Metropolitan Area Plan 2015. NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable.

The NDAAP at section 13.7 states that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town.

Background

The site benefits from an extant planning permission under W/2011/0015/RM for a single dwelling. Evidence has been provided by the agent regarding the works carried out to commence development. This related to the excavation and concrete pouring for foundations which the Council is content was carried out within the timeframe of the Reserved Matters permission.

Several pre-commencement conditions were also attached to the outline permission including the provision of visibility splays and the submission of finished floor level details. The Council is content that these conditions were also complied with, and the original planning permission was therefore lawfully commenced at the time. As this extant permission represents a fall-back position, it establishes a base line against which the current proposal must be assessed, and appropriate weight must be afforded to this as a material consideration in the assessment of the current proposal.

As the principle of the development of a dwelling on the site has already been established, the only matters for consideration under this current application are any differences in the design and layout of the development along with any change in circumstances relating to the site and surrounding area. There has been no change in the planning policy context since the approval of the original application.

The original plans submitted under this change of house type application were considered to be unacceptable due to the potential impact on the residential amenity of neighbouring dwellings (see original plans in Figure 8 below). Several versions of amended plans have since been received throughout the processing of the application to address both these concerns and a number of discrepancies between the details on the submitted plans and the development of the dwelling which has continued to be constructed on site throughout the processing of this application despite the applicant being advised that all works being carried out on the site were entirely at his own risk. (see figures 9 and 10 below).



Figure 8 - Original Proposed Elevations



Figure 9 – First version of amended elevations

Following site inspections by the Council's Enforcement team, during the processing of the application, it was established that the dwelling was not being built in accordance with the plans submitted under the current planning application.

The Enforcement Team confirmed that the development was sited correctly in accordance with the submitted plans however changes to certain elements were evident including the height, changes from external doors to windows, the repositioning of a gable window and the stairwell was not built immediately below the soffit of the main part of the dwelling. Therefore, amended plans reflecting these changes were sought from the agent and are shown below in figure 10.

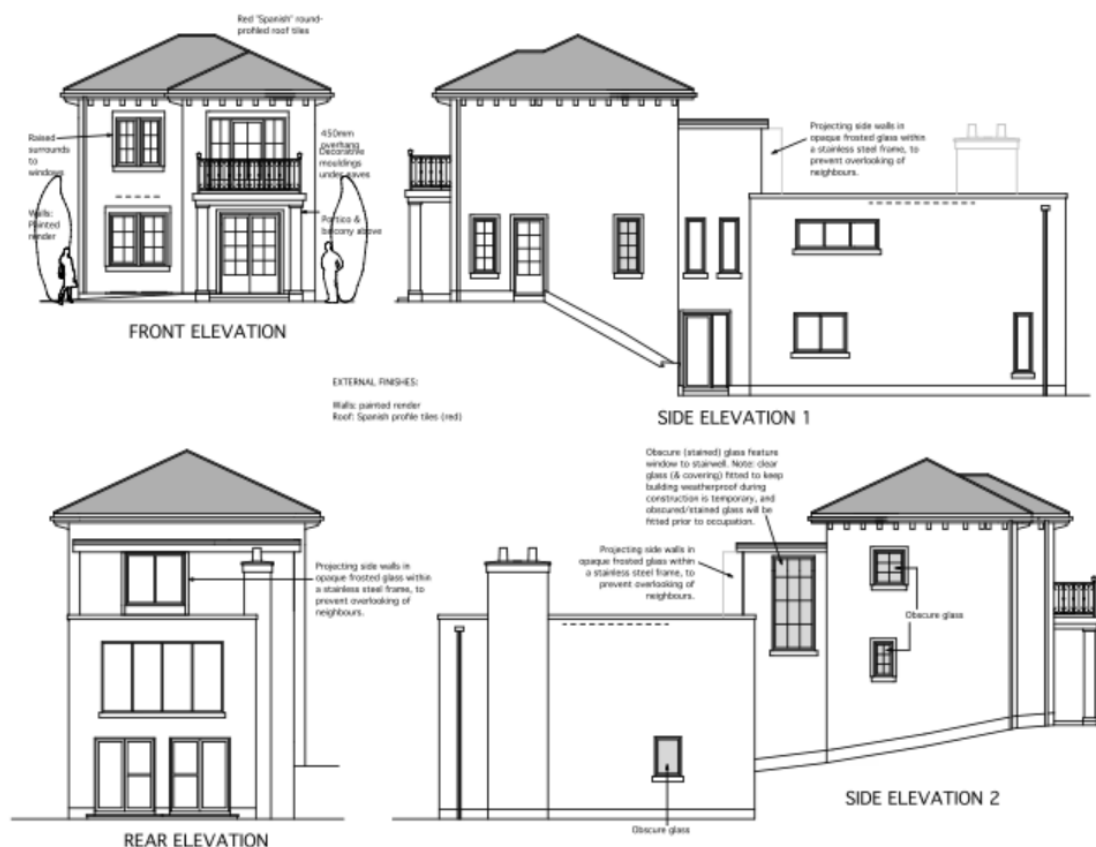


Figure 10 – Most recent submission - Amended Elevations

The proposed development has a slightly larger footprint than the extant permission, see figures 11 and 12 below, with a small addition to the front and rear of the dwelling (approximate areas highlighted in yellow for illustration). The extant permission has an internal floorspace of 2004sqft whereas the proposed has a floorspace of approximately 2200sqft. With the exception of the small additions, the overall footprint and position of the dwelling on the site remains very similar to that of the extant permission.

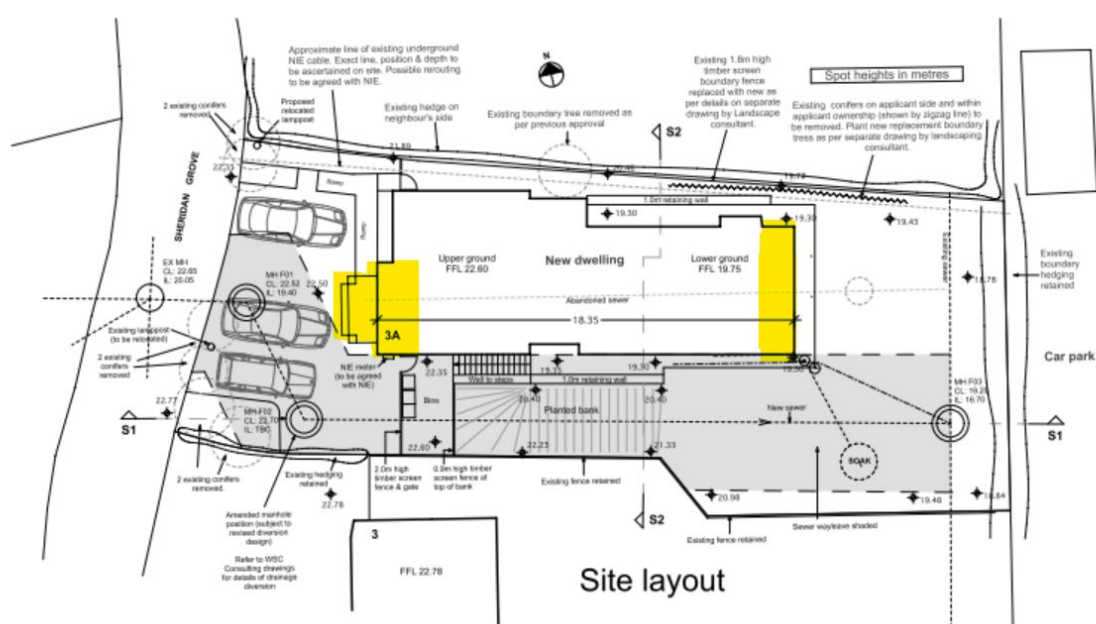


Figure 11 – Proposed block plan showing approximate increase in footprint from extant permission

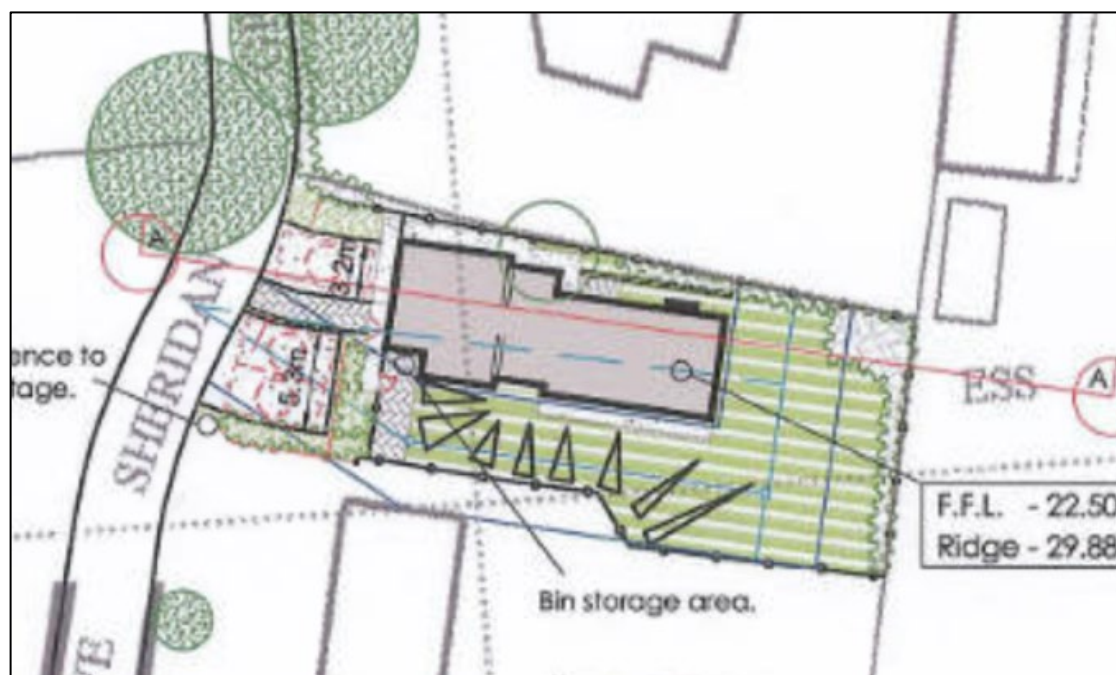
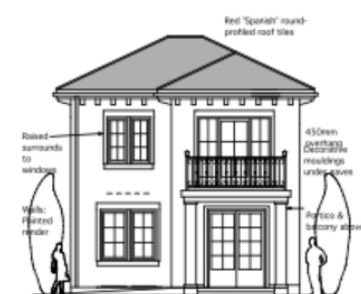


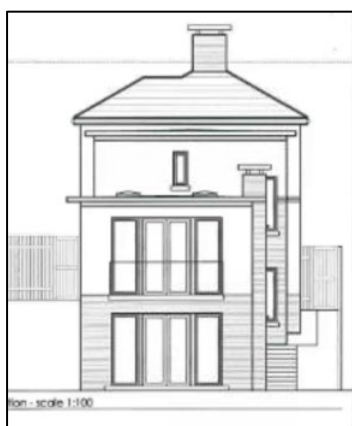
Figure 12 - Extant approval - W/2011/0015/RM – block plan



Front elevation - extant approval



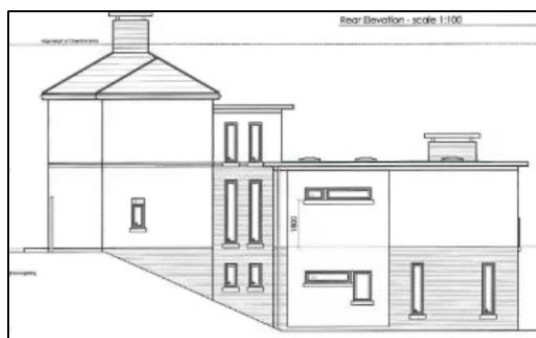
Front elevation – proposed



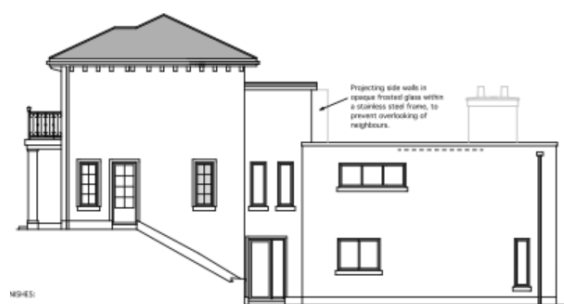
Rear elevation – extant approval



Rear elevation – proposed



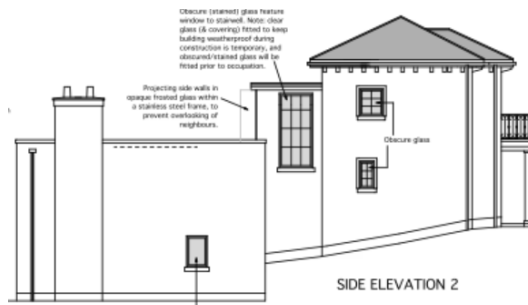
Extant side elevation (southern)



Proposed side elevation (southern)



Extant side elevation (northern)



Proposed side elevation (northern)

Figure 13 – Comparison of extant and proposed elevations

The proposed ridge height to the front section of the dwelling (indicated in figures 14 and 15 below), is 7.8m from finished floor level (FFL), while the extant approval had a height of 7.3m from FFL therefore there is an increase in height to the front by 0.5m from the extant approval. The total depth (measured from the front to rear) has increased from 17.6m to 18.4m as a result of the additional areas to the front and rear of the building.

The width of all sections is similar to the extant permission. The proposed depth of the front section of the dwelling with the hipped roof, has increased from approximately 6.2m to 6.8m. The middle and rear sections have increased by a total of 0.2m, giving a total depth of 11.6m, whereas the previous approval was 11.4m.

There is a slight reduction in the height of the middle (stairwell) section, which is measured at 8.3m, whereas the previous approval was 8.5m. The proposed rear section also has a reduction in height from the approved 6.4m to a proposed height of 6.2m. See figures 15 and 16 below.

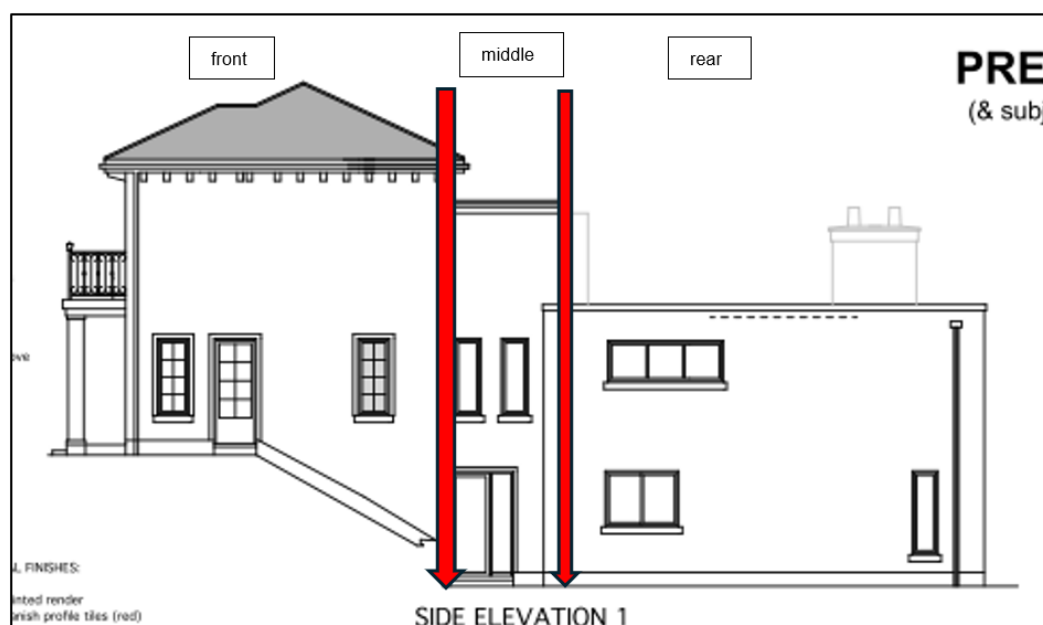


Figure 14 – Dwelling components

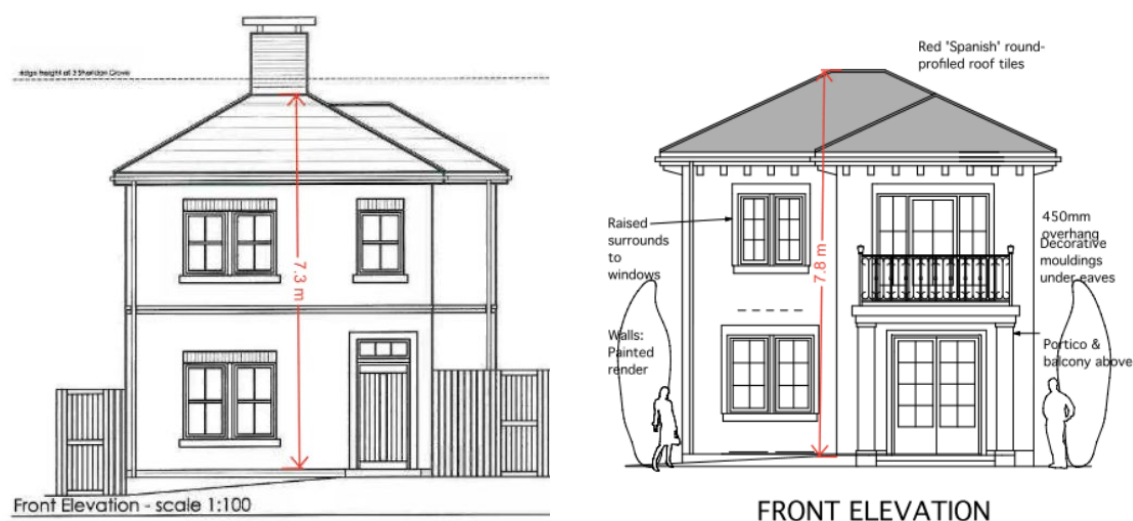


Figure 15 – Extant and Proposed ridge heights to front

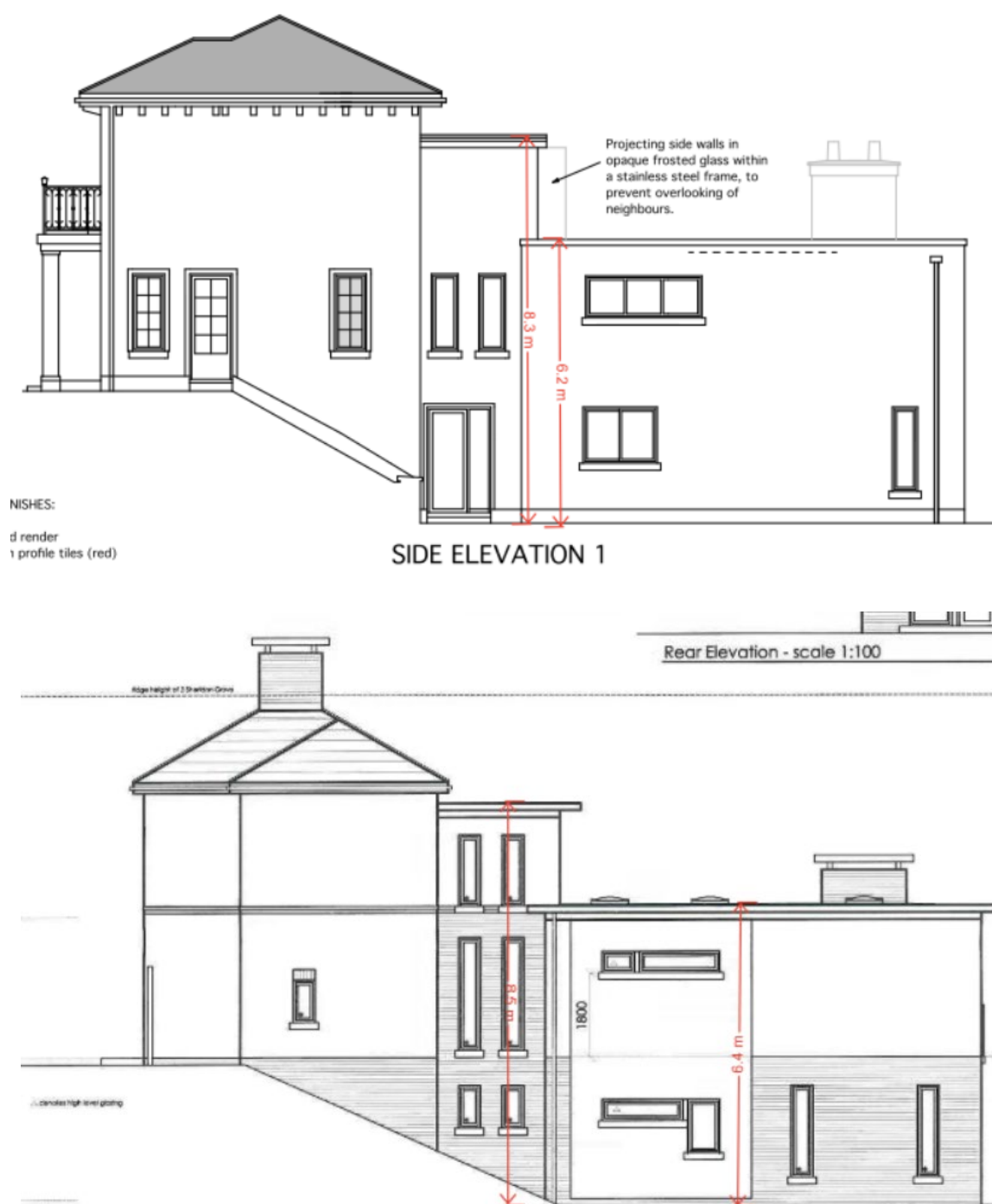


Figure 16 – Extant and Proposed heights to rear

There is only a very minor difference in finished floor levels between the extant permission and the proposed dwelling. The extant permission had a finished floor level of 22.5 to the front and approximately 19.6 to the rear and the current proposal has a finished floor level of 22.6 to the front and 19.75 to the rear.

As already outlined above, the footprint of the dwelling has increased at the front by bringing the 'setback' section (south west corner) of the main dwelling forward and with the addition of a front porch with balcony above. Other amendments include:

- the addition and reconfiguration of windows on all elevations,
- an amended roof design
- first-floor balcony over porch
- removal of chimney from front of dwelling.
- amended boundary treatment

Overall, the differences in height, area, footprint and finished floor level between the extant permission and the proposed dwelling are considered to be negligible.

Design, Visual Impact and Impact on the Character of the Established Residential Area and on the overall appearance of the proposed AVC

Paragraph 4.26 of the SPPS states that design is an important material consideration in the assessment of all proposals. It goes on to state that particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, including ATCs. Paragraph 6.21 of the SPPS states that in managing development within ATCs designated through the LDP process the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. Paragraph 6.22 goes on to state that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

The policies within the Addendum to Planning Policy Statement 6 (APPS6): Areas of Townscape Character and the related provisions of the SPPS refer to designated ATCs. No reference is made to draft/proposed ATCs, which do not have the same status or legal standing as a designated ATC. Therefore the policies contained within the APPS6 and the aforementioned provisions of the SPPS are not applicable to the consideration of the development.

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. The policy goes on to state that in Conservation Areas and Areas of Townscape Character, housing proposals will be required to maintain or enhance their distinctive character and appearance. Again, as the policy refers to designated ATCs, but no reference is made to draft ATCs, this element of Policy QD1 is not applicable to the development. Notwithstanding these conclusions, the potential impact of the development on the proposed AVC remains a material consideration.

The Planning Appeals Commission also considered objections to the general policy (UE3) for the control of development in ATCs contained in draft BMAP during the Public Enquiry into the Plan. It was recommended that Policy UE3 be deleted and that a detailed character analysis be undertaken and a design guide produced for each

individual AVC. As yet these design guides have not been published. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of Helens Bay AVC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the overall appearance of the proposed AVC remains a material consideration and can be objectively assessed. This approach has been adopted by the Planning Appeals Commission in several appeal decisions, for example 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor and 2020/A0099 – 17 Apartments, Seacliff Rd, Bangor.

Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) established that it is the effect on the character/appearance of the Conservation Area/Area of Townscape Character (ATC) as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the ‘no harm’ test).

In terms of the overall impact on the immediate area and the wider AVC, significant weight must be given to the extant permission on the site. The original proposal under the extant permission was assessed under and considered to comply with all the relevant policies pertaining to residential development contained in PPS7 and the Addendum to PPS7 all of which are still applicable to the current proposal. It was also considered that the proposal would cause no harm to the appearance of the proposed AVC.

As outlined above, the proposed alterations to the overall design from that approved under the extant permission, are considered to be minor and would not result in any significantly greater visual impact than the existing extant permission. The overall height, scale and massing are comparable, the position of the dwelling on the site is comparable and the overall design and materials and finishes are also similar.

Figure 17 below, shows an overlay of the proposal as originally submitted under the current application and the latest submission (red outline is the original submission and blue is the latest submission). The Council considered the overall scale and massing of the original submission to be unacceptable in that it would result in an overbearing impact on the neighbouring properties as well as being overly dominant within the surrounding context. The images below demonstrate that the overall scale and massing of the proposed dwelling has reduced substantially.

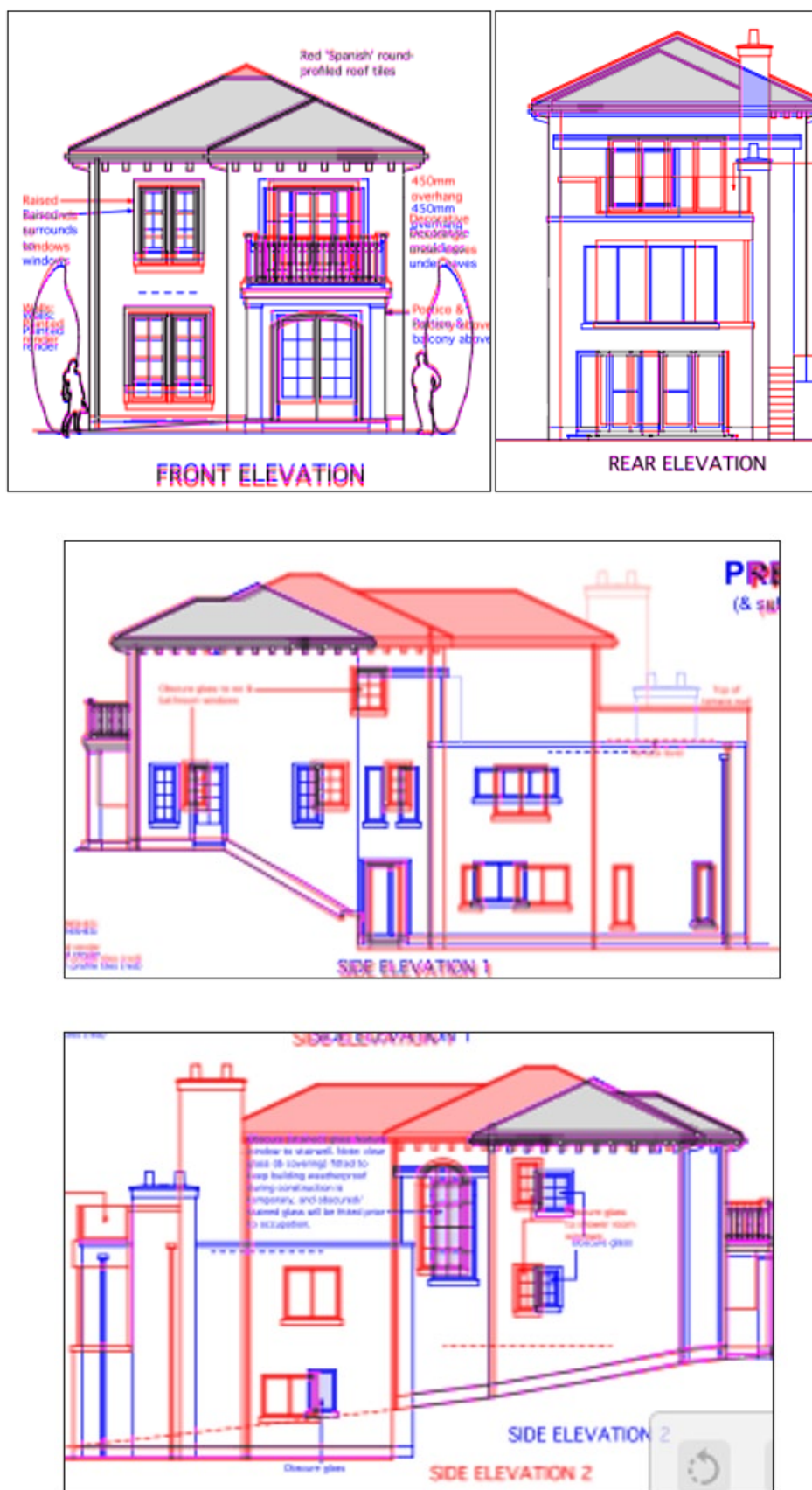


Figure 17 – Overlay of original and most recent submission (red original and blue latest)

The height, scale, massing and design of the dwelling as now proposed are all considered to be very sympathetic to the established built form both within the Sheridan Grove development itself and within the wider area. As demonstrated in the images below, the height of the dwelling is comparable to the existing dwellings and the shallow pitched red tile roof also reflects the roof style of the existing dwellings. The lower height at the rear also ensures that the overall massing of the dwelling is not excessive or overly dominant when viewed from both directions on Sheridan Grove and also from the public car park to the rear. The dwelling will have no greater visual impact overall than the existing dwellings within Sheridan Grove which are of a substantial size and scale (see figures 18-24 below). The proposed front balcony feature is also not considered to be at odds with the established built form. It is noted that No. 2 opposite has a substantial front balcony (see figure 22 below). The render finish will reflect that of the existing dwellings.



Figure 18 – Proposed dwelling nearing completion



Figure 19 – View of dwelling from entrance to Sheridan Grove



Figure 20 – View of dwelling from 3 Sheridan Grove (dwellings are of comparable height)



Figure 21 – View from public car park (dwelling under construction)



Figure 22 – 2 Sheridan Grove



Figure 23 – 1 Sheridan Grove



Figure 24 – 4 Sheridan Grove

The overall design of the dwelling is considered to meet the policy criteria of PPS7 policy QD1 and policy LC1 of the Addendum to PPS7 and will not detract from the character and appearance of the established residential area or the overall appearance of the proposed AVC.

Impact on Privacy and Amenity of Neighbouring Residents

Criterion (h) of policy QD1 stipulates that the design and layout of the development must not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

I am satisfied that the development would not result in any unacceptable adverse effect by way of overlooking or loss of light to any of the existing adjacent dwellings. The dwellings with the most potential to be overlooked by the development are Nos. 1, 2, 3 and 4 as shown in Figure 23 below

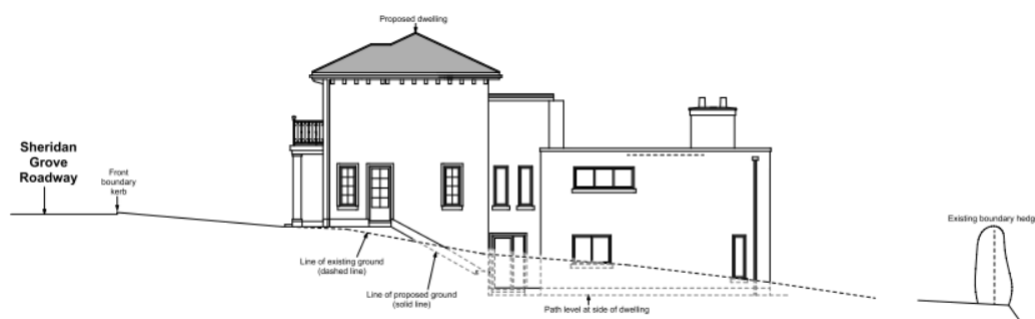


Figure 25 – Existing dwellings adjacent to site

Looking first at the potential overlooking impact on Nos. 1 and 2 Sheridan Grove opposite, while a balcony is proposed to the front of the dwelling, this is located approximately 29m away from No.1 with intervening mature boundary vegetation providing screening. The balcony will also be approximately 20m away from the closest

front projection of No. 2 and 26.5m away from its front balcony. These separation distances are in line with the recommended 20m minimum separation set out in Creating Places for opposing rear private elevations. It is noted that these balconies are both located to the front public aspect of the dwellings where a much lesser degree of privacy exists. It is also of note that the application dwelling sits at a slightly lower level than No. 2 so will not have any overbearing or dominant impact on this property. The balcony is also smaller than the balcony at No. 2. Also due to the generous separation distances and lower finished floor level of the proposed dwelling, there would be no unacceptable loss of light to these existing dwellings.

In terms of the potential overlooking impact on No. 3, there are a number of windows located on the southern elevation of the proposed dwelling which would have the potential to overlook this property. The lower ground floor windows and door and ground floor door and two windows on the front section of the dwelling will be sufficiently screened by existing boundary treatments. It is recommended that the side hall windows on the upper ground floor on the southern elevation should however be conditioned to be obscured, as given the difference in ground levels at the rear, they would have potential to create overlooking to the neighbouring property at No. 3. The proposed first floor side kitchen window on the southern elevation, although high level, sits at 1.6m above finished floor level and therefore would still have the potential to overlook No.3 given the average eye level is around 1.7m. It is therefore recommended that this window should also be conditioned to be finished in obscure glazing and permanently retained as such.



Site section S1-S1

Figure 26 – Southern elevation facing No. 3

A small balcony has been introduced to the front of the dwelling. This will be accessed from one of the bedrooms. The balcony will be situated approximately 8m from the gable of No. 3 and will only have views over the front garden area and driveway of No. 3. There will be no views from the balcony towards the private amenity space of No. 3. There is a separation distance of 13m from the proposed balcony and the first-floor side window of No.3. However, as both the balcony and windows to the front of No. 3 face onto the public aspect of the street, I am content that no unacceptable loss of privacy would occur in this instance.

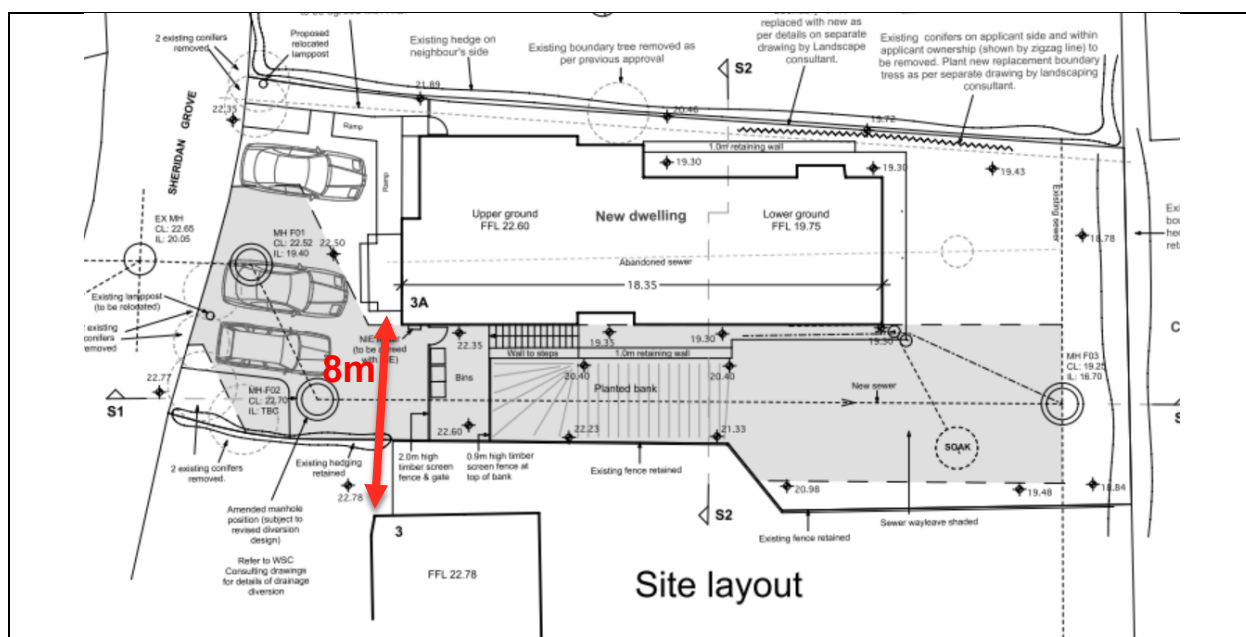


Figure 27 – Position of balcony in relation to No. 3

I am also satisfied that there would be no unacceptable loss of light to No. 3 due to the separation distance of approximately 7m between the two properties, the lower height of the rear return on the proposed dwelling and its location to the north of No. 3. The current proposal would have no greater impact on No. 3 than the extant permission.

In terms of potential overlooking to No. 4, the windows on the northern elevation, are to be obscured as indicated in figure 28 below and will therefore not create any unacceptable overlooking. Any planning permission would be subject to a condition requiring obscure glazing to be fitted prior to occupation and to be permanently retained thereafter. A window has also been introduced on the first floor of the middle section on the rear elevation. Any views from this window towards the rear amenity space of No. 4 would be at a very oblique angle and would not overlook any windows or private amenity space of No. 4 to an unacceptable degree (see views from window in figure 30 below). However as an additional mitigation measure to address concerns raised by the occupants of No. 4, the applicant has proposed obscure glass screens to either side of the window. Any permission would be subject to a condition requiring the obscure glass screens to be fitted prior to occupation and to be permanently retained thereafter. I am also content that no unacceptable degree of overlooking would occur from the first floor window on the rear section of the building. As can be seen from the photograph in figure 31 below, the view from this window is restricted to the rear corner of No. 4's garden where a shed is located.

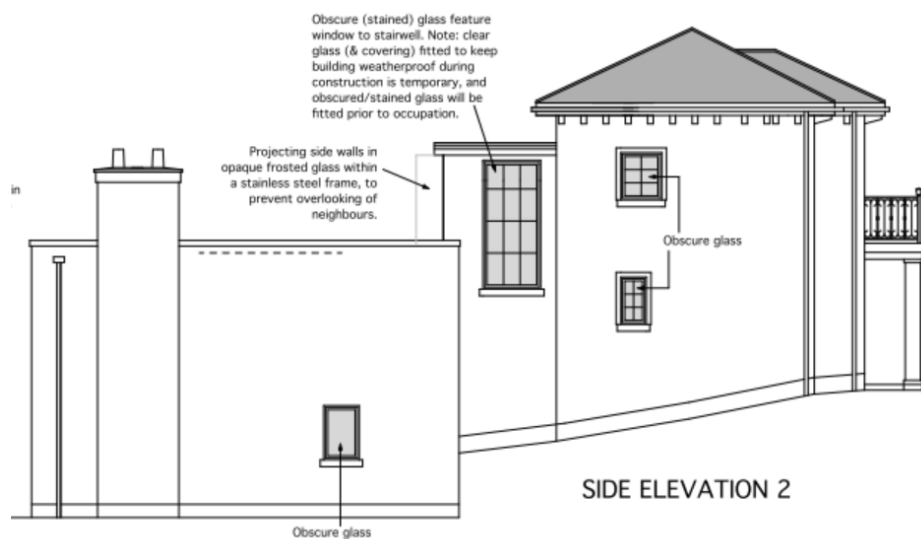


Figure 28 – Northern elevation facing No. 4



Figure 29 – Rear elevation showing upper floor window with frosted glass screened to sides

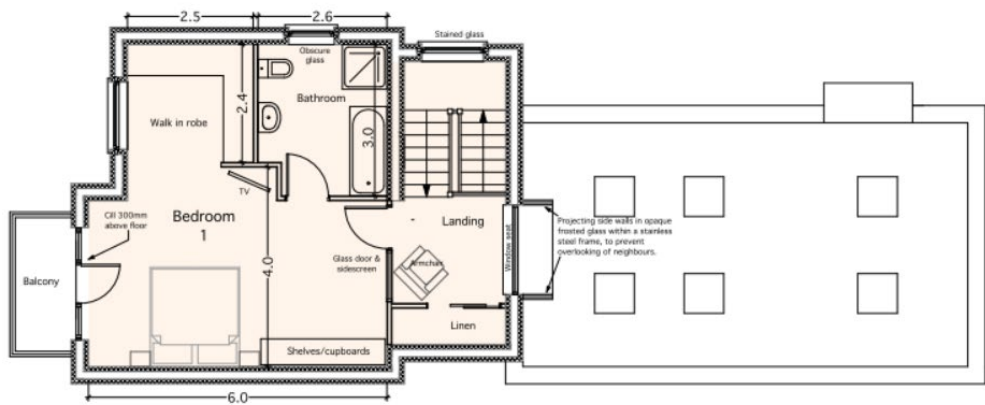


Figure 30 – View from rear window



Figure 31 – View from rear first floor window

An objection was also raised with regards to the potential fitting of doors instead of a window on the rear elevation of the middle section of the building and the intended use of the flat roof as a terrace area. As demonstrated, a window is shown on the submitted plans. A recent site visit has also confirmed that it is a window that has been fitted (see photos in figure 30 above). The site inspection also confirmed that the flat roof adjacent to the window contains large roof lights therefore it would not be practical to use the flat roof as a terrace. If planning approval is granted a condition would be attached to prohibit the use of this area as a roof terrace. As an additional safeguard, it is recommended that permitted development rights are removed to ensure that the impact of any future extensions or alterations to the building are fully assessed through the submission of a planning application.



First floor plan

Figure 32 – First Floor Plan showing position of landing window

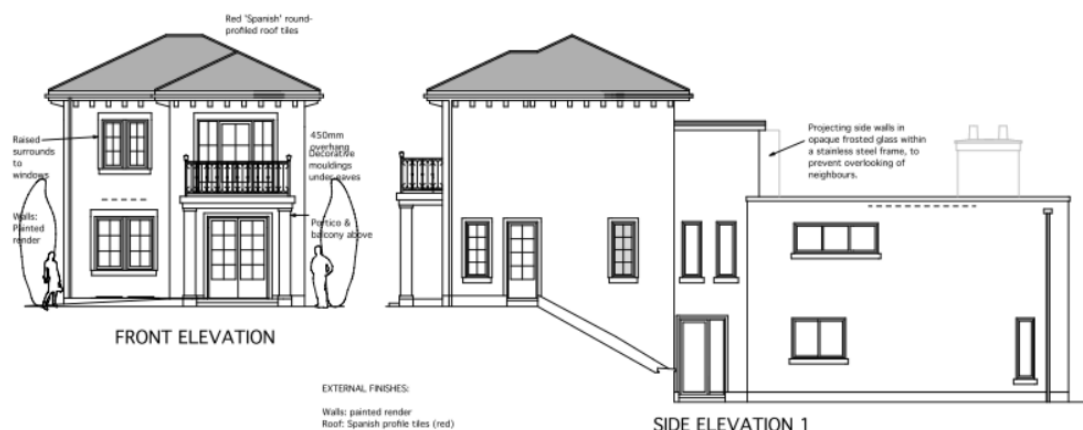


Figure 33 – Proposed front balcony

The proposed balcony to the front of the dwelling will only have limited side views of the front garden area of No.4 Sheridan Grove however the most private amenity space to the side and rear of the dwelling will be unaffected. The balcony will also be positioned approximately 6m from the party boundary and given the difference in ground levels and the mature boundary vegetation, it is not considered that there would be any unacceptable degree of overlooking towards any private amenity space. It is noted that No. 4 has a conservatory/sunroom positioned on its south-western corner however this is situated 8m from the party boundary and is set behind the proposed balcony, preventing any unacceptable views towards the sunroom from the balcony. Given this separation distance and the angle, it is not considered that there would be any unacceptable degree of overlooking from the small balcony.



Figure 34 – Relationship of balcony to No. 4

I am also satisfied that there would be no unacceptable loss of light to No. 4 as a result of the development. The extant planning permission on the site is a material consideration and as outlined at the start of this report, the height, scale and massing of the current proposal is very similar to the extant permission which represents a fall back position for this site. It is therefore not considered that the proposal would have any significantly greater impact by way of loss of light. While the front portion of the building is 0.5m higher from finished floor level than the extant permission, the rear flat roof section of the building is 0.3m lower.

The windows on the side (south-western) elevation of No. 4 which face the development, all serve the same living space (see figure 35 below). The 25-degree light test set out in the Building Research Establishment 'Site Layout Planning for Daylight and Sunlight Good Practice Guide', is a useful tool when considering the impact of a proposed building which will be located directly opposite the windows of an existing dwelling. In this instance when applied to the closest side windows of the room, the front section of the dwelling at 7.8m in height would fail to meet the 25 degree test. The front section of the building approved under the extant permission would also fail to meet this 25 degrees test.

The light test however, is only one material consideration and is intended to be used as a guidance tool rather than being rigidly adhered to. Paragraph A37 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations, lists a number of factors to be take into consideration in assessing impact on light. One of these is whether or not the affected room has alternative sources of light. This room has windows to the front and rear meaning that the room benefits from daylight from three different directions.



Figure 35 – Side elevation of No.4 facing application site

When applied to the rear flat roof section of the proposed building, the 25 degree light test is met. Therefore, the windows on the side elevation of No. 4 will not be affected to an unacceptable degree by this section of the building (see flat roof section of building in figures 33-34 below). It is also of note that the closest window on the rear elevation of No. 4 which also serves the same living space would not be adversely affected as the 45 degree test as recommended in the Addendum to PPS7 would be met when applied to the development.

The potential dominant or overbearing impact of the development is also a factor that must be considered. Again, as outlined above, the starting point in assessing this, must be the extant planning permission on the site. While the front section of the building is 0.5m higher from finished floor level than the extant permission, it is not considered that this minor increase in height results in any unacceptable degree of dominance. As can be seen in the images in figures 33-34 below, the highest part of the dwelling at 7.8m is limited to the front section of the building only with the flat roof section to the rear greatly reduced in height to mitigate against any unacceptable degree of dominance. As can be seen, there are still clear views of the sky from the side of No. 4. The light coloured render finish of the building also helps to reflect light and further reduce the potential for any over bearing impact.





Figures 36-37 – View of development from side patio doors of No.4

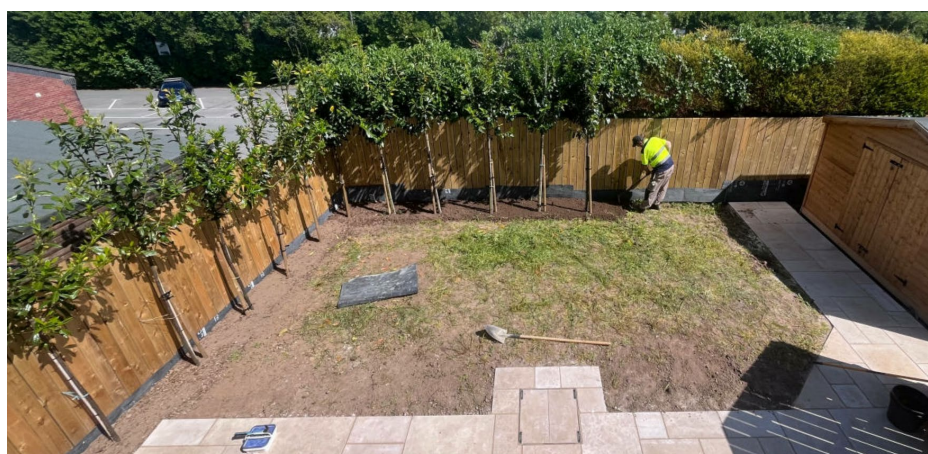
In terms of the boundary treatment between No. 4 and the application site, the original boundary hedge along the northern boundary of the site (see figure 38 below) was conditioned to be retained under the extant planning permission to maintain screening between the sites. The original hedge was cut back during construction as can be seen in figure 39 below.



Figure 38 – Original Leylandii/conifer hedge along party boundary



Figure 39 – Existing hedge cut back during construction



Figures 40-41 – Replacement planting

Given the poor condition of the remaining hedge the Planning Department sought additional or replacement planting along the boundary. A revised landscape plan has been submitted which details new tree planting along the north eastern and eastern boundaries of the site. A new 1.8m high timber fence is also indicated along this boundary which is considered to be a betterment to the existing dilapidated timber fence (see figure 42 below). These trees have already been planted by the applicant as shown in figures 40-41 above. The species chosen is Cherry Laurel which is commonly used as a tall hedge or small tree to provide privacy screening in gardens with its dense evergreen foliage making it ideal. A new hedge is also proposed at the front of the site to soften the appearance of the timber fence at this location.

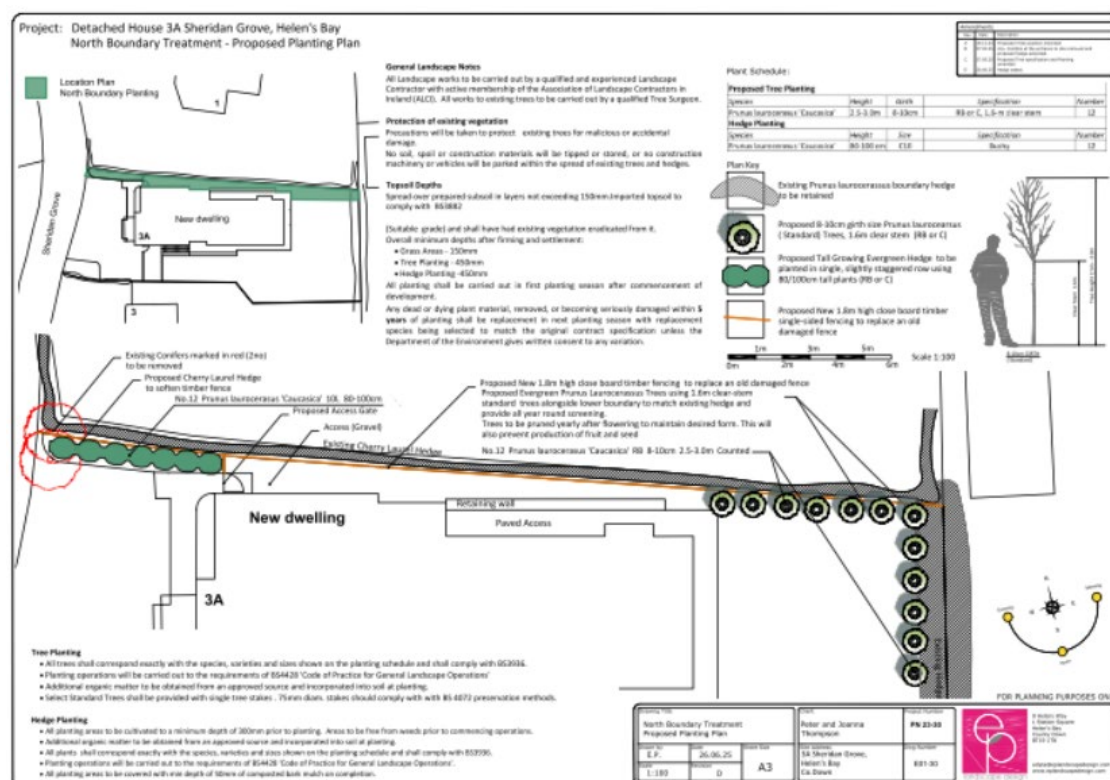


Figure 42 – Proposed landscaping

This proposed landscaping is considered to provide suitable screening as well as an attractive soft edge to the neighbouring property. Any planning permission would be subject to conditions requiring permanent retention and replacement in the event of any planting dying within 5 years.

Designated Sites and Natural Heritage Interests

Policy NH1 of Planning Policy Statement 2 relates to European and Ramsar sites and states that planning permission will only be granted for a development proposal that, either individually, or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on those sites.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

As previously stated the site benefits from extant permission. An Ecology report was submitted for consideration that found that there were no concerns regarding any potential adverse impacts on nature conservation.

With regard to the removal of hedges on the site, the Council's Biodiversity Officer has advised that private landowners and developers may at their own risk cut trees/hedges etc at any time however all nesting birds are protected as are their active nests/eggs/chicks. Work to hedgerows, trees and woodlands can take place at any time, but the onus is on the person doing the work to avoid committing an offence under the Wildlife (NI) Order 1985 (as amended). It is advised that any operations are best carried out September to February.

The Biodiversity Officer also states that the Council has no role regarding enforcement in relation to wildlife crime and the destruction of biodiversity features utilised by roosting bats and nesting birds, this responsibility falls with the NIEA/PSNI. Where someone strongly suspects that the tree/hedge/patch of cut scrub has nesting birds/bat roosts utilising it and it is being disturbed then they should log this with the PSNI by dialling Tel 101 and reporting a potential wildlife crime.

A response was received from the Council's Biodiversity Officer in relation to the ecologist answering 'no' to sections of the checklist relating to the location of woodland within 50m, which contradicted the later comments within the report that woodland was within 39m. The officer stated that they could not answer on behalf of the Ecologist in relation to the above statement. Regardless of this, the planning Department is content that the matter of potential impact on bats and other protected species has been fully considered and is content that the development would not result in any harm to protected species. The site contained no features which would have had any bat roost potential and the leylandii hedge removed from the site was not considered to be of any significant ecological value. The Council's Biodiversity Officer has no objection to the proposal and therefore no further comments or information is required from the Ecologist on the matter.

Road Safety and Parking

DFI Roads has advised it has no objections to the proposal. Adequate space is available for parking as per the extant permission.

A concern was raised regarding the size of the parking spaces to the front of the dwelling and how they compare to the extant approval. Three spaces were proposed under the extant approval and the lengths of these range from 5.5m to 6.6m as shown in figure 40 below. For the current proposal, three spaces are also provided which is considered to be adequate for a dwelling of this size and in line with the recommended parking standards set out in the Creating Places Guidelines. The spaces have a length of between 5.4m to 9.1m. The dimensions of the parking spaces are therefore comparable. Creating Places recommends a length of approximately 6m. While one of the proposed spaces is less than this at 5.4m, I am satisfied that it is still comparable to the dimensions of the extant permission.

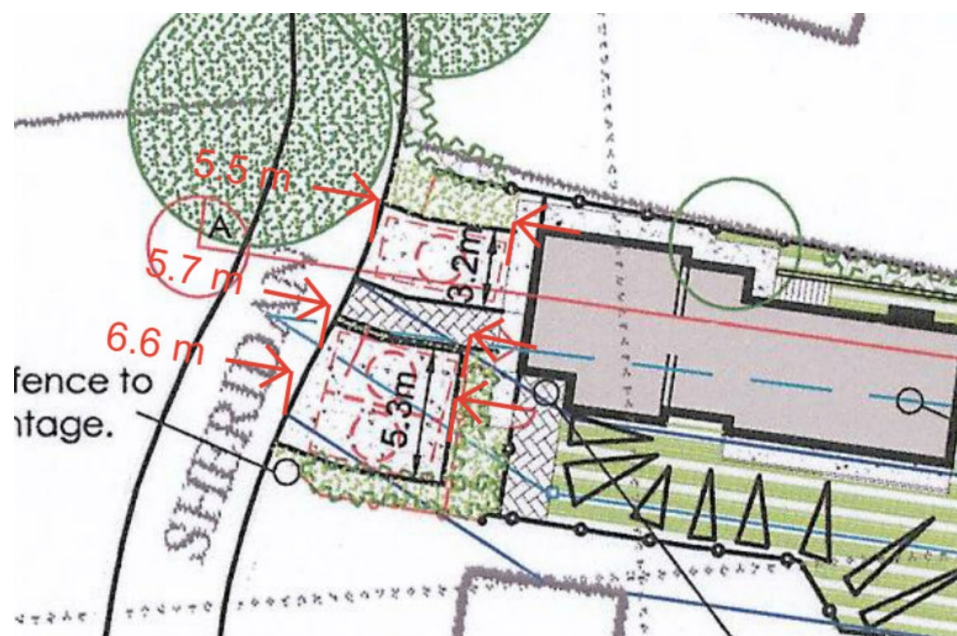


Figure 43 – Approved parking dimensions under extant planning permission

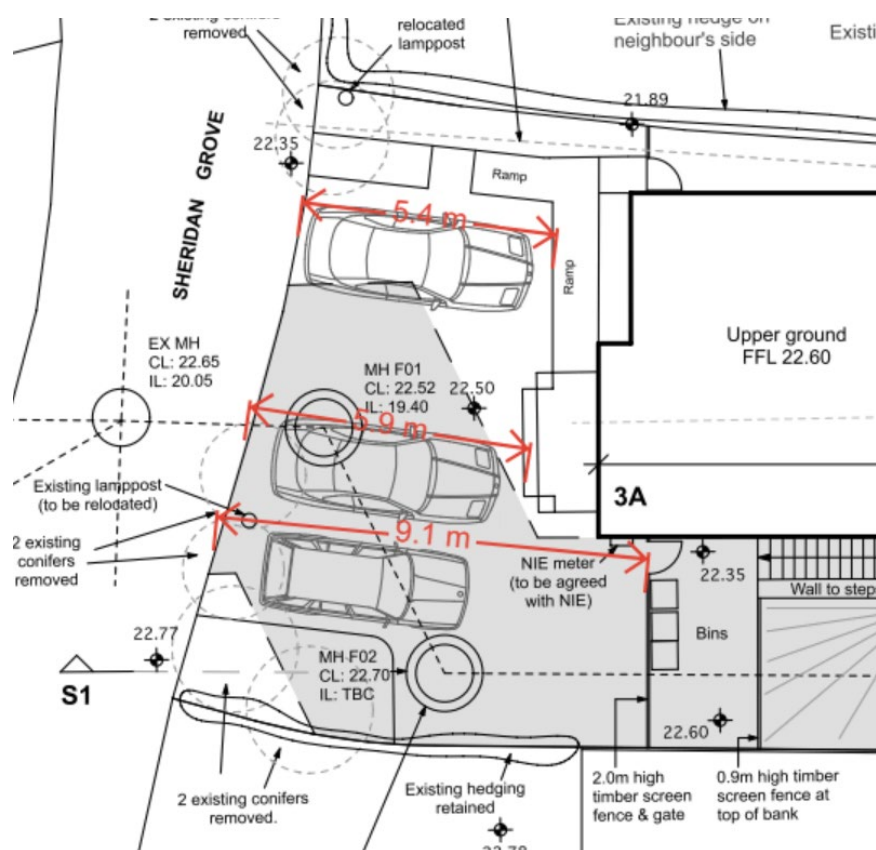


Figure 44 – Proposed parking dimensions

Flooding and Drainage

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. No watercourses run through the site.

A drainage assessment is not required under Policy FLD 3 of PPS 15, as the development does not exceed any of the required thresholds:

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

Flooding was raised as a concern by an objector, stating that flooding had occurred on the site and the reassurance that future flooding will not impact neighbouring sites, particularly No.4. As previously stated the site does not lie within a fluvial coastal flood plain and does not exceed the required thresholds for the submission of a drainage assessment. There is also no history of surface water flooding recorded at this location according to Flood Maps NI.

In summary, the proposed change of house type is considered to be acceptable and complies with policy, the proposed height and length are not significantly different than the extant permission as demonstrated above, and the overall design will not have any further impact on residential amenity than the extant permission.

5. Representations

41 letters of objection from 11 different addresses, have been received in regard to the application. 9 objections were received in relation to the original proposal (9 separate addresses), 12 objections were received following the second/third submission (8 addresses) and 18 objections received since latest submissions (7 addresses). The main issues raised have been summarised below and relate to both the original plans and amended plans

Issues raised in relation to original submission:

- Impact on character and appearance of area
- Uncharacteristic of area
- Overlooking
- Contrary to policy
- Overdevelopment
- Overshadowing and loss of light
- Dominance
- Not Complying with conditions of previous approval

Issues raised in relation to additional submissions:

- Represents a significant increase in the size, density and height
- Concern regarding flat roof – request that roof not to be used as amenity space
- Concern re parking at front and encroaching onto road, impact on safety. Insufficient room for car parking
- Loss of tree and hedge
- Impact on bats and biodiversity – contrary to wildlife legislation and contrary to PPS2
- Inaccurate information provided in regard to natural heritage
- Lintel incorporated into side elevation can be used for window
- Increase in size, number and position of the proposed windows
- Not building in accordance with submitted plans
- Supporting documents not accurate
- Increase in flooding
- Right to light

All of the above issues have been considered in the main body of this report.

Additional issues raised:

- **Proposed development is contrary to deeds**
This is not a material planning consideration. Any disputes over deeds or title

between parties are legal matters to be resolved outside of the planning process.

- **Overshadowing and loss of light will lead to increase cost of lighting and heating**

As outlined in the above report, the development will not result in any unacceptable loss of light to existing dwellings.

- **Land not in ownership of applicant**

The application form was amended to reflect land ownership.

- **Impact on privacy and amenity during construction (noise and visual disturbances)**

A degree of noise and disturbance is to be expected for all developments however construction works are of a temporary nature and would not be a reason to refuse planning permission.

- **Landscape condition on previous approval not complied with due to hedge being completely cut back**

The condition of the original extant planning permission required retention of the hedge and did not prohibit cutting back. During construction of the dwelling it became apparent that the long term retention of the Leylandii hedge would not be practical in close proximity to the dwelling. The hedge has now since been completely removed and replacement planting implemented on site as reflected on the revised landscaping scheme submitted. The new planting includes 12 Cherry Laurel trees along the north eastern and eastern boundaries which are considered to provide a much better solution than the original leylandii hedge. Leylandii species are not generally considered to be appropriate for boundary planting within smaller domestic gardens. This species, grows extremely fast and can become extremely large in size. If not regularly sheared from early on they become thin and bare at the bottom and if trimmed back around the bottom, do not regrow. It is considered that the replacement landscaping offers a much better solution for screening in the long term.

- **Commencement of development prior to planning permission being granted**

Further to receipt of a complaint in relation to the development, the Council opened a Planning Enforcement case on 6 November 2023. This was initially opened to investigate whether the development was implementing planning permission approval W/2011/0015/RM or the development associated with the ongoing planning application LA06/2023/2012/F, in an attempt to establish if there is a breach of condition 4 of W/2011/0015/RM. At this time the Planning Enforcement case was set up to investigate the 'alleged unauthorised development – development commencing before planning application LA06/2023/2012/F is approved'. The Planning Enforcement Officer carried out a history search and was aware of the extant approval on the site under planning reference W/2011/0015/RM. To enable them to determine which application was being implemented, a site visit took place on 16 November 2023 and a further site visit on 5 December 2023. It was determined that the time limit

condition attached to the reserved matters consented under W/2011/0015/RM had been complied with by the construction of foundations on site and implementation of pre-commencement conditions attached to the outline planning permission. This permission was therefore considered to be extant on site and could have then been developed in totality at any time.

Following on from this, a full review of ongoing building works and both sets of plans for each planning application confirmed that the developer was implementing the plans in connection with the current planning application LA06/2023/2012/F. The Planning Enforcement Officer has reviewed all the information, in line with the Council's Planning Enforcement Strategy, which included assessing the deviations from the extant approval versus what was being erected on site. The Council noted that the footprint of the dwelling being erected on site was similar to the lawful fallback position of W/2011/0015/RM in that there were three floors of accommodation, with the dwelling appearing two storey from street level, but providing an additional floor on lower ground level.

The Council at this time acknowledged that there was a breach of planning control, in that the specific development on the ground did not benefit from planning permission but balanced the assessment of the case in the context of the extant approval on the site, as a material planning consideration, which essentially provides the fallback position for this site. There was an extant approval on site with very similar elevations and floor plans, but regardless, the agent and owner were advised in writing that they were continuing entirely at their own risk.

It is important to note that building without planning permission in most cases is not a criminal act, and that the Planning Act (Northern Ireland) 2011 permits submission of a retrospective planning application to address any breach of planning control, as set out in the Council's Planning Enforcement Strategy. In order for a Stop Notice to be served, the Council must first have deemed it expedient and in the public interest to serve an Enforcement Notice under Section 138 of the Act. A Stop Notice cannot be served independently of an Enforcement Notice, and in this particular case it was not considered expedient to serve an Enforcement Notice, therefore the service of a Stop Notice was not required. Consideration was given to the service of a Temporary Stop Notice (TSN) under Section 135 of the Planning Act 2011 in March 2024. The Council can issue a TSN if it considers that there has been a breach of planning control and that it is expedient for the development or use to be stopped immediately. TSNs apply for 28 days, during which the Council is able to assess the circumstances and determine whether to take further enforcement action. This was discussed at the internal group meeting in March 2024; however, it was the professional planning judgement of the Planning Officers at that time that it was not expedient. The site is within the settlement limit of Helen's Bay where there is a presumption in favour of development. Weight was also given to the planning history on the site which established planning permission for a single dwelling which had been commenced timeously. Specific comparison of the scale, massing, design and footprint of the older approval with the current planning application was considered.

The planning enforcement case, LA06/2023/0691/CA, is still ongoing and as yet no final decision has been made; it remains linked to the ongoing assessment of this current planning application.

- **Validity of the Design and Access Statement (DAS)**

The site falls within a proposed AVC rather than a designated ATC given the draft status of BMAP. As such a Design and Access Statement is not required under legislation however the Council continues to encourage applicants to submit Design and Access Statements regardless, and the majority of planning agents and applicants comply accordingly. Regardless, the DAS as submitted is considered to deal proportionately with the proposal, which is not for a new dwelling, rather a change of house type on a site which already benefits from an extant planning permission for a dwelling of a similar siting. This is considered to be in line with paragraphs 8.1 and 8.2 of the Department for Infrastructure's Development Management Practice Note 12 on Design and Access Statements which sets out that a DAS should explain the design thinking behind a planning application and show how the applicant has thought about how everyone will be able to use the place they want to build.

- **Not responded to all queries**

The Planning Department is content that all concerns raised have been fully considered and discussed within the report or through private correspondence.

- **Ecology Issues**

The Council is aware of its duties in relation to the Habitats Regulations and planning policy in relation to ecology. The Local Biodiversity Action Plan is a long-term plan to work with partners to develop and complete actions and fulfil targets which promote and enhance biodiversity with the borough. It will form a material planning consideration in a situation where it provides any additional clarification on ecology matters not dealt with by prevailing planning policy or related legislation.

- **Plans not correct on the Planning Portal, dates conflicting, plans duplicated etc**

This has been corrected with all plans uploaded. Plans had been labelled incorrectly on the Planning Portal so they were taken down temporarily in January to amend the drawing numbers (from 4b and 3b to 4c and 3c). The date on the portal reflects the date they were taken down and published again. Unfortunately, the original date of publication is replaced with the new date so it may appear that new plans had been received, which was not the case.

Having checked the portal it was noted that several of the plans had not been uploaded correctly, this has since been corrected and Neighbours re-notified to advise of the correction.

- **Planting not as annotated on the plans**

An updated landscaping plan has been submitted to reflect the planting now undertaken on site. As outlined in the above report, the Planning Department is content that the extent and nature of the planting provides adequate boundary screening to the site.

- **Waste pipes not depicted**

It is not a requirement of planning permission to show waste pipes which are approved under a separate regulatory process.

- **Front elevation not painted or rendered**

The dwelling is still under construction. As previously stated there is an active Enforcement case on the site. If the dwelling is not constructed in accordance with the approved plans the matter would be referred to Planning Enforcement section for further investigation.

- **Build is not in accordance with plans in relation to the projecting side wall and structure above stairwell on flat roof**

It is acknowledged that the projecting side wall/screen is not constructed at present, and the issue was raised with the agent who has advised that it will be completed as per the submitted plans. As an additional safeguard, any planning permission would be subject to a condition requiring erection of the side wall prior to occupation. The structure on the flat roof is box guttering and it is not considered to be necessary to show this extent of detail on the plans.

- **Window on third floor sliding and not fixed, contradiction of condition stipulating that the flat roof is not to be used as balcony**

It is considered unreasonable to condition this window to be non opening or to restrict the style of opening. Condition 13 below prohibits the flat roof from being used as a balcony or roof terrace at any time. As outlined above, this roof terrace contains a number of rooflights which would make the roof impractical to use as a terrace.

38 Recommendation

Grant Planning Permission

39 Conditions

1. This decision is issued under Section 55 of the Planning Act (Northern Ireland) 2011 and is effective from the date that this permission is issued.

Reason: As required under Section 55 of the Planning Act (NI).

2. The dwelling shall not be occupied until provision has been made within the curtilage of the site for the parking of private cars in accordance with approved Drawing No.02E. The parking area as approved shall be permanently retained thereafter and used for no other purposes.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with approved Drawing No.02E prior to the occupation of dwelling hereby permitted.

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

4. 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 occupation of the development hereby permitted 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.

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

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

6. The existing natural screenings of this site as indicated in blue on the approved plan Drawing No.02E, shall be retained unless removal is necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

7. If any retained planting is removed, uprooted or destroyed or dies, another hedgerow/tree/s shall be planted at the same place and shall be of such size and species and shall be planted within the next available planting season.

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

8. All hard and soft landscape works shall be carried out in accordance with drawing Nos. 02E and No.06D. All works and new planting shall be completed during the first available planting season after the occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: In the interest of visual amenity.

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

variation.

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

10. The 1.8m fence along the boundaries of the site as indicated on approved drawing Nos. 02E and 06D shall be permanently retained.

Reason: In the interest of privacy and amenity.

11. The windows, as shaded yellow, on drawing Nos 03D and 04D shall be finished with obscure glass. The obscure glazing shall be installed prior to the occupation of the dwelling hereby approved and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

12. The flat roofed area of the building, shaded orange on Drawing No.03D shall not be used as a balcony or roof terrace at any time.

Reason: To protect existing and proposed residential amenity.

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

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

14. 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 additional windows, doors and openings shall be formed in all elevations without express planning permission.

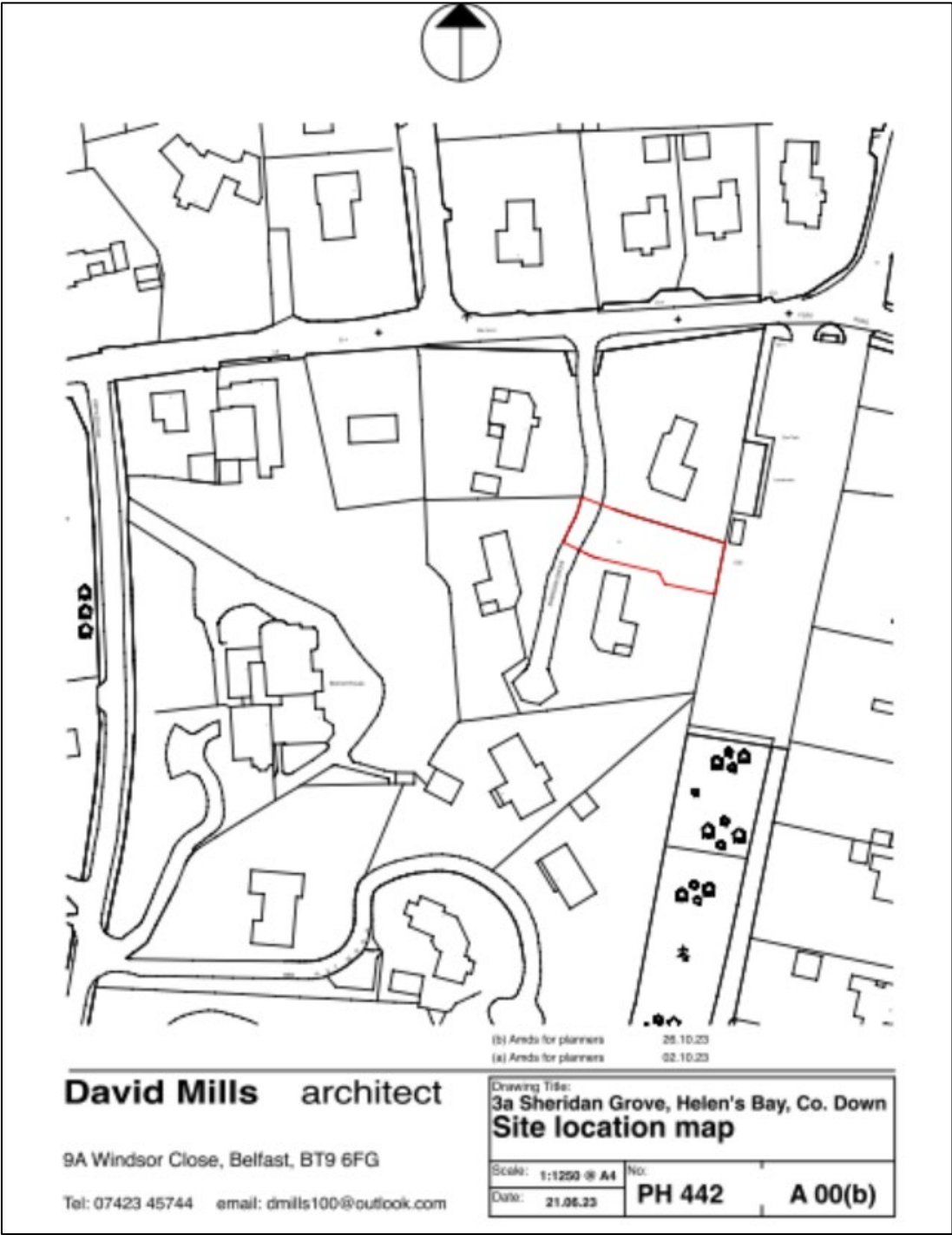
Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

15. The obscure glazed privacy screens as indicated on drawing No. 04D shall be installed prior to the occupation of the dwelling hereby approved and shall be permanently retained thereafter.

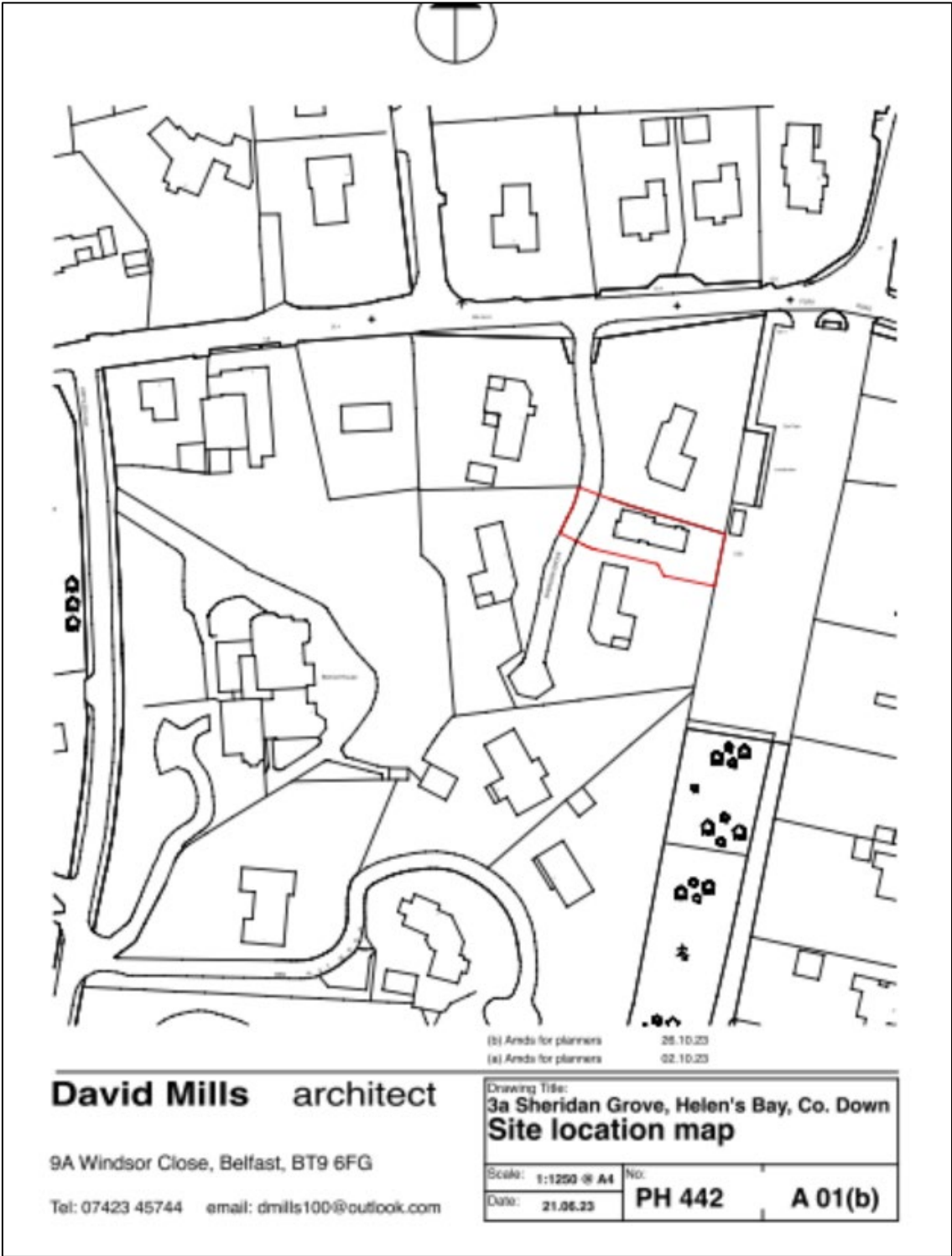
Reason: In the interest of privacy and amenity.

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

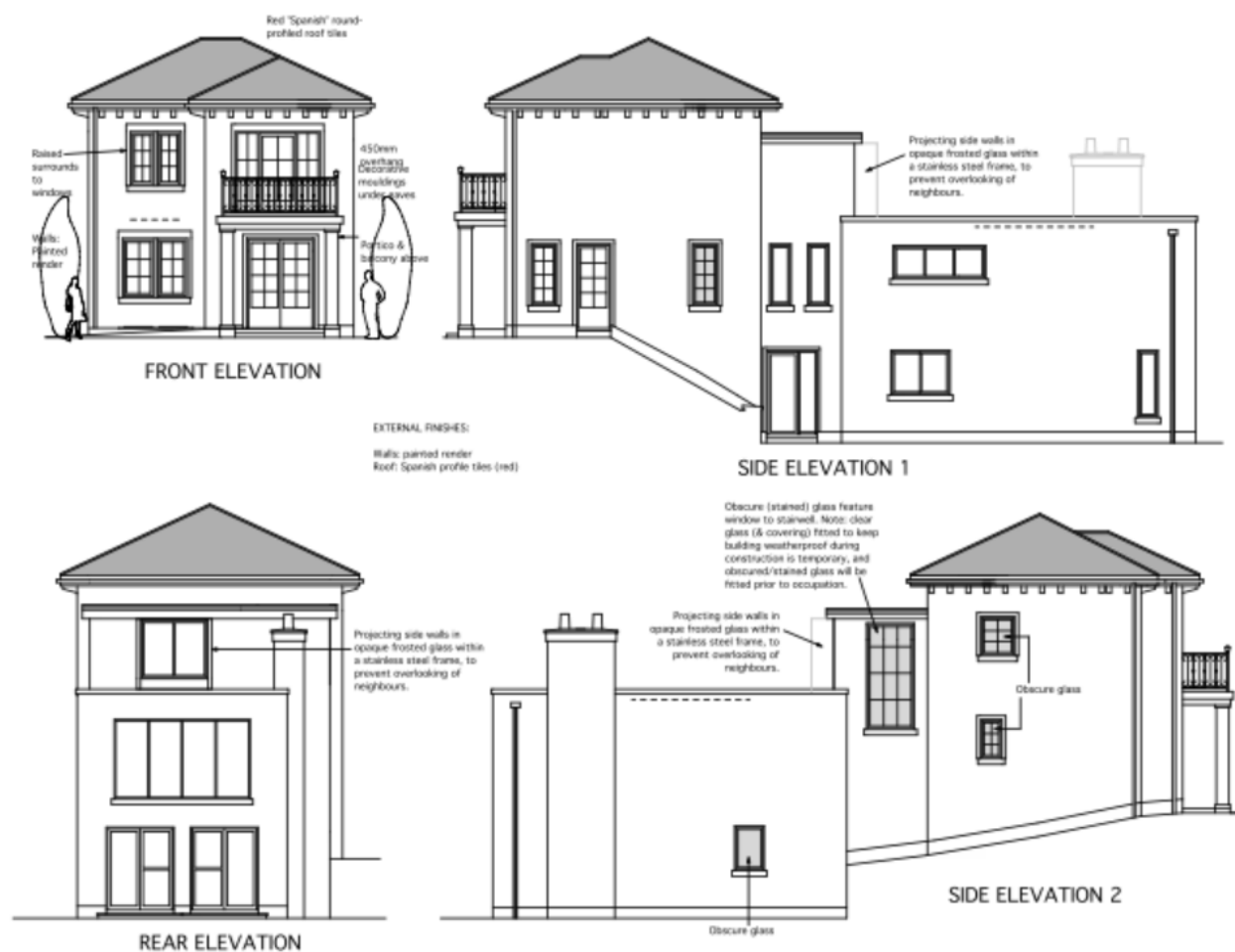
Site Location Plan



Block Plan



Proposed Elevations





Dimensions in metres

PRELIMINARY
(& subject to all statutory approvals)

(2) glass walls selected	32.84.29
(F) Armbars for planners	45.86.24
(2) Armbars for planners	52.10.23
(J) Penholders for planners	58.89
(K) Client armbars	11.00.23
(L) Client armbars	38.08.23
(M) Client armbars	22.09.23
(N) Client armbars	21.08
(O) Client armbars	60.96
(P) Client armbars	64.08.23
(Q) Client armbars	62.96
(R) Client armbars	31.87
(S) Client armbars	31.07
(T) Client armbars	31.87

**David Mills
Architect**

Architect
9A Windsor Close, Belfast,
BT9 6FG
Tel 02823 437 439
email design@66studios.com

Peter & Joanna Thompson

100

Detached house
3a Sheridan Grove,
Helen's Bay
Co. Down

Floor plans

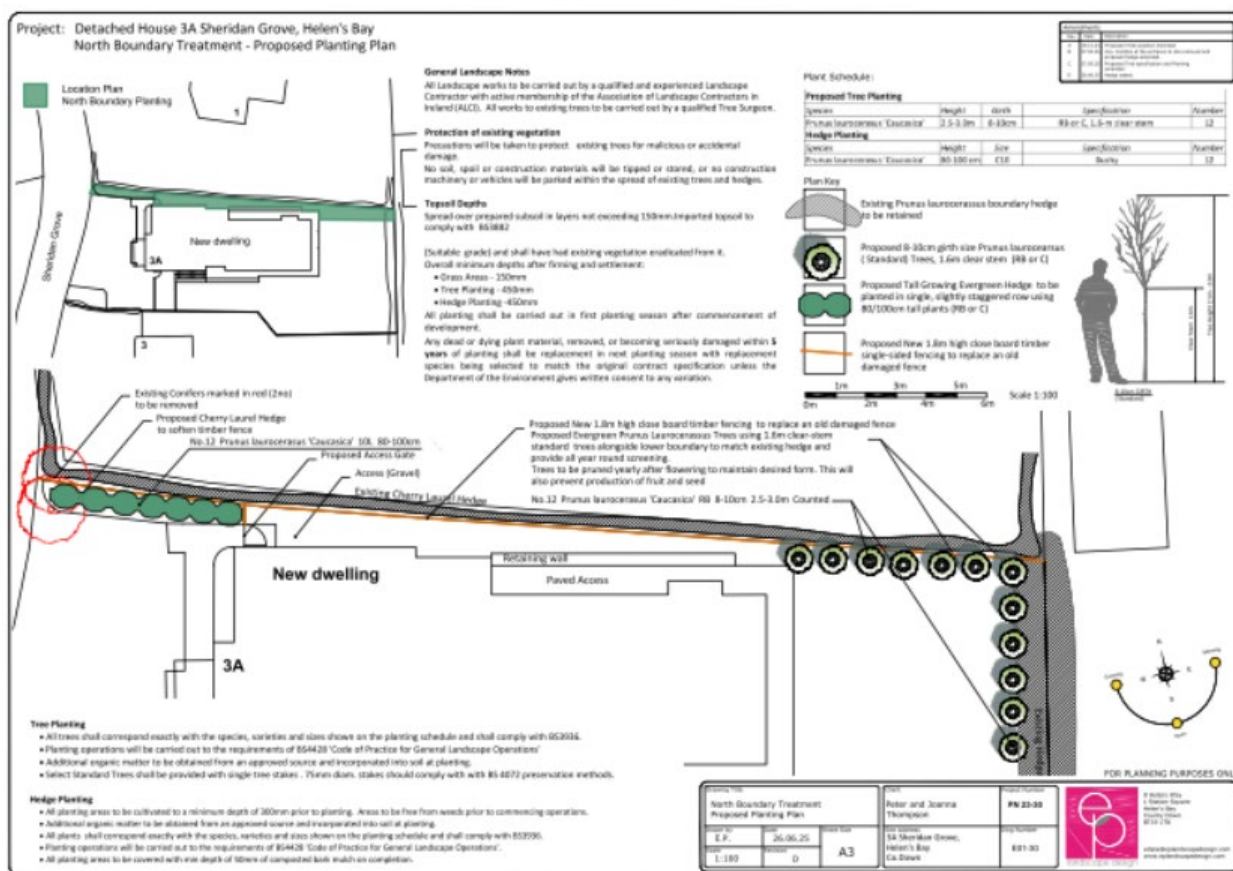
Scale:	Date:	Owner's
1/199 @ A3	07.06.23	DM

1. All work to comply with the current CDM Regulations [N.I.]
2. Contractors must check all dimensions on site before preparing production drawings & commencing work.

PH 442	C 02(O)
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Proposed Landscaping Plan



Site prior to construction of dwelling looking towards Sheridan Grove



Frontage of site prior to construction



Boundary with No. 4 Sheridan Grove prior to construction



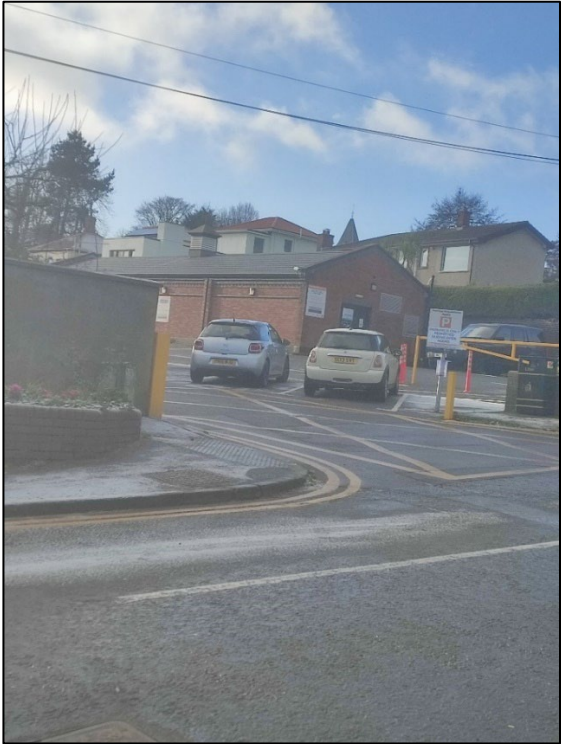
Boundary with No. 3 Sheridan Grove prior to construction



Rear boundary of site prior to construction



View of development as built from Car Park to rear



View from entrance to Sheridan Grove



Dwelling as built shown in context of No. 3 Sheridan Grove



Front of dwelling as built



Dwelling viewed from Sheridan Grove in context of No. 3 and No. 4



View of dwelling as built from side of No. 4



View from side/rear garden of No. 4



Addendum to Planning Report

Application Ref: LA06/2023/2012/F

Proposal: Dwelling (Change of house type from approval
W/2011/0015/RM)

Location: Land between 3 and 4 Sheridan Grove, Helen's Bay

This addendum has been prepared to address further objections received from Dr Marc Ruddock on 25th July 2025 and from Mr & Mrs Kee on 25th and 31st July 2025 following the completion and publication of the planning report for this application.

Mr & Mrs Kee have raised the following concerns in their latest representations:

- ***Large window on elevation facing No. 4 overlooks two living areas, a bedroom and amenity space belonging to No. 4. The window includes a seated area which will allow direct views towards No. 4***

It is unclear in the representation whether it is the stairwell window on the side elevation or the rear landing window which Mr Kee is most concerned about as he refers to a window on the elevation facing no.4 but then also refers to this window including a seated area, however it is only the rear landing window which includes a window seat. The potential impact of both windows has already been assessed in detail in the planning report.

The potential impact of the rear landing window on the privacy of No. 4 has been considered in detail on pages 21-22 of the Planning Report under Policy QD1 of Planning Policy Statement 7. Photographs taken from within the building looking out from this window (Figure 30 on page 22 of the planning report) demonstrate that there will be no views from the window towards any of the above-mentioned rooms or private amenity space of No.4 (photos also included in figures 1-2 below).

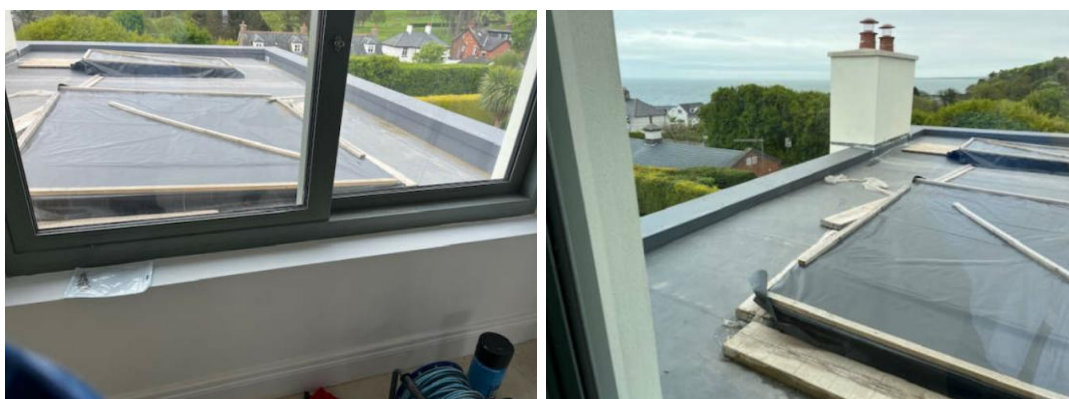


Figure 1&2 - No view from window towards rooms or private amenity space of No. 4 Sheridan Grove

Nevertheless, in an attempt to allay the concerns of the occupants of No. 4, the applicant has installed obscure glazed screens to either side of this window to remove the potential for any oblique side views towards the adjacent properties. These screens have been fitted since the above photographs were taken and are shown in the below more recent photograph taken by the occupants of No.4.



Figure 3 – View from No. 4 showing obscure glazed screens to sides of rear window

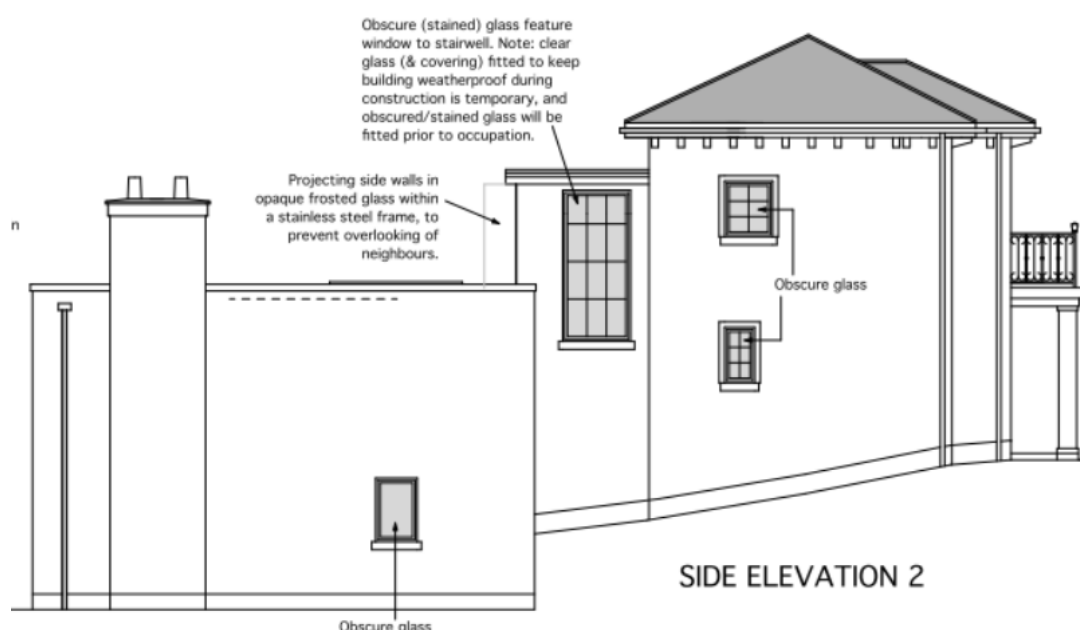


Figure 4 – Side elevation facing No.4 showing obscure screen

It is also noted that only a small glimpse of the window in question is visible from the side patio area and living room windows of No. 4, further demonstrating that the window will cause no unacceptable degree of

overlooking (see photograph in Figure 5 below). Furthermore, upper floor windows on the rear elevations of dwellings are a common feature in all urban areas. Such windows located on the rear elevations of dwellings do not normally cause any unacceptable degree of overlooking towards properties to either side as the views are directed towards the rear rather than to the side. Planning guidance contained within the Creating Places Guidelines also highlights the importance of ensuring adequate separation distances between the *opposing rear* first floor windows of dwellings but does not highlight any concern regarding the impact of rear first floor windows on properties to either side.



Figure 5 – View from No. 4 towards side of dwelling showing only a small corner of the rear window in question.

While not directly applicable to this current proposal for a dwelling, Policy EXT1 of Planning Policy Statement 7 Addendum provides more detailed policy guidance on the issue of privacy and overlooking and is therefore also a useful reference in the assessment of new dwellings. Para A28 of policy EXT1 advises in the first instance that except in the most isolated rural locations, few households can claim not to be overlooked to some degree. Similarly, the policy test of criterion (h) of policy QD1 is also that the development should not cause any *unacceptable* adverse effect on existing properties, not that there should be no effect at all. The Planning Department is fully satisfied that all reasonable mitigation measures have been employed in this case to ensure that no unacceptable degree of overlooking will occur. As annotated in figure 4 above, all windows located on the side elevation of the dwelling facing No. 4 have been fitted with obscure glazing to prevent any overlooking. Figure 6 below shows the large stairwell window located on the side elevation of the dwelling which faces No. 4. This window has now been fitted with stained, obscured glazing. Planning policy and guidance acknowledge that the use of obscure glazing is an acceptable mitigation measure for bathroom and landing windows. I am therefore content that the potential for overlooking from this stairwell window has been satisfactorily mitigated

through the use of stained, obscured glazing. The glazing would also be subject to a condition requiring its permanent retention as recommended in the planning report.

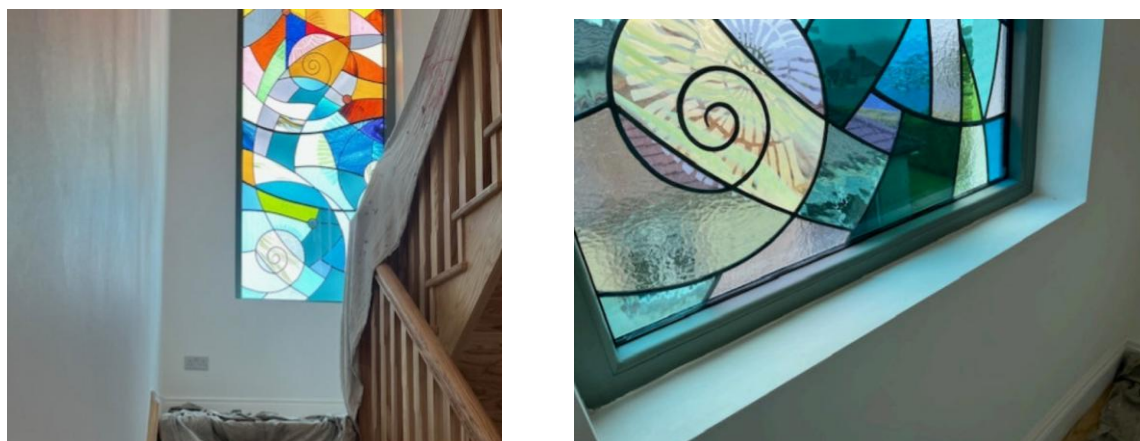


Figure 6 – Stained, obscured glazing to stairwell window

- ***The window on the third floor facing the car park has a sliding window rather than a fixed window. This is a contradiction to condition 13 of the case officer's report of 26th March 2024.***

Condition 13 of the original case officer's report stipulated that the flat roof area of the building must not be used as a roof terrace at any time. This condition has been repeated in the updated planning report (condition 12). As already explained in the planning report, the roof does not lend itself for use as a roof terrace. It has no safety rails or enclosure and has two large glazed roof lights which occupy central positions on the roof. Furthermore, it is a window which faces this flat roof area, not a door. I therefore have no reason to object to a sliding opening window at this location. To condition this window to be fixed and non-opening would be unreasonable.

- ***The balcony on the front of the property adversely impacts upon all of the existing properties within Sheridan Grove and leaves insufficient room to park vehicles at the front of the property.***

Both the potential overlooking impact of the balcony and parking provision have already been considered and assessed in detail in the planning report. I have no further comments to make on this matter.

- ***Two large glass panels have been installed on the flat roof rather than the six roof lights originally shown.***

Amended plans have been submitted by the agent to reflect this change to the roof lights. This amendment is considered to be minor and non-material to the overall proposal. I therefore have no reason to object to the change which does not materially change the appearance of the building or result in any impact on the amenity of adjacent properties.

- **Drawing 03D states that the window on the third floor facing the car park is recessed.**

No reference is made on drawing 03D of the window being 'recessed'.

- **Drawing 05 labelled as site layout/section published on 11th October 2023 opens as the same site location map as drawing 01a on the Planning Portal.**

Figures 7 and 8 below show drawing nos. 1a and 05. As can be seen, both drawings are not the same. Drawing 05 includes the proposed dwelling.



Figure 7 – Drawing 01a



Figure 8 – Drawing 05

- **Drawing 02C shows a 1m retaining wall between the northern elevation of the property and the fence. No such wall has been built.**

Amended plans have been submitted by the agent showing reference to this retaining wall removed and neighbours have been duly notified of the amended plan. The agent advised that once construction work was underway it became apparent that the ground levels along the northern boundary of the site were not as high as initially thought and therefore a retaining wall on this side of the site was not required. The amended site layout plan also shows details of updated ground levels which have been checked on site by Planning Enforcement and verified as correct.

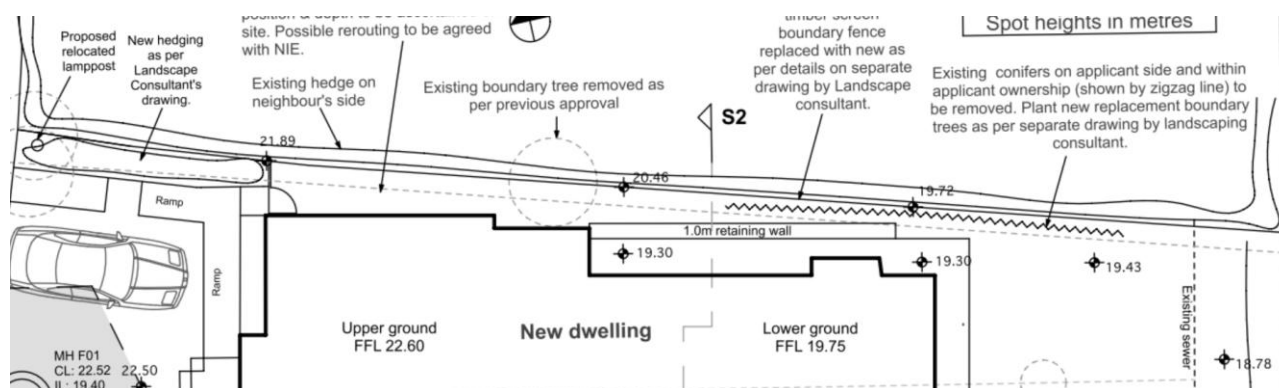


Figure 9 - Superseded Site Layout Plan

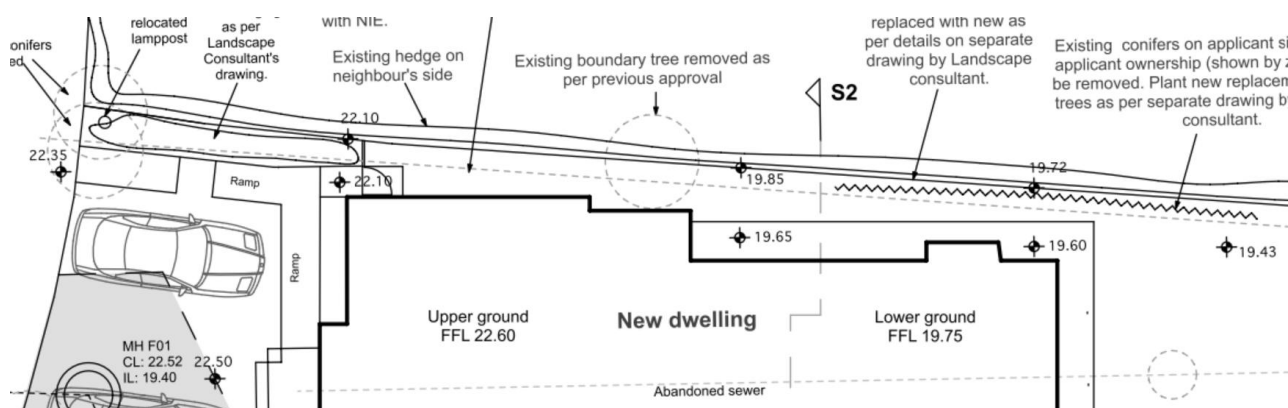


Figure 10 - Amended Site Layout Plan with updated ground levels

- ***The plan shows the new hedge on the property's northern boundary extending to the north-east corner of the property. This is now impossible as a patio area has been constructed along a section of the fence. As such, the new hedge stops some distance short of what is shown on the Landscape Plan.***

The submitted landscaping plan shows the new planting coming within 1m of the dwelling. While the site photograph below shows the planting positioned slightly further away, seven plants in total have been planted along this boundary as indicated on the plan. I am satisfied with the level of planting provided on site which helps to provide a soft edge to the neighbouring property. Adequate privacy screening at ground level is provided along the entirety of the boundary with No. 4 by the new 1.8m high timber fence.

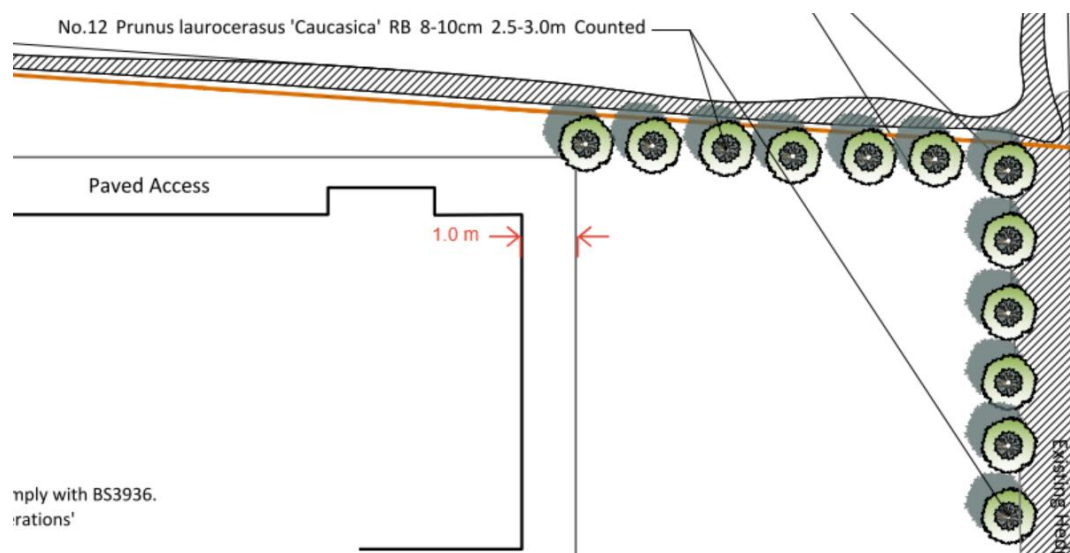


Figure 11 - Submitted Landscaping Plan





Figure 12 - Planting along northern boundary

- ***The Plan also states that the new fence will be built “to replace the old damaged fence”. Again, this is inaccurate as, while the new fence has been constructed, the old fence remains in situ.***

Noted. The Council has no objection to the retention of the old damaged fence along the objector’s boundary which is screened by the new fence and existing planting.

- ***The replacement trees that were in the original Landscape Plan have been removed. Council should place a condition that these are re-instated prior to occupation.***

The Council is content with the quality and extent of the landscaping as currently proposed. The Laurel which has been planted along the northern boundary complements the existing Laurel hedging along No. 4’s boundary and is considered to be a more suitable form of landscaping than a larger species of tree in such close proximity to existing dwellings.

- ***The application was initially submitted with an inaccurate ownership declaration (Certificate A), later amended to Certificate C without public explanation or legal clarity. This raises serious concerns under Section 42 and Section 172 of the Planning Act (Northern Ireland) 2011 and Article 9 of the Planning (General Development Procedure) Order (NI) 2015, where knowingly or recklessly submitting a false certificate constitutes a criminal offence.***

A certificate under Section 42 of the Planning Act (Northern Ireland) 2011 is not proof of ownership but intended to ensure that certain persons likely to be interested or affected by a planning application are notified of it. There is no obligation on the Council to check the accuracy of certificates unless it is challenged.

In the case of this planning application, the Council received correspondence from a third party shortly after submission of the application advising that they owned the site at that time. As the applicant had completed Certificate A declaring full ownership of the site at the time of submission, the case officer contacted the applicant's agent to seek clarification on the matter of ownership. The agent then contacted the Council to advise that he had understood that the purchase of the site by the applicant (Peter Thompson) from the vendor (Mr Steele) had already been completed but that after seeking further clarification from his client, he confirmed that the sale had not been fully completed as yet. Further to this, an amended certificate of ownership was submitted and notice of the application was duly served on Mr Steele.

The purpose of Section 42 of The Planning Act (Northern Ireland) 2011), is to ensure that certain persons likely to be interested in or affected by the outcome of a planning application, are notified of it. If during the processing of an application, the certificate is challenged from whatever quarter, the Council must investigate and satisfy itself of the position. The Council is satisfied in this case that the challenge to the certificate was fully investigated and addressed accordingly and is therefore satisfied that the legislative requirement under Section 42 has been complied with.

- ***The removal of screening and hedges prior to construction (and biodiversity surveys) resulted in unscreened development and loss of amenity for neighbours throughout the unlawful construction period of the dwelling.***

Temporary disturbance caused by construction works is to be expected for any development within built up areas. However, due to its temporary nature, this would not be grounds to refuse planning permission on loss of amenity. While a short length of hedgerow along the northern boundary at the rear of the site was removed during construction, the boundary fence remained in place, providing an adequate degree of screening at ground level.

- ***Page 1 of the Planning Report states that the last neighbour notifications were on 3rd June 2025. This is incorrect as the last neighbour consultation was on 11th July 2025.***

Noted. This was an error. Date of last neighbour notification at the time of completion of the planning report should be stated as 11th July 2025 rather than the earlier notification date of 3rd June 2025. A further round of neighbour notification letters has since been issued on 13th August following submission

of an amended site layout plan showing removal of reference to a retaining wall along the northern boundary of the site.

- ***Page 5 of the Planning Report states that outline planning permission was approved in April 2008 and the full planning permission was approved in September 2011. There are many references and much reliance on the 'extant approval' of 2011. However, this would appear to have been approved outside the three year timescale of the OPP and therefore should not be a material consideration in this planning application.***

Reserved Matters application W/2011/0015/RM was approved within the timeframe specified by outline planning permission W/2007/0123/O which included the following planning condition:

As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to the Department 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 the approval of the last of the reserved matters to be approved.*

The outline planning permission was granted on 17th April 2008 and the application for Reserved Matters was submitted on 30th December 2010, within the three year timeframe as specified in the above condition. The above condition requires the Reserved Matters application to be made within 3 years of the date of the outline approval not approved. The Council's Planning Enforcement Team has also confirmed that this permission was implemented through the commencement of development within the timeframes specified in the above condition. This previous approval on the site therefore is extant and represents a fallback position for development of the site. It must therefore be a material planning consideration in the assessment of the current proposal. Given there has been no change in circumstances or planning policy context since the approval of the Reserved Matters application, appropriate weight must be afforded to this approval in the assessment of the current proposal.

- ***On Page 8 of the Planning Report the Case Officer refers to the development on site being slightly larger than the extant approval. The 2011 approval was for a 2,004 square feet property. This property is 2,200 square feet. That's an increase of 10% and to describe this as slightly larger is inaccurate, misleading and lacking objectivity.***

The Planning Department remains of the opinion that the overall increase in the size of the development compared to that approved under the Reserved Matters application is not significant. The size and scale of the dwelling is very reflective of the other existing dwellings in the immediate area, many of which are much larger.

- ***The increase in height from 7.3m to 7.8m and the increase in length from 17.6m to 18.4m are described on page 13 as “negligible”. No reasonable observer could describe an increase in height of 7% and an increase in length of 5% as ‘negligible’.***

The Planning Department remains of the opinion that the increase in height of 0.5m to the front of the building and increase in length of 0.8m to the rear of the building are not significant within the context of the site and surrounding area. In terms of the visual impact on the character of the area, the height of the dwelling is still very much reflective of the existing dwellings along Sheridan Grove and within the wider area as demonstrated in the photographs in figure 13 below.



Figure 13 – Dwelling shown in context of existing development

- ***Page 13 states that Council should only permit development where it will maintain and enhance the overall character of the area and respect its built form. It is clear from the photographs in the Case Officer's Report that this development is incongruent to the character and built form of Sheridan Grove and has an adverse visual impact on the area.***

The Planning Department disagrees with this opinion. A detailed assessment of the visual impact of the development has already been set out in the planning report and reasons outlined as to why it is considered that the development respects the established built form. As the above photographs demonstrate, the design, height, scale and finishes of the dwelling are very much in keeping with the existing adjacent dwellings. It is acknowledged that the flat roof rear return of the dwelling is of a more contemporary style however, this is not considered to cause any adverse impact on the character or appearance of the area with views restricted to the public car park to the rear and fleeting views along Fort Road from where the building is partially screened by the toilet block within the public car park. From within Sheridan Grove, as demonstrated in the photographs above, the flat roof return sits at a much lower level than the front of the dwelling and is in no way could it be described as a dominant or incongruous feature.

- ***There are several comparisons in the Report to the original 3-storey plans submitted in July 2023. Surely, this is irrelevant and again somewhat misleading as the owner of the and at that time submitted a representation saying he would not sell the land to the applicant unless the plans were amended.***

It is common practice for planning officers to outline the full history of a development proposal as best as possible in the planning report, including details of any superseded plans. The details included in this case demonstrate the differences between the original and amended proposals. Whether or not the original owner of the site was willing to sell the site on is irrelevant as planning permission is attached to the land rather than an individual. Development proposals are considered on their own merits taking account of material planning considerations only.

- ***Page 16 states that the height of the dwelling is comparable to the existing dwellings. The photographs in the Report, particularly Figure 20, demonstrate that this is completely false. This assertion is also inaccurate, misleading and lacks objectivity. Figure 24 shows 4 Sheridan Grove prior to the commencement of this development.***

The Planning Department disagrees with this opinion. Photographs clearly demonstrate that the dwelling is of comparable height to numerous other existing dwellings in the immediate area. The vast majority of dwellings in the area are at least two storey. With a maximum ridge height of 7.8m, the dwelling is considered to be of a modest two storey design. It is acknowledged that the adjacent dwelling at No. 4 sits at a lower level than the dwelling under

consideration however it is also already significantly lower than all of the other existing dwellings within Sheridan Grove. It would therefore be unreasonable for the Planning Department to determine that the height of the dwelling is not comparable to the predominant built form.

- ***This very dominant development clearly overlooks 4 Sheridan Grove and the Case Officer has evidenced on page 25 the loss of light. The Case Officer's comments are false, misrepresentative and display bias towards approving this application.***

The planning report sets out a very detailed assessment of the potential impact on the amenity of all adjacent properties, including No. 4 Sheridan Grove. In addition to assessing the current proposal against planning policy and guidance the Council is bound to also consider the previous extant planning permission on the site as a material consideration as this represents a fallback position for the development of the site. No evidence has been presented of false or misrepresentative comments made by the case officer. Unfounded allegations of bias against the case officer will not be tolerated by the Council.

- ***The Case Officer states on page 24 that No. 4 has a conservatory/sunroom positioned on its southwestern corner. Again this is simply wrong and inaccurate. No. 4 does not have a conservatory/sunroom.***

Noted. This part of the dwelling has a similar appearance to the design of some sunrooms with windows on different elevations however the Planning Department is content to accept that this is not a purpose built 'sunroom'.

- ***On page 25 the Case Officer states "The windows on the side (south-western) elevation of No. 4 all serve the same living space (see Figure 35 below)." Again, this is wrong, inaccurate and misleading as the windows shown in Figure 35 serve two rooms, our family room and our living room.***

Noted. It is accepted that all windows serve living areas within the dwelling but that these comprise two separate rooms. The rooms have windows not only on the southern elevation facing the application site but also windows providing alternative sources of light on the eastern (rear) and western (front) elevations). The Planning Department is satisfied that the development will not result in any unacceptable degree of loss of light to these rooms.

- ***The Case Officer confirms on page 25 that this development represents a breach of The Prescriptions Act 1832, now further exacerbated by the 7% increase in height. By approving this planning application Ards and North Down Borough Council and it's Planning Committee are aiding and abetting this breach. Previous planning approval is irrelevant.***

The case officer does not state on page 25 that the development represents a breach of The Prescriptions Act 1832. No reference is made to The

Prescriptions Act within the planning report. The Prescriptions Act 1832 provides a legal framework for acquiring rights to light through long term use but is separate legislation which lies outside of the remit of Planning. The right to light under the Prescriptions Act is considered an easement which can prevent a landowner from building on their property if it obstructs the light enjoyed by another property. Rights to light can be registered and if new development limits the light coming through a window, the affected property owner may have grounds for legal action against the developer. Again, this would be outside of the Planning process. The planning application has been assessed, taking account of relevant planning policy and guidance. The previous planning approval is not irrelevant. As already outlined above, the Council's Planning Enforcement Team has confirmed that the previous Reserved Matters permission on the site was lawfully commenced within the lifetime of the permission and therefore represents a 'fallback' position for the development of this site. In the assessment of all planning applications, the decision maker must have regard to all material planning considerations which includes the planning history of a site. Having considered the planning history alongside an assessment of the proposals against the relevant policy and guidance in relation to impact on daylight, the Planning Department is satisfied that the development will not result in any unacceptable loss of light to No. 4.

- ***The Case Officer bias in this Report is totally laid bare in page 26. Here, the 0.5m increase in height of the front section of the development is referred to as a "minor increase" while the 0.3m reduction in the rear section is referred to as "greatly reduced in height".***

The 0.5m increase to the ridge height of the front section of the dwelling from that previously approved is still considered by the Planning Department to be minor when the development is considered within its context and the dwelling remains of a comparable height, not significantly higher than the vast majority of other dwellings within the immediate area. The planning report **does not** state that the 0.3m reduction to the rear section of the dwelling is 'greatly reduced in height' Rather the officer states the following on page 26:

'As can be seen in the images in figures 33-34 below, the highest part of the dwelling at 7.8m is limited to the front section of the building only with the flat roof section to the rear greatly reduced in height to mitigate against any unacceptable degree of dominance'

It is clear that the reference to the flat roof section being greatly reduced is made relative to the comparative greater height of the front section of the building, not comparative to the previous approval.

Mr & Mrs Kee make a very serious allegation of bias against the professional planning case officer who prepared the planning report. This allegation is completely unfounded. Any evidence Mr & Mrs Kee have of inappropriate conduct should be reported to the PSNI. Professional Planners employed by the Council abide by the Royal Town Planning Institute's Code of Conduct. Such slanderous, disparaging comments against professional Planners will not

be tolerated by the Council. The professional planners involved in this case request that Mr & Mrs Kee retract their unfounded allegations.

- ***Issues identified within the Report of non-compliance or non-conformance are brushed over and ignored, for example the Ecology Report stating there is no woodland within 50m of the development and then goes on to state there is a woodland 39m away. Another example is stating that car parking spaces should have a minimum length of 6m but one of the development's car parking spaces is 5.4m but is "comparable". Also, Creating Places requires a minimum separation distance of 15m from a balcony to a boundary. This Report states it is 6m but this is brushed over and ignored again.***

While there are mature trees approximately 39m to the south of the site as shown on the aerial view below, these line both sides of the existing public footpath (Clandeboyne Avenue) leading from the train station to the public car park. These trees do not fall within the definition of long established or ancient woodland.

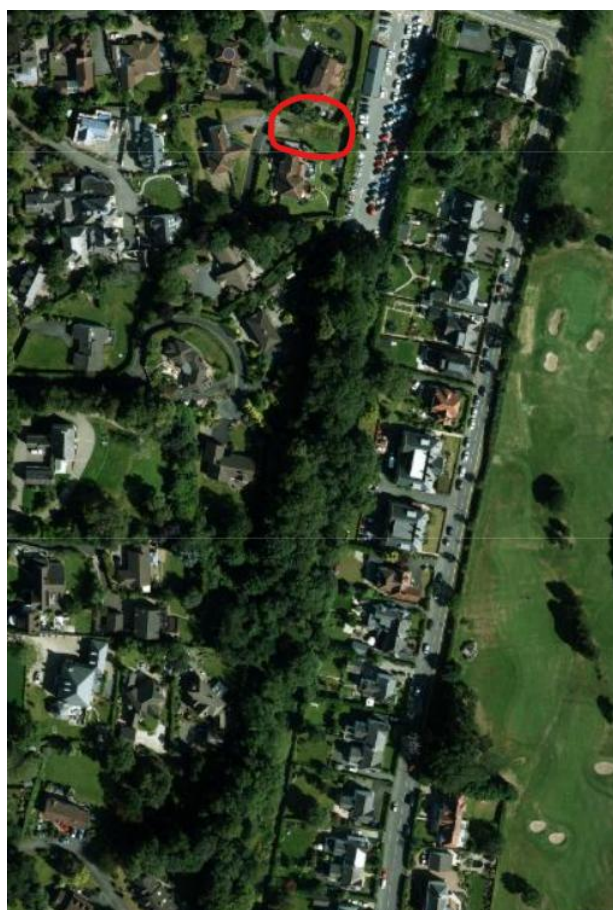


Figure 14 – Trees defining edge of Clandeboyne Avenue

With regard to the car parking, Creating Places does recommend that car parking spaces should have a minimum length of 6m however, these are guidelines only. While one of the spaces does only have a length of 5.4m, the

planning report clearly states that this is comparable to the dimensions of the parking spaces *approved under the extant Reserved Matters permission*, not comparable to the dimensions recommended in Creating Places (see extract from planning report below). As previously outlined, the fallback position of the extant Reserved Matters permission is a material consideration to which appropriate weight must be afforded in the decision making process.

‘Creating Places recommends a length of approximately 6m. While one of the proposed spaces is less than this at 5.4m, I am satisfied that it is still comparable to the dimensions of the extant permission.’

Paragraph 7.17 of Creating Places recommends that a minimum distance of around 15m should be provided between the rear of apartments and the common boundary, not between a balcony and party boundary as stated by the objector. Each application is considered on its own merits. Clearly an apartment development with living room or kitchen space at first floor level with an adjoining balcony facing the private amenity space of an adjacent property will obviously have the potential to have a much greater visual impact than a small balcony off a bedroom to the front of a single dwelling with a view onto the public road as is proposed in this current application. As outlined in the planning report and as demonstrated in the photograph below, there will only be a limited view from the side of the balcony across the front garden area of No. 4. As shown, this view is predominantly screened by the existing evergreen boundary vegetation. Due to the 6m set back of the balcony, there is no direct view towards any private amenity space belonging to No. 4 or towards any windows of habitable rooms. To refuse on the grounds of loss of an unacceptable loss of privacy to the occupants of No. 4 would be grounds for unreasonableness.



Figure 15 – View from balcony towards front garden of No. 4

- ***Council needs to confirm there has been no bias in favour of the applicants and that no-one who has had influence over or handling of this application is related to or knows the applicants or their agent in a personal or professional capacity.***

Mr & Mrs Kee have made a very serious allegation against the professional officers who have had involvement in the processing of this planning application. This allegation is completely unfounded. Any evidence Mr & Mrs Kee have of inappropriate conduct should be reported to the PSNI. Professional Planners employed by the Council abide by the Royal Town Planning Institute's Code of Conduct. Such slanderous, disparaging comments against professional Planners will not be tolerated by the Council. The professional planners involved in this case request that Mr & Mrs Kee retract their unfounded allegations.

Dr Marc Ruddock as made the following further comments:

- ***The removal of a mature, though non-native, conifer hedge and other trees has eliminated a structurally rich wildlife corridor supporting birds, bats and invertebrates.***

The photograph below shows the extent of the hedge along a short section of the northern boundary with No. 4 which was removed. It is not considered that such a short stretch of non-native *Leylandii* hedgerow would have constituted a 'structurally rich wildlife corridor'. It appears that the hedge along with the similar one to the rear of the site was trimmed back on a regular basis as is the case with most suburban gardens, rather than providing an undisturbed refuge for wildlife. Work to hedgerows, trees and woodlands can take place at any time, but the onus is on the person doing the work to avoid committing an offence under the Wildlife (NI) Order 1985 (as amended).



Figure 16 – Leylandi hedge along northern boundary prior to removal

- ***There are obvious errors in the biodiversity checklist, such as the proximity of adjacent woodland or designated sites (and hydrological connectivity), and loss of biodiversity features and the potential effects on birds and/or bats.***

There is no long established or ancient woodland within 50m of the application site. While mature trees line Clandeboye Avenue to the south of the site, these do not constitute an area of woodland. The NIEA Natural Environment Map Viewer shows areas of Woodland Priority Habitat in dark green. As indicated on the extract below there are no areas of woodland priority habitat identified by NIEA that are in close proximity to the application site.

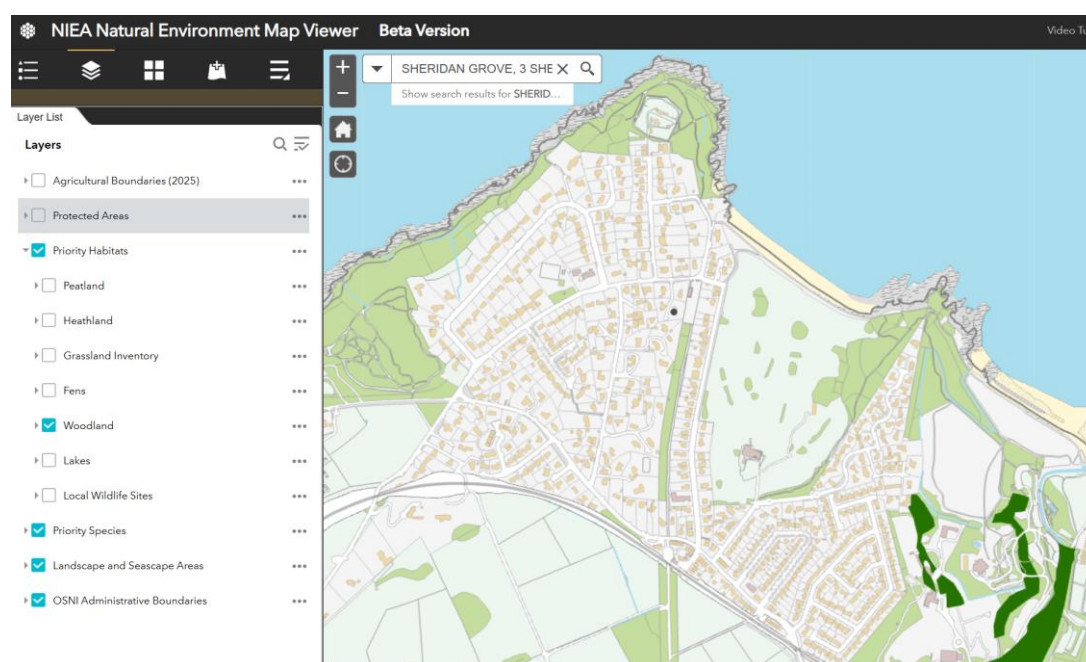


Figure 17 – Extract from NIEA Natural Environment Map Viewer

The site is also located 217m from the coast and its associated Designated Sites as demonstrated on the GIS and NIEA map viewer extracts in figures 18 and 19 below. The NIEA Biodiversity Checklist requires further consideration of sites within **100m** of Designated Sites.

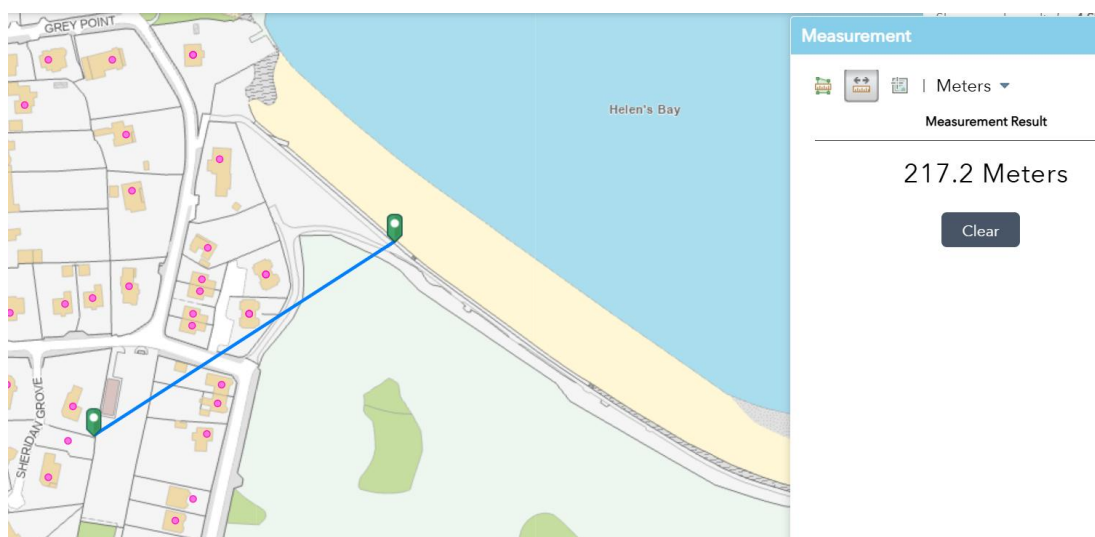


Figure 18 - Distance of site from coast

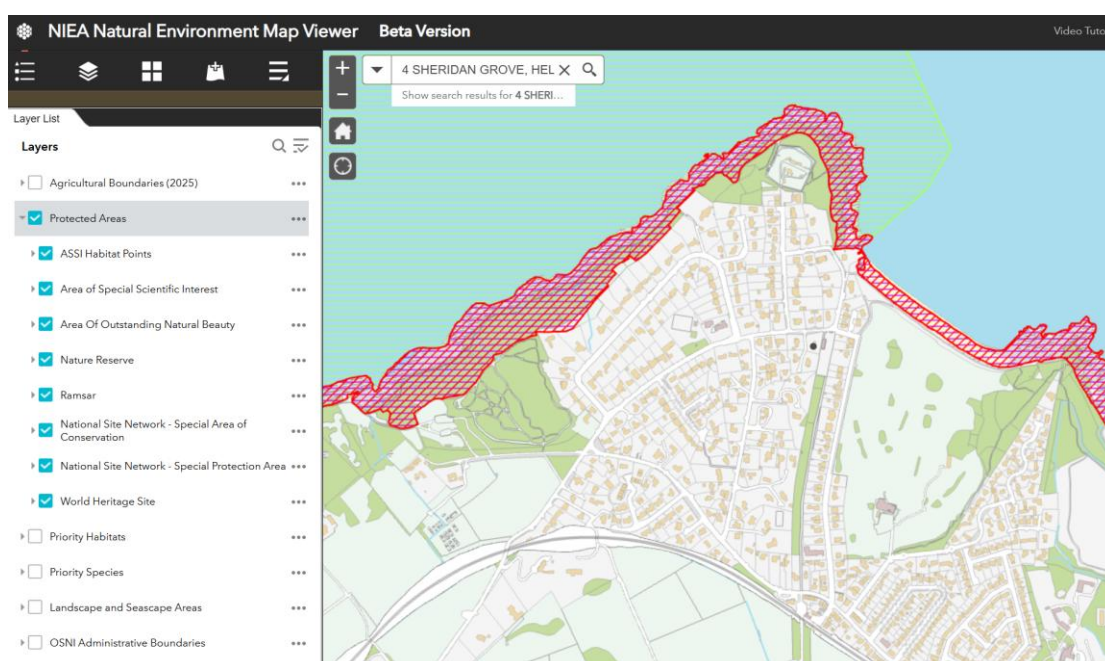


Figure 19 – Coastal designated sites

Furthermore, there is no evidence that the application site is hydrologically linked to any of the designated sites with no evidence of any watercourses adjacent to the site (see extract from Flood Maps NI below).



Figure 20 – Extract from Flood Maps (NI) showing no watercourses adjacent to site which would provide a hydrological link to designated sites


The submitted Biodiversity Checklist and Ecological Statement were prepared by a qualified Ecologist and having inspected the site the case officer was satisfied with the findings of both. This site was considered to be of low biodiversity value with no evidence of priority species or habitats present.

- ***The landscaping plan compounds these issues. Rather than reinstating lost ecological value, it proposes a tokenistic row of Cherry Laurel—unsuitable for wildlife and lacking the structural density of the original screening and wildlife corridor. It also omits the replanting of mature trees and fails to deliver any meaningful biodiversity compensation.***

The original short stretch of non-native *Leylandii* Cypress hedge which was removed from the site was considered to be of low ecological value. It would be unreasonable of the Planning Department to insist on the replacement of this non-native hedge with a new native species hedge or with any greater degree of planting. The adjacent site at No. 4 already has extensive Laurel hedgerows along its boundaries, therefore it is considered that the choice of Laurel for the application site is very much in keeping with the existing landscaping on Sheridan Grove. Furthermore, the planting of mature trees is not appropriate in such close proximity to dwellings within built up neighbourhoods.

Conclusion

The Planning Department is content that all further representations have been fully considered and remain of the opinion that full planning permission should be granted.

<div> <div>Development Management Case Officer Report</div> <div>  <div>Ards and North Down Borough Council</div> </div> </div>		
Reference:	LA06/2024/0720/F	DEA: Bangor East & Donaghadee
Proposal:	Extension to Existing Temporary Structure to provide additional exhibition space and storage with ramped access. Erection of Project 24 Exhibition Pod. (Temporary Permission)	
Location:	The Sir Samuel Kelly Compound, Copeland Marina Carpark, Railway Street, Donaghadee.	
Applicant:	Mr C Chivers	
Date valid:	20.08.2024	EIA Screening Required: No
Date last advertised:	03.10.2024	Date last neighbour notified: 18.09.2024
Letters of Support: 0	Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:		
DFI Roads	No objection	
Environmental Health	No objection	
Historic Environment Division	No objection	
Summary of Main issues considered: <ul style="list-style-type: none"> • Principle of Development • Visual Impact • Impact on Residential Amenity • Development and protection of a Tourism Asset 		
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 on the Planning Portal at Northern Ireland Public Register (planningsystemni.gov.uk)		

1. Site and Surrounding Area

The site is located within the car park Northwest of Copelands Marina. It is occupied by Sir Samuel Kelly Lifeboat, canopy for restoration purposes and fencing.



Fig 1 - Sir Samuel Kelly Lifeboat & Shelter, Car Park Adjacent to Copeland Marina

The site and lifeboat are located directly adjacent to and grouped with other boats that occupy the Southeast portion of the car park when not docked in the marina.

Adjacent, is the coastal path leading to the Commons. There are a variety of uses in the wider area including residential and retail.

2. Site Location Plan

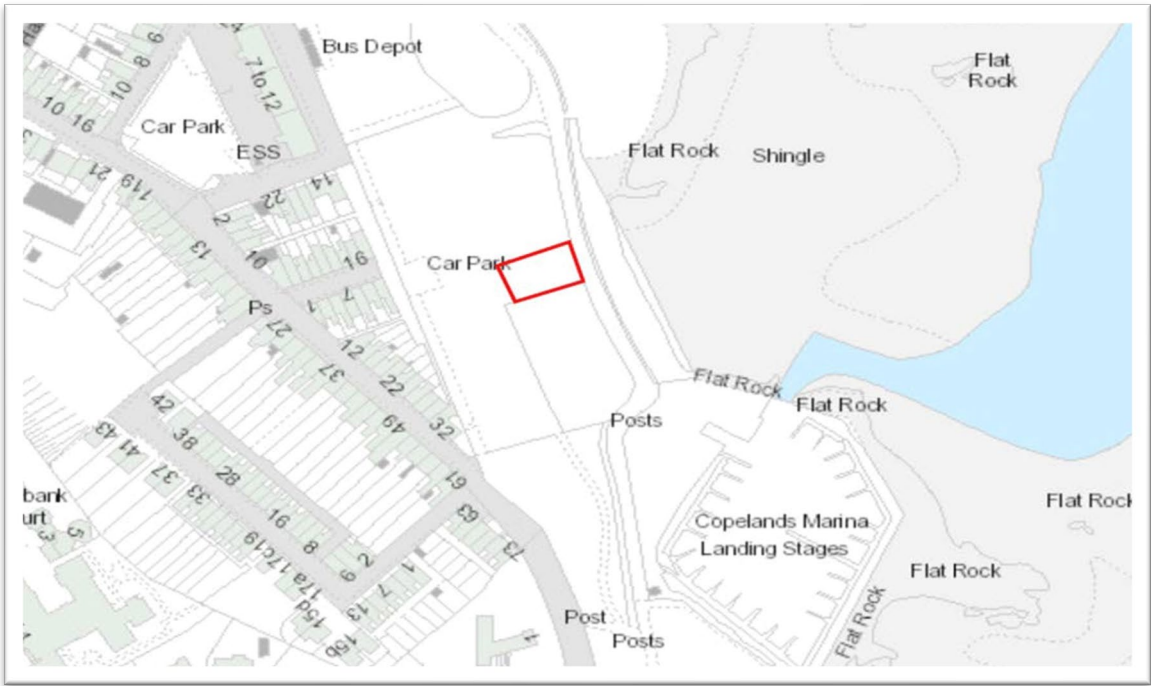


Fig 2 – Site location plan

3. Relevant Planning History

Planning Reference: X/2000/0569/F

Location: Land to the East of Railway Street & William Street, Donaghadee.

Proposal: Proposed leisure hall with support facilities, minor halls, community building cafe, RNLI exhibit and urban landscaping including a memorial garden.

Decision: Planning Permission Granted 01.02.2001

Planning Reference: X/2002/0581/F

Location: Land to the West of Carpet Factory, High Bangor Road, Donaghadee; Lands to the North of Briggs Restaurant Groomsport; Lands South of Copelands Marina, Donaghadee; Lands at James Point, North of Millisle. Connecting underground pipelines.

Proposal: Construction of a Wastewater Treatment Scheme, comprising Wastewater Treatment Centre and ancillary works; 3No. Transfer Pumping Stations incorporating underground storm water retention tanks. Underground transfer pipelines and a long sea outfall.

Decision: Planning Permission Granted 29.10.2007

Planning Reference: X/2004/0070/F

Location: Lands to East of Railway Street and William Street, Donaghadee.

Proposal: Proposed Community Centre (Phase 1 of Community Leisure Centre).

Decision: Planning Permission Granted 19.08.2013

Planning Reference: X/2004/0072/F

Location: Land to East of Railway Street and William Street, Donaghadee.

Proposal: Proposed Leisure Hall with support facilities, minor hall, community building cafe, RNLI exhibit/shop and urban landscaping including a memorial garden (phase 2).

Decision: Planning Permission Granted 15.08.2013

Planning Reference: LA06/2018/0290/F

Location: Car park adjacent to Copelands Marina, Donaghadee

Proposal: Temporary curved box steel frame shelter/canopy for over a vessel for restoration purposes.

Decision: Planning Permission Granted 05.09.2018 (Temporary until 05.09.2023)

Planning Reference: LA06/2022/0904/F

Location: Car park adjacent to Copelands Marina, Donaghadee

Proposal: Retention of temporary curved box steel frame shelter/canopy over a vessel for restoration purposes for a further 5 years. Extension to site area including ancillary mobile unit/exhibition space, disabled access ramp and 2.4m high perimeter fencing.

Decision: Planning Permission Granted 06.09.2023 (Temporary until 06.09.2028)

4. Planning Assessment

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

- Ards & Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Regional Development Strategy 2035 (RDS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement & Parking (PPS3)
- Planning Policy Statement 6: Planning, Archaeology & Built Heritage (PPS 6)
- Planning Policy Statement 16: Tourism (PPS16)

Relevant supplementary planning guidance for this application is as follows:

- Living Places
- Creating Places

Principle of Development

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

The Ards and Down Area Plan 2015 is the Local Development Plan for this area. Proposal DE 01 of part 2 of the Plan designates a Settlement Limit for Donaghadee in accordance with Policy SETT 1 in Volume 1 of the Plan and as indicated on Map No.

2/004a - Donaghadee Settlement. Within the Settlement Limit in principle development is looked on favourably.

The path that lies immediately northeast of the site is part of the ‘Commons and Coastline’ Local Landscape Policy Area (LLPA8) within the ADAP 2015. LLPA 8 states ‘The Commons’ and coastline is understood as an attractive stretch of coastline affording views out to the sea as well as a valuable area of local amenity importance with extensive public walkways and including both passive and active recreational areas.’

As illustrated by the map extracts which follow, the application is inclusive of an additional 7m x 5m exhibition room in the northwestern corner of the site, with a timber ramp and platform system to facilitate access and the installation of a smaller separate metal “pod” in the northeastern corner of the site. All of which will be applied for on a temporary basis to compliment the established Exhibition Room and Steel Frame Restoration Canopy which was approved for a period of 5 years under planning application LA06/2022/0904/F.

Whilst the land is leased from ANDBC, the application has been submitted by a registered charity, the Donaghadee Heritage Preservation Company, whose objectives are the advancement of education, the promotion of heritage and culture and the promotion of benefit of the inhabitants of Donaghadee and its environs by the conservation, rehabilitation, restoration, improvement, maintenance, and protection of the Sir Samuel Kelly Lifeboat.

The development presented is acceptable in principle and is in accordance with relevant planning policy and takes into account all material considerations. This consideration is detailed further within the body of the report.

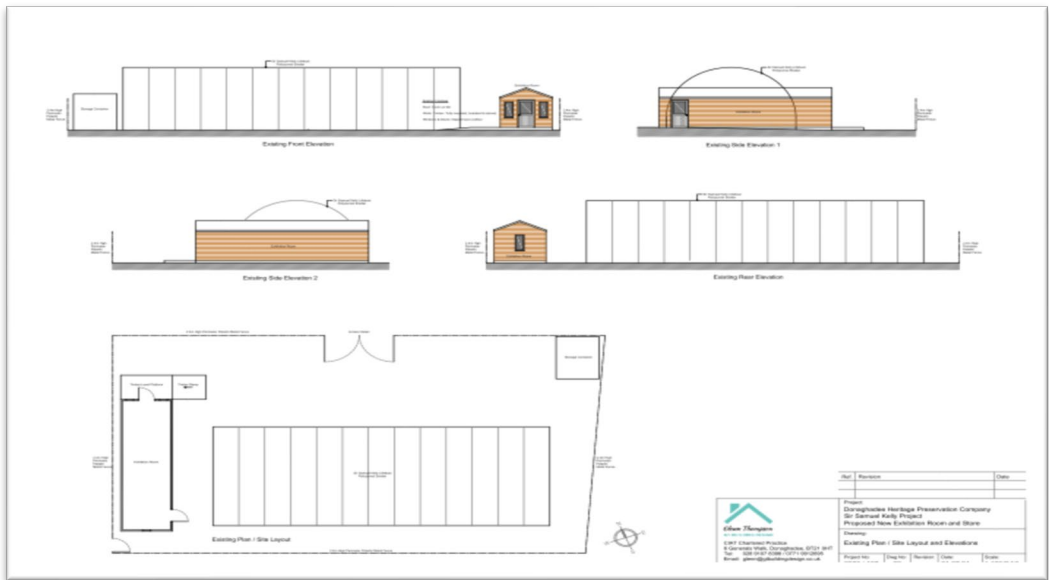


Fig 3 - Existing Site Layout & Elevations

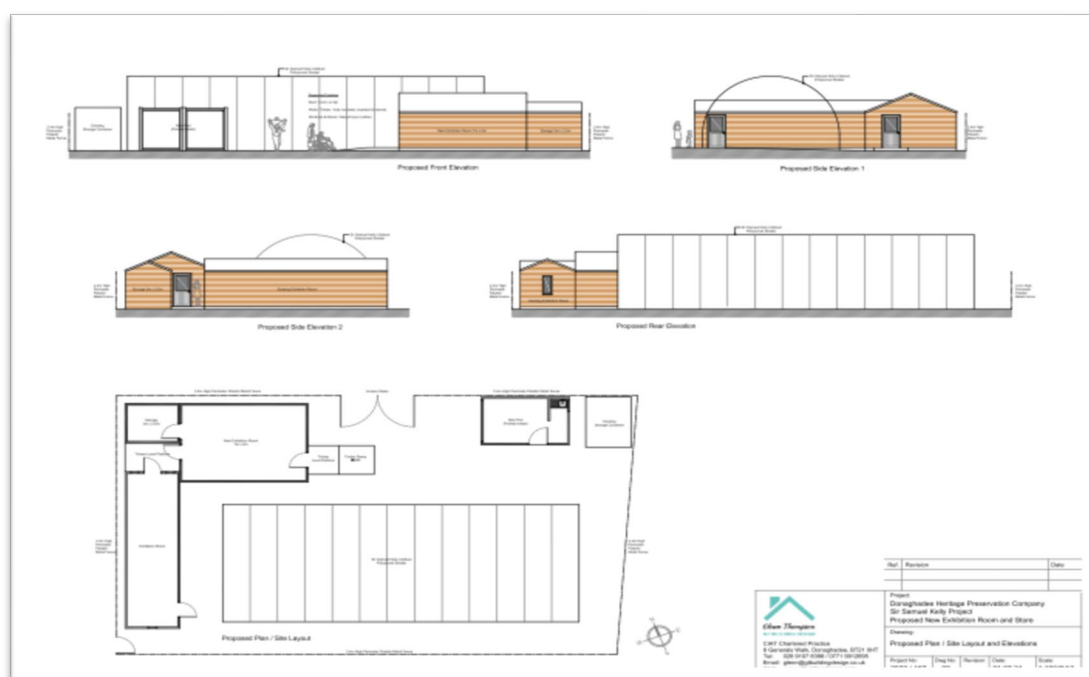


Fig 4 - Proposed Site Layout and Elevations

Strategic Planning Policy Statement for Northern Ireland

Regional planning policies of relevance are set out in the Regional Development Strategy 2035 and the Strategic Planning Policy Statement (SPPS) and other retained policies, specifically the Planning Policy Statements (PPS's).

Under the SPPS the guiding principle for the Council 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.

Paragraph 6.34 states “The aim of the SPPS in relation to the coast is ... to support the sensitive enhancement and regeneration of the developed coast largely within coastal settlements”. As this proposal is on a car park within a defined settlement it comprises part of the developed coast in accordance with this.

Paragraph 6.39 states “Within the developed coast, areas of amenity value (such as parks, outdoor sports/play areas and coastal walkways) and areas or features designated for their importance to the archaeological, built, or natural heritage, should be protected from inappropriate development.”

Paragraph 6.44 adds “Some developments require a coastal location. Examples include ports, marinas, port-related industries, and recreational projects...” The Sir Samuel Kelly lifeboat has been located within the car park beside other boats for several years. These boats are temporarily stored in the car park given its proximity to Copelands Marina. The nature of the proposal (restoring a lifeboat), and associated exhibition room is therefore appropriate to its coastal location and site.

All elements of the proposal, which lie within the established boundaries of the site, which in itself is confined to a small area of a public car park, would have no undue impact upon designated open spaces, obstruct access to the car park or have any negative impact upon enjoyment of the coastal walk along the LLPA 8: 'The Commons and Coastline'.

Paragraph 6.2 of the SPPS states the Regional Development Strategy 2035 (RDS) sets out regional guidance to "*Conserve, protect and where possible, enhance our built heritage and our natural environment*". It recognises that Northern Ireland has a rich and diverse archaeological and built heritage which contributes to our sense of place and history. It also "*regards built heritage as a key marketing, tourism and recreational asset that, if managed in a sustainable way, can make a valuable contribution to the environment, economy and society*" and; Paragraph 6.3 "*The aim of the SPPS in relation to Archaeology and Built Heritage is to manage change in positive ways so as to safeguard that which society regards as significant whilst facilitating development that will contribute to the ongoing preservation, conservation and enhancement of these assets.*" The Historic Environment Division of DfC's comments are considered below under Built Heritage.

The Sir Samuel Kelly Lifeboat is a marine heritage asset. As well as having integral heritage value it is also of educational, recreational and tourist value which would enhance the amenity value of the coastal walk and location.

Tourism

The Regional Development Strategy 2035 (RDS) recognises tourism as a key element underpinning sustainable economic growth. Regional Guideline 4 (RG4) seeks to promote a sustainable approach to the provision of tourism infrastructure. The SPPS also aims to promote a sustainable approach to tourism projects.

Paragraph 6.255 of the SPPS states "The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment."

Paragraph 6.521 of the SPPS states "Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides and the potential it creates for economic growth.

As well as direct spending on holiday accommodation and use of tourist amenities, tourism plays an important role in helping to support the viability of many local suppliers, services, and facilities. It can improve assets and provides infrastructure for local people and tourists, supporting the vibrancy of Northern Ireland's culture and heritage, and sustaining communities."

As mentioned earlier in this report the Sir Samuel Kelly lifeboat is a Marine Heritage Asset which has tourism potential of an appropriate nature. PPS16 'Tourism' has as an objective to utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location, and scale (para 3.1).

Policy TSM 1 (Tourism Development in Settlements) of PPS16 is material and seeks to support tourism development appropriate to the settlement where they are to be located. Paragraph 7.3 of the justification states 'Tourism can be beneficial for urban areas and help to deliver development that is sustainable. It can support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of urban vitality'. Further consideration of TSM 1 can be seen under the section of the report addressing the visual impact.

Furthermore, Policy TSM 8 details that planning permission will not be granted for development that would in itself or in combination with the existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value. In this instance the proposal is for the inclusion of interpretive space and will act to create a more accessible experience to the tourism asset. In view of the proposal enabling increased interaction with the asset, it is considered that its value will be significantly increased. The proposal itself is also designed in a manner which will not detract from asset. Overall, the proposal can be seen to comply with TSM 8.

Additionally, all proposals for a tourism use will be subject to criteria under TSM 7.

The proposal will not impact any movement patterns and would meet the needs of those with impaired mobility through the addition of an access ramp meeting criteria (a). The layout is closely linked to the existing development and makes use of appropriate materials in line with published guidance meeting criteria (b). Any storage will be screened while the building will be seen as a single entity complying with criteria (c). The temporary nature of the building situated on hardstanding limits the feasibility of utilising sustainable drainage systems and does not offend criteria (d). The development is situated so some element of passive surveillance can be achieved from neighbouring properties satisfying criteria (e). Criteria (f) does not apply to this development.

The general criteria (g) – (m) are considered in depth in the body of the report. There is not considered to be any conflict with the criteria and subsequently the proposal is deemed to meet TSM 7.

Natural Heritage

In terms of the potential impact upon natural heritage including designations, the SPPS specifies planning permission will only be granted for a development proposal that, individually or in combination with existing or proposed projects, is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or a listed or proposed Ramsar site.

Whilst the site lies within proximity to a number of Marine Policy Areas, in respect of the overall assessment, the specific nature and minor scale of the proposal is material to consideration of any potential impact upon such designations.

Upon cross reference with Part 1 of NIEA's Biodiversity Checklist as a guide to identify any potential adverse impacts on designated sites, the proposal does not trigger any scenario that might otherwise and reasonably require any additional or more specific survey work.

It is of further note that under assessment of LA06/2022/0904/F, Natural Environment Division of NIEA concluded that due to the nature of the proposal, there was likely to be no significant impact upon designated coastal sites.

Alongside this, Shared Environmental Services completed an HRA Stage 1 screening exercise which duly resulted in the elimination of the proposal from further assessment. Having considered the nature, scale, timing, duration, and location of the project it was concluded that it could not have any conceivable effect on a European Site.

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.

Due to both the minor and temporary nature of the subject proposal, the development poses no greater a threat to any designated site and that it would be appropriate to recommend approval subject to conditions that will:

- a) require the site to be restored to its former condition on or before 6th September 2028 following the expiry of the temporary permission, and;
- b) require that all construction activity to be confined to within site boundaries and that the boundary of any designated area shall not be disturbed without the written consent of the relevant authorities.

Built Heritage

In 2017 Ards and North Down Borough Council acquired the Sir Samuel Kelly from the Ulster Folk and Transport Museum and offered to lend it to the Donaghadee Heritage Preservation Company under a 25-year licence, also granting a lease for the land on which the vessel stands.

This proposal is for development associated with the restoration and interpretation of marine heritage, the Sir Samuel Kelly Lifeboat. The application site is in the wider setting of Donaghadee Harbour which is statutorily Listed as being of special architectural and historical interest under Section 80 of the Planning Act NI (2011).

Relevant policies to protect the setting of a listed building are contained within PPS6, specifically BH11 which states development will not normally be permitted where it would adversely affect the setting of a listed building. HED: Historic Buildings were consulted in respect of the listed harbour and are content that the proposals are sufficiently removed in situation and scale of development as to have no impact.

It is therefore considered that the proposal is compliant with SPPS and PPS 6 archaeological policy requirements.

Visual Impact

An objective of PPS16 is to ensure a high standard of design for all tourism development.

Policy TSM 1 (Tourism Development in Settlements) of PPS16 states “Planning permission (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.”

As already indicated, the component parts of the proposal will be in addition to existing features of the site, to include the steel frame restoration canopy and exhibition room.

In assessment of both LA06/2018/0290/F & LA06/2022/0904/F it was noted that, “It is considered that the nature, use, duration and scale of the proposal would not adversely impact upon visual amenity with the design considered functional and appropriate for the proposed use and coastal setting.”

This determination is considered to be material in assessment of the subject works. The inclusion of these proposed works within the site will not cause demonstrable harm to the immediately surrounding area and wider coastal environs.

Overall, given its temporary nature, the proposal is acceptable in context of visual amenity.

Residential Amenity

The closest residential properties are located at Edward Street, William Street and Railway Street. The closest point from the application site boundary is circa 30m away, with the Canopy being over circa 38m’s. ‘Creating Places’ recommends a typical separation distance of 20m.

Given this distance and the nature of the proposals it is not considered there would be undue impact on residential amenity, including from overshadowing/loss of light, dominance, and loss of privacy.

A condition will, however, be attached to any permission limiting the hours building and restorative works can be undertaken to preserve the amenity enjoyed by residents.



Fig 5 – View to South from Site demonstrating intervening distance to residential receptors



Fig 6 – View to west from site



Fig 7 – View to Northwest from site

Access, Movement & Parking

The Sir Samuel Kelly Lifeboat has been in situ for several years. The Canopy and exhibition room would not obstruct or restrict access into or out of the car park.

The access to the car park is circa 45m away from the Shelter in its North-east corner. To facilitate the exhibition room and disabled access the area of the compound will extend by approximately 8m into the site retaining the current depth of approximately 20m.

It is considered the proposal allows for ample room to facilitate movement and would not restrict or obstruct manoeuvring vehicles. Also, due to the size of the car park, availability of spaces and footpaths/public transport it is considered that any potential impact from additional staff and visitors would not have any significant adverse affect.

DfI Roads have been consulted and have no objection to the proposals.

Flooding

Para 6.42 of the SPPS states “Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability”. It is acknowledged that it would not be unusual for a coastal location such as this to be prone to winds and storm surges.

The original structure approved under LA06/2022/0904/F considered these issues in detail.

The Flood Hazard Map (NI) confirms that the site does not lie in the 1 in 100 year fluvial or 1 in 200 year coastal floodplain. The site is however adjacent to the present

day and predicted climate change floodplain boundaries. It is also recognised as being in a location at Moderate risk of Coastal Erosion. NIEA advised under LA06/2022/0904/F that due to the temporary nature of the proposal that they are content provided that general standing advice is adhered.

Given the acceptability of the existing development on site and the ancillary nature and scale of the proposal, the development is deemed to be acceptable particularly as it is situated away from the adjacent flood zones and given its temporary nature.

Policy FLD2 Protection of Flood Defence is not applicable and due to the scale of the proposals, a Drainage Assessment is not required in relation to Surface Water under FLD3. It would be prudent however for the developer to ensure that construction is completed in a manner that minimises flood risk in relation to the potential of surface water flooding.

5. Representations

No objections have been received.

6. Recommendation

Grant Planning Permission

7. Conditions & Informative

- 1. The approval hereby granted is for a temporary period only and all component parts of development described above shall be removed and the land restored to its former condition on or before 6th September 2028.

Reason: In the interest of visual amenity.

- 2. All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Department of Agriculture, Environment and Rural Affairs.

Reason: To protect the integrity of Outer Ards ASSI/SPA/Ramsar, East Coast Marine pSPA and North Channel cSAC designated sites and to avoid it being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats,etc.)

<p>Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).</p> <p>3. All restorative works and activity shall be limited to between the hours of 08:00 – 20:00.</p> <p>Reason: To protect the amenity of neighbouring residents.</p>
<p>1. This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.</p>

Submitted Plans in association with LA06/2024/0720/F

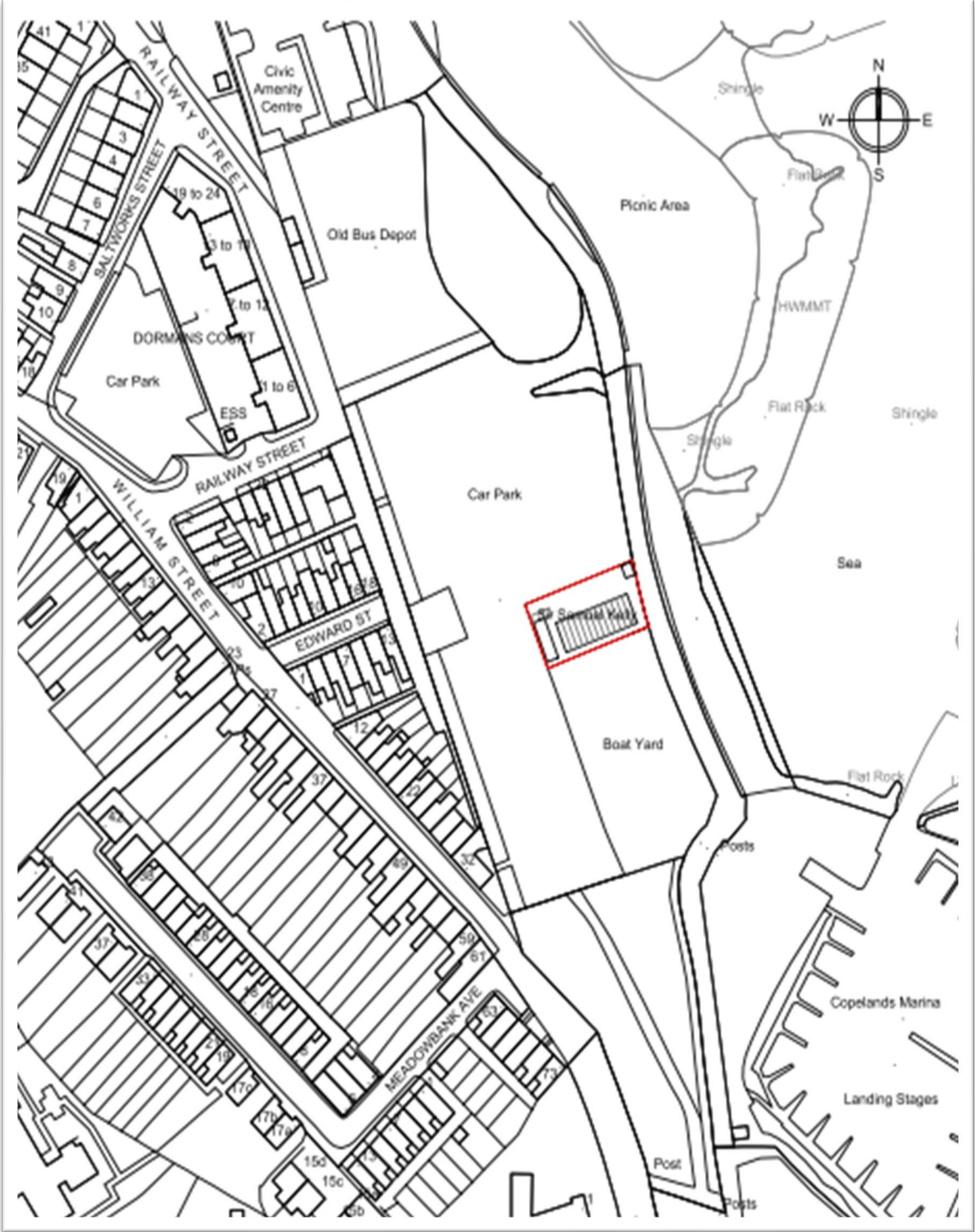


Figure 1: Site Location Plan

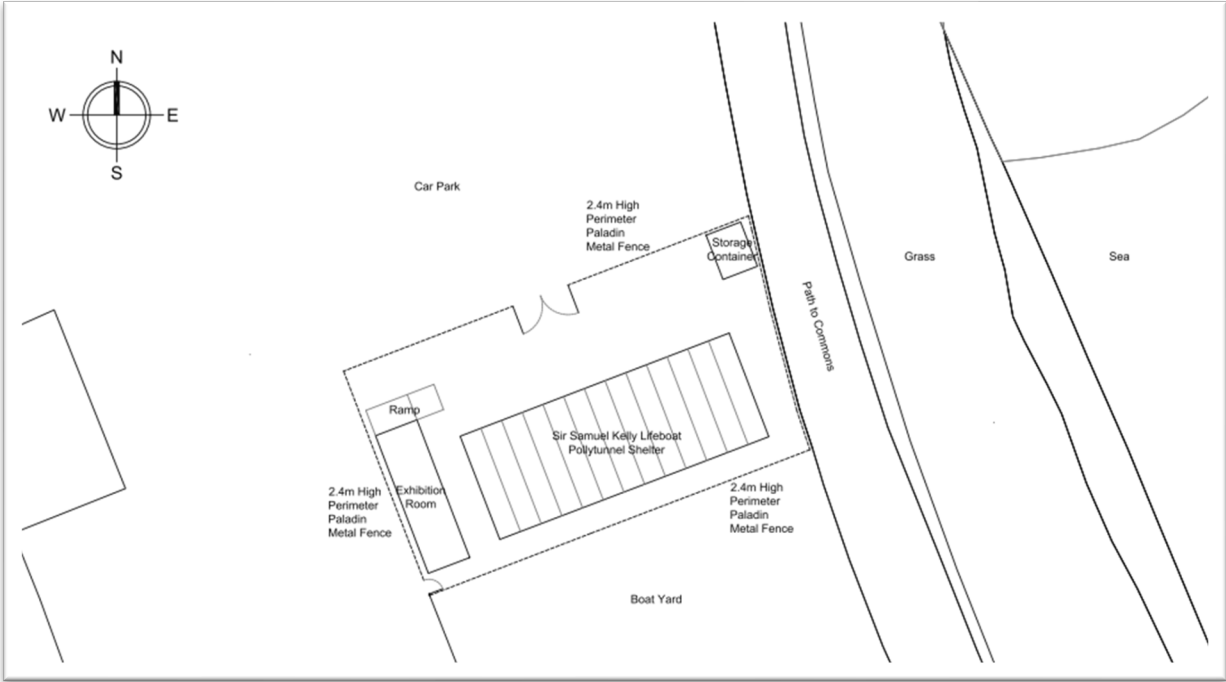


Figure 2: Existing Site Layout/Block Plan

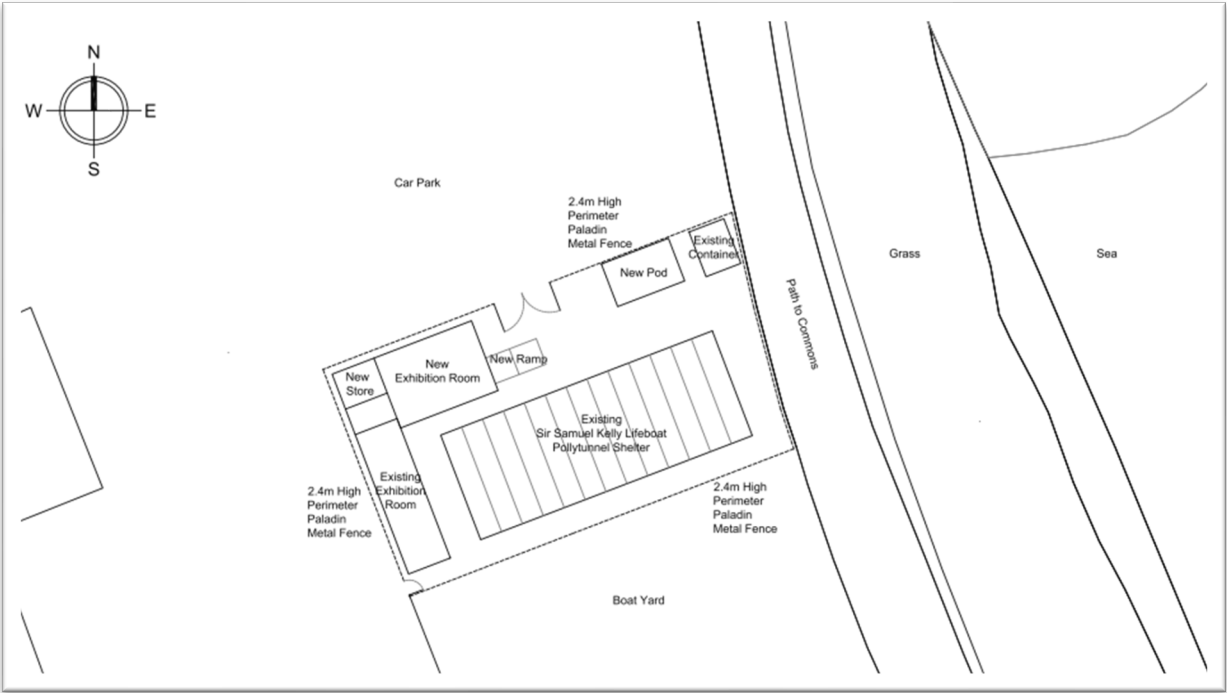


Figure 3: Proposed Site Layout/Block Plan

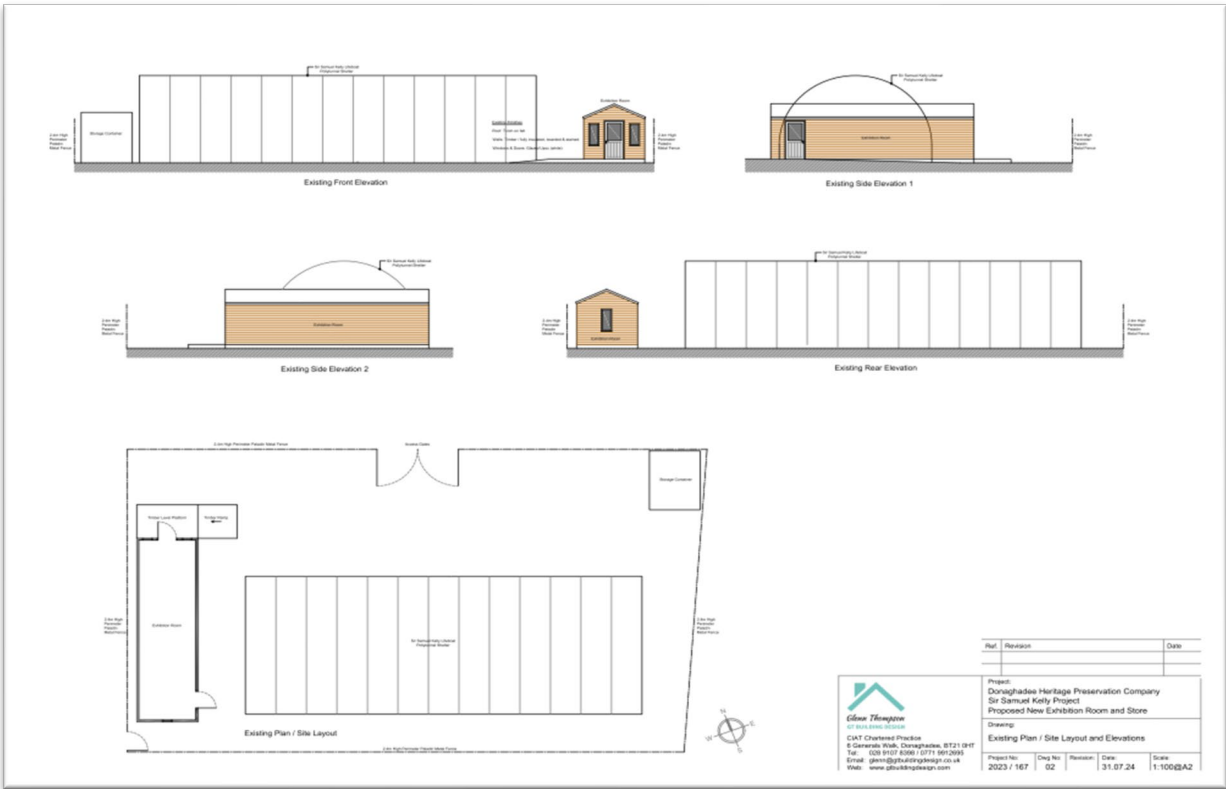


Figure 4: Existing Elevations

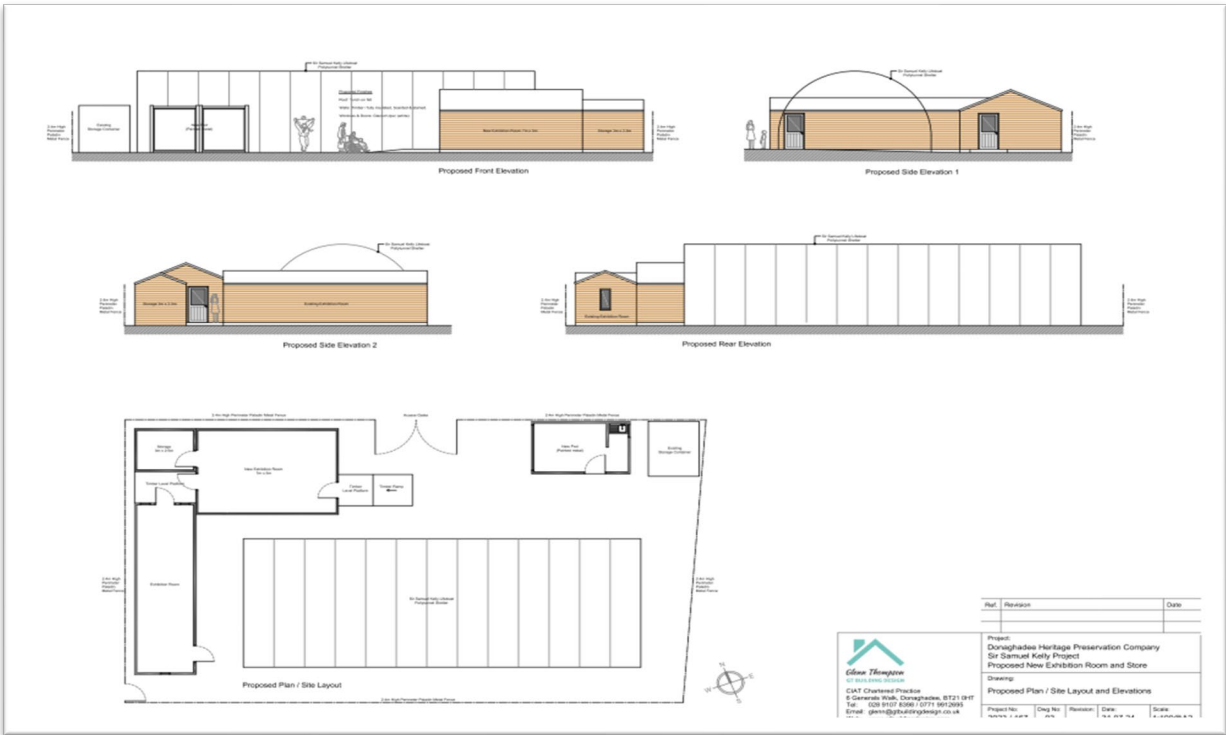


Figure 5: Proposed Elevations

Site Images & Photographs



*Image 1 & 2: Sir Samuel Kelly Lifeboat within existing restoration shelter
(courtesy of www.deeheritage.co.uk)*



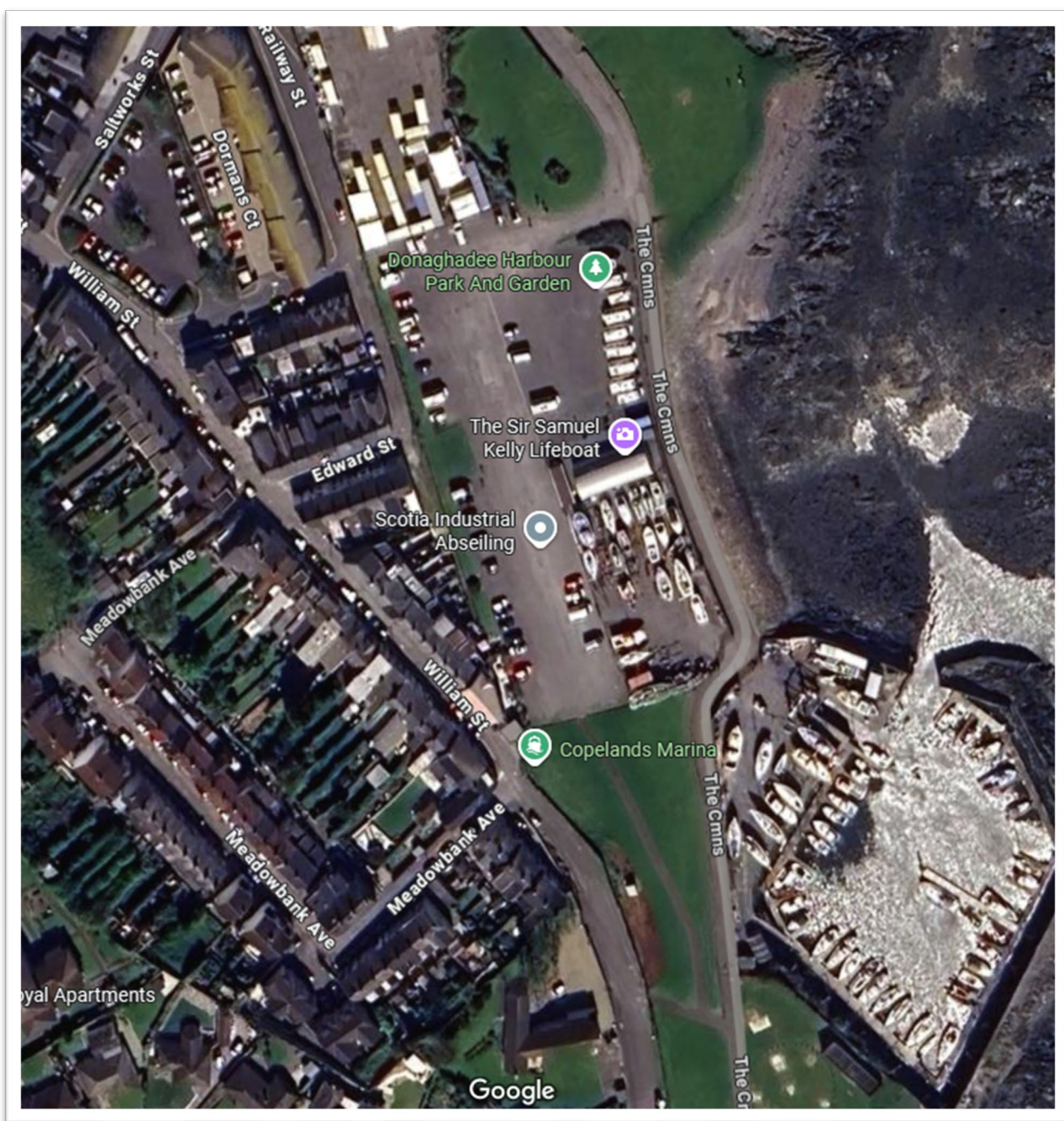


Image 3: Google Maps Aerial View of Site and Surrounding Area




Image 4: View of Existing Site and Restoration Shelter from the North within existing carpark



Image 5: View of the Site and Restoration Shelter from the South West within existing carpark



Image 6: View of the Site and Restoration Shelter from the North West within existing carpark

<div style="text-align: center;"> Development Management Case Officer Report </div>			 Ards and North Down Borough Council	
Reference:	LA06/2023/1688/F	DEA: Hollywood & Clandeboye		
Proposal:	2No. semi-detached dwellings and garages, associated site works and landscaping.			
Location:	Approximately 40 m NE of no 12 Craigavad Park, Hollywood, 'Plot 16'.			
Applicant:	Rockville Developments Ltd			
Date valid:	20.04.2023	EIA Screening Required:	No	
Date last advertised:	04.05.2023	Date last neighbour notified:	24.04.2023	
Letters of Support: 0		Letters of Objection: 10	Petitions: 0	
Consultations – synopsis of responses:				
DfI Roads		No objections.		
NI Water		Refusal. Negative condition can be used.		
Council Tree Officer		There are no protected trees located within or in close proximity to the site. It is considered that the proposal will not impact upon protected trees.		
Summary of main issues considered:				
<ul style="list-style-type: none"> • Conformity with the development plan • Design and impact on character and appearance of the established residential area and proposed ATC • Impact on residential amenity • Access and roads safety 				
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 Northern Ireland Public Register.				
1. Site and Surrounding Area				
The application site is located at Craigavad Park, Hollywood and is within an approved housing development site. It is accessed via an existing access from Station Road. Planning permission was granted under W/2006/0314/RM for 26 dwellings which has				

been commenced and is under construction. The application site is ‘Plot 16’ – see aerial image below:



Fig 1 – Aerial image of the site

The surrounding area is characterised by large houses on mature plots. There is considerable variety in scale, appearance and design, with a mixture of traditional houses and more modern detached dwellings.

The site is located within the development limits of Holywood under both the North Down & Ards Area Plan 1984-1995 and the Draft Belfast Metropolitan Area Plan 2015.

2. Site Location Plan



Fig 2 - Site location plan

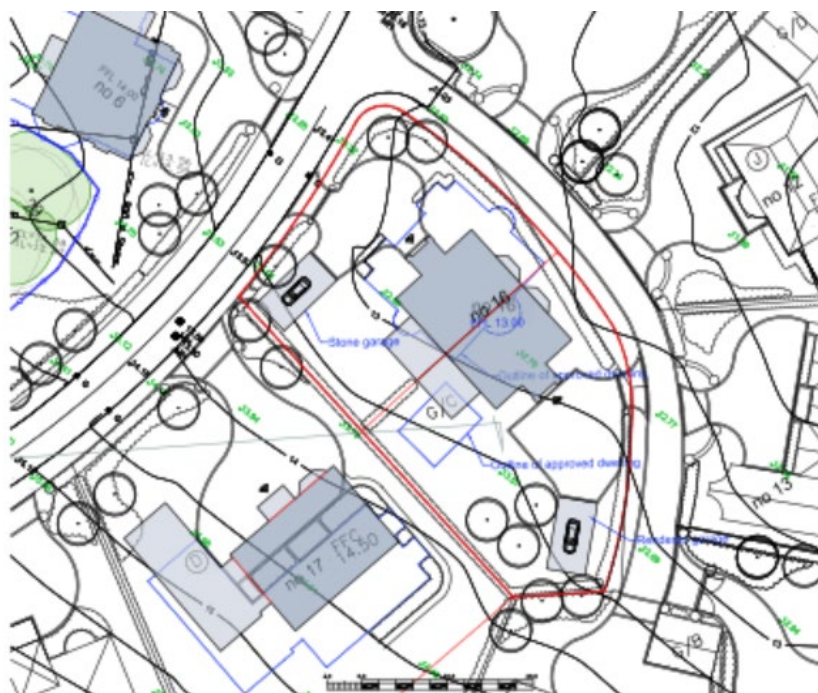


Fig 3 - Proposed site layout

3. Relevant Planning History

W/2002/0275/TPO and TPO/2004/0017 – issued in July 2004.

W/2006/0314/RM – 26 dwellings – RM approved on 22.11.2007.

This permission has established the overall layout for the development and has commenced and is currently under construction on site.

A number of planning applications have been submitted since the RM permission was issued, for change of house type designs.

Two applications for similar proposals to that subject of this current application, for the sub-division of plots in this development, have been granted permission, as detailed below:

LA06/2020/1054/F – Site 4 – 2no. detached dwellings (previously approved 1no.detached house of W/2006/0314/RM) with detached garages, landscaping and associated site works. Full permission approved on 8.04.2022.

LA06/2019/0514/F – Site 25 – 2no. semi-detached dwellings with detached garages, landscaping and associated site works (previously approved 1no.detached house of W/2006/0314/RM). Full permission approved on 26.06.2020.

Overall, planning permission has been granted for 26 houses, and two additional dwellings have been granted permission through the two applications above, the whole development now has planning permission for 28 dwellings.

The current proposal seeks an additional dwelling, totalling 29 dwellings in the whole development.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7: Addendum – Safeguarding the Character of Established Residential Areas

Relevant supplementary planning guidance for this application is as follows:

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

Compliance with the development plan

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

The application site is located within the settlement of Holywood and is located on land designated for housing in both the North Down and Ards Area Plan 1984-1995 (NDAAP) and draft Belfast Metropolitan Area Plan 2015 (BMAP).

The adopted BMAP has been quashed as a result of a judgment in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the NDAAP is now the statutory development plan for the area with draft BMAP remaining a material consideration.

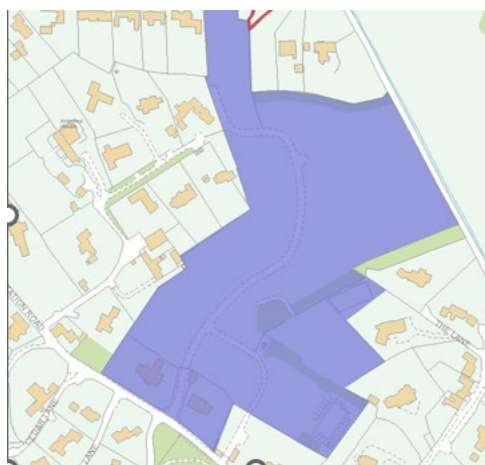
North Down and Ards Area Plan 1984-1995 (NDAAP)

The application site is located within the development limits of Holywood under the North Down and Ards Area Plan 1984. The proposal lies within Cultra/Craigavad Policy Zone which refers to a plot size policy of 0.2 ha in order 'to protect the inherent qualities of this locality'. The plot size in this case measures 0.16ha for the 2 No plots (0.08ha for each plot) which falls just below the 0.2ha plot size. However, paragraph 18.9 recognises that that there will be developments which are acceptable in planning terms although they are not strictly in accordance with the 0.2ha plot size policy. These will be generated by the physical or environmental considerations of a particular site or the

nature of the development proposed. The Planning Appeals Commission (PAC) considered objections in the Public Inquiry that the Policy Zone should be retained in BMAP, however it did not consider that there was a need for such a policy, given the ATC designation, which is also intended to protect the area's character. Subsequently, it falls to an assessment on a case-by-case basis as to whether the proposed plot sizes will have an impact on the character of the area and will be a matter of planning judgement. A detailed consideration of the impact of the development on the character of the area is set out later in this report.

Draft BMAP

The site is located within the settlement limit of Holywood. The site is within lands that are zoned for housing in Draft BMAP 2015 – Zoning HD 04/03 as below.



**Fig 4 - showing the lands zoned for housing
Draft BMAP 2015 – HD 04/03.**

The site also falls within the proposed Area of Townscape Character (ATC) for Marino, Cultra, Craigavon (Designation HD12). Although the adoption status of the plan has been altered due to the legal judgment the proposed designation of this ATC is likely to be included again in any formal adoption of the plan.

The PAC, Public Inquiry Report stated that each ATC should have its own design guide. To date these have not been published. I have reviewed the PAC Report into the objections to BMAP 2015. There were no objections to the application site being included within the proposed ATC designation. Therefore, it is likely that if and when BMAP is lawfully adopted that it will include this ATC designation and as such significant weight can be attached to dBMAP. Given that it is unclear as to how the area will be characterised, determining weight cannot be given to the potential impact on the 'character' of the ATC, however, its appearance is still a material consideration.

The draft BMAP zoning HD 04/03 – Housing Lands to the north east of Station Road, Craigavon has Key Site Requirements which are demonstrated in Figure 5.

- A Concept Statement to facilitate the comprehensive development of the site shall be submitted to and agreed with the Department;
- Housing development shall be a minimum gross density of 5 dwellings per hectare;
- Access arrangements shall be agreed with Roads Service DRD. Detailed consultation with Roads Service DRD shall be required to identify any necessary improvements to the road network / public transport / transportation measures in the area, to facilitate development of the site. A Transport Assessment (TA) may be required to identify such improvements;
- A archaeological survey of the site shall be carried out to inform proposals outlined in the Concept Statement;
- A full flora and fauna survey of the site shall be carried out to inform proposals outline included in the Concept Statement;
- All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained, unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site; and
- A 5-8 metres wide landscape buffer of trees and hedges of native species shall be planted along the eastern boundary of the site, adjacent to the golf course, to provide screening for the development.

Fig 5 – HD 04/03 Key site requirements

The minimum gross density of 5 dwellings per hectare is applicable to this planning application. The other requirements were addressed in the original planning permission. With regards to the archaeological survey, HED has confirmed that a programme of archaeological works was agreed prior to the commencement of work on site in relation to planning approval W/2006/0314/RM (HED ref AE/09/203). Archaeological monitoring of phase 1 and 2 of the scheme has taken place.

The density of the proposed development will equate to approximately 12 dwellings per hectare (dph) which is in accordance with the Key Site Requirements.

Strategic Planning Policy Statement for Northern Ireland

The SPPS is material to all decisions on individual planning applications. Its guiding principle in determining planning applications is that sustainable development should be permitted having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Principle of Development

The application site is located within the development limits of Holywood, within an area zoned for housing, which has planning permission for a total of 28 dwellings that has commenced and is under construction. The principle of development is acceptable, provided all relevant statutory requirements are met.

Design, Visual Impact and Impact on the Character of the area and on the overall appearance of the ATC

The application site is located within the proposed ATC under designation HD 12 as per Draft BMAP. A Design and Access Statement has been provided by the applicant. Paragraph 3 of Policy QD1 states that in an ATC, housing proposals will be required to

maintain or enhance their distinctive character and appearance. This applies to designated ATCs and not proposed ATCs from Draft BMAP. Therefore, it is considered that this element of Policy QD1 is not applicable to the proposed development. Policy ATC 2 in the Addendum to Planning Policy Statement 6 refers to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. Despite the status of draft BMAP, recent decisions by the PAC have clarified that the impact of an application on a proposed ATC remains a material consideration and can be objectively assessed as considered in 2021/A0227 – Apartments at 115 Station Road, Craigavad and 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor.

Case law (South Lakeland District Council –v- Secretary of State for the Environment (1992)) has established that it is the effect on the character/appearance of the Conservation Area or ATC as a whole to which attention must be directed and that preserving the character or appearance of a Conservation Area or ATC can be achieved by a development which leaves this unharmed (the ‘no harm’ test).

The Marino, Cultra and Craigavad ATC covers a large area north of the Belfast Bangor railway line near Holywood as illustrated below.

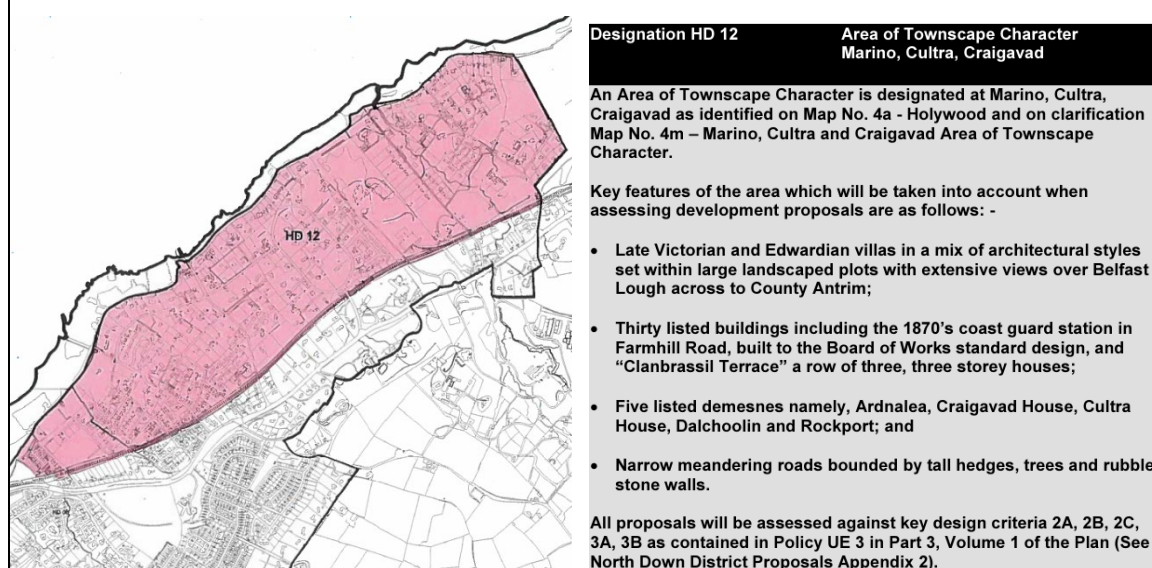


Fig 6 - Designation HD12 from draft BMAP

The designation includes a wide range of development types and buildings such as terraces, semi-detached and detached dwellings, a girl guide centre, the Ulster Folk and Transport Museum and the Royal Belfast Golf Club. Given the diversity of uses and built form within the ATC, it could not be argued that the proposed development would harm its appearance as a whole. The key features of the proposed ATC as set out in draft BMAP (listed above) have been considered and the proposed development would not harm any of these features.

PPS7 – Quality Residential Environments and PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas both apply to this development. Criterion (a) of Policy QD1 of PPS7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion (g) requires that the design of the development

draws upon the best local traditions of form, materials and detailing. The provisions of this policy must also be considered in conjunction with policy LC1 of PPS7 Addendum – Safeguarding the Character of Established Residential Areas. The addendum provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

The proposed development is for an increase in the number of approved units on Site 16 from one detached dwelling to two semi-detached dwellings.

In terms of the potential impact on the character of the area, the proposed dwellings would sit in a similar position to the dwelling previously approved on the site. The position of the dwellings would respect the established building line and their height would be comparable to the adjacent existing dwellings. The dwellings will be two and a half storeys, rendered and painted with hipped slate roof, with sliding sash windows as below.



Fig 7 - Proposed elevations

The proposed house types and design are considered to be acceptable in the context of the site and the proposed ATC in respect of the materials and finishes and the proposal as a whole is considered to be sympathetic to the appearance of the area.



Fig 8 - Existing dwellings in Craigavad Park

The proposed plots would be spacious in size at around 0.08ha each with adequate private amenity space. Adequate parking is provided within the curtilage of each dwelling. The site is not located close to any existing trees that are protected by the TPO and therefore will not have an impact on it. There are adequate separation distances between the recently constructed dwelling on the adjacent site No.17. All other dwellings are located on the opposite side of the road. Potential impacts regarding residential amenity will be discussed later in the report.

Policy QD1 of PPS7 states that in an ATC intensification of site coverage will only be permitted in exceptional circumstances, however, it goes on to say that prevailing consideration must be whether or not the development will have an adverse impact upon overall character. In this case the proposal is for two semi-detached dwellings within an approved residential development site and will not result in an adverse impact on the character of the area and harm to the overall appearance of the proposed ATC. The original site is large enough to accommodate the proposed two semi-detached dwellings which are still large dwellings on spacious plots and of low density which is in keeping with the remainder of the development of Craigavad Park.

In terms of density, there are numerous examples of mixed densities within the wider area including 55 Station Road at 20dph, 62 Station Road at 13dph and 31 Station Road at 12dph. There have also been a number of planning approvals in this development of Craigavad Park in recent years for developments of a similar density to that proposed. Planning permission for a similar increase in the number of units from one detached dwelling to two semi-detached dwellings at Site 25 of the development was previously approved in June 2020 and in 2022 to increase from one detached dwelling to two detached dwellings on Site 4 in Craigavad Park. It was considered that these additional two dwellings could be successfully integrated into the development without causing harm to its character or appearance.

It is not considered that the proposal will set a precedent for similar proposals in the area as each case must be considered on its own merits. In this instance, the previous two applications for additional dwellings have been taken into account and it is considered that they are acceptable in visual terms in that they do not look out of place in the development, they do not appear as overdevelopment, and do not cause any harm to the development by any cumulative impact. The development is still very much low density, characterised by large dwellings on spacious private plots, which is in keeping with the character of the wider area of Craigavad.

The proposed development also meets criteria (a) – (h) of Policy QD1.

The proposed dwelling will be built to a size that is above the required minimum standards set out in Annex A of Policy LC1 of the Addendum to PPS7. It is therefore considered that the proposal will not erode the character of this established residential area.

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

Impact on residential amenity

The proposal will have no unacceptable adverse impacts on residential amenity of existing properties. The only property that could be potentially impacted upon in terms of a loss of amenity is the adjacent dwelling on Site 17 bounding the site on the southern side. This dwelling sits at right angles to the site so only the north facing gable elevation which has two first floor gable windows will face the proposed dwellings.



Fig 9 - Existing dwelling on adjacent Site 17



Fig 10 - Proposed elevation Facing Site 17

As Figure 10 above shows, there are 8no.windows on the proposed elevation that will be visible from Site 17 which serve the landing areas and bedrooms. The two storey elevation of the proposed buildings will not come any closer to the dividing boundary with Site 17 than the original dwelling approved on the site. The separation distance between the proposed two storey elevation and the dividing boundary is 13.5m and 18.5m to the gable elevation of the dwelling on Site 17. Due to this substantial

separation distance, it is considered that there will be no unacceptable overlooking caused from the proposed first floor and attic bedroom windows. A 1.8m closed timber fence is to be constructed along the dividing boundary with a hedgerow so there will be no unacceptable overlooking caused from the ground floor windows. On this basis it is considered that there will be no unacceptable impacts caused to the dwelling on Site 17 in terms of any unacceptable overlooking overshadowing or overdominance.

The proposed layout has been designed to help safeguard the residential amenity of both the proposed dwellings and the adjacent existing dwelling. It is considered that the separation distances between proposed dwellings, the location and orientation of windows, and the proposed intervening boundary features, will together ensure that there will be no unacceptable adverse impact on the residential amenity of any existing or approved dwellings in terms of overlooking, loss of light, overshadowing, or dominance. It is therefore considered that the proposal complies with part (h) of Policy QD 1 of PPS 7, and all relevant guidance.

Amenity Space

Policy QD1 of PPS 7 states that adequate provision should be made for private open space. The indicative layout shows that the proposed dwellings will have adequate areas of private amenity space in the form of private rear gardens and will have more than the minimum requirement of 70sqm as set out in the Creating Places guidance document. The proposal is in line with (c) of Policy QD1 of PPS7.

Access, Roads Safety and Car Parking

DfI Roads were consulted and have raised no objections to the proposal. Station Road is a private road up to the railway bridge where it then becomes an adopted public road up to the main A2 Bangor Road protected route. DfI Roads is satisfied that the application does not represent intensification of use from the private road onto the public road adjacent to the railway bridge. This assessment has taken into account the number of existing units and future committed development. Policy AMP3 Access to Protected Routes is not applicable as the proposal does not have direct access onto the A2 Bangor Road protected route.

However, DfI Roads are content that the existing signalised junction where Station Road meets the A2 provided a safe means of access onto the Protected Route. Where the private section of Station Road meets the adopted section, DfI Roads had advised there is no evidence of a collision history or record of delays and/or inconvenience caused to traffic within its vicinity. Observation of traffic movements made during site visits have also indicated that while delays are experienced in the vicinity of the railway bridge they are not of a level that would raise concerns regarding road safety. DfI Roads has considered the above application and would offer no objections to the proposal.

In terms of parking provision, the Parking Standards document advises that for a 5 bed-detached dwelling, 3 in-curtilage spaces are required. The proposed site plan shows a single garage for each dwelling and there is ample room for the parking for another 2 cars within the curtilage and on this basis, it is considered that the parking provision is compatible with policy requirements. It is therefore considered that the proposal complies with Policies AMP 2 and AMP 7 of PPS 3, and part (f) of Policy QD1 of PPS 7.

Security from Crime

The layout has been designed to deter crime and promote safety as the proposed dwellings have windows facing towards the front and rear of the site. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7.

Local Neighbourhood Facilities

Not applicable to this scale of development.

Designated Sites and Natural Heritage

Policy NH1 of PPS 2 relates to European and Ramsar sites. Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify any potential adverse impacts on designated sites. No such scenario was identified. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has therefore been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Policy NH 2 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. 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.

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

Sewage Disposal

The consultation response from NI Water indicates that whilst there is a public foul sewer within 20m of the proposed development boundary, the receiving foul sewerage network has reached capacity. The public system cannot presently serve this development proposal without significant risk of environmental harm and public disamenity including pollution, flooding and detrimental impact on existing properties.

NI Water advised the applicant to consult directly with NI Water to ascertain whether any necessary alternative drainage / treatment solutions can be agreed, and an Impact Assessment will be required. Due to this it is considered that the proposal can be conditioned that no development shall take place on-site until the method of sewage disposal has been agreed in writing with NI Water or a Consent to discharge has been granted under the terms of the Water (Northern Ireland) Order 1999 by the relevant authority. This will ensure that there is no adverse effect on the water environment.

Drainage and flood risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which DfI Rivers has no record. Permeable paving and surfaces can usefully contribute to a reduction in the amount and speed of surface water run-off from

new development. The proposal will incorporate a permeable surface (gravel) to the car parking areas. DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Creightons Green Reservoir. As previously stated, the principle of development has already been established. The applicant also has an extant permission for the site which offers a 'fallback' position which would allow for development on site. Overall, the changes proposed are not materially significant in terms of the footprint on site and as would have been assessed under the original application. Moreover, DfI Rivers is in possession of information confirming that Creightons Green Reservoir has 'Responsible Reservoir Manager Status' and therefore from a reservoir flood risk perspective it is acceptable.

5. Representations

10 representations have been submitted, all objecting to the proposed development.

I have read all representations in full. The main concerns raised include:

- Piecemeal development
- Road and pedestrian safety
- Impact on the character of surrounding area
- Request for a condition for a fence on the eastern boundary of the development Site to protect against stray golf balls
- Proposal relies on an extant approval W/2006/0314/RM, however due to subsequent applications for change of house types and plot sub-division, the original approval and layout cannot be implemented and therefore the extant permission no longer exists.

Piecemeal development

Concerns have been raised about the future intentions of the developer for the remaining sites. Assumptions cannot be taken as material planning considerations. Every application is assessed on its own merits and therefore if any future applications are received, they will be considered at that time against the relevant plan and planning policy statements.

Road and pedestrian safety

The principle of development is long established given the site is zoned for housing and its planning history. The assessment of road safety is included in the main body of the report. Objectors have expressed health and safety concerns given there is no footpath along Station Road. This concern it is beyond the remit of this planning application. The increase of one dwelling unit onto a road serving over 120 other dwellings is not considered to have such a significant impact on its own to warrant a refusal. DfI Roads were consulted and offered no objections.

Impact on character

This is considered in detail within the main report. The Council is satisfied that the development will not result in an adverse impact on the character of the area and the proposed ATC.

Request for a condition for a fence for protection from stray golf balls received from the Royal Belfast Golf Club.

This objection highlights that condition 6, of the original approval W/2006/0314/RM, which relates to the erection of a nylon fence on the boundary with the golf course has not been complied with. The Golf Club objected to the 2006 application in relation to a liability issue regarding stray balls causing damage to property or injury to persons residing in the proposed dwellings on Sites 13 and 14 which abut the golf course grounds. A protective fence was subsequently provided on amended plans along the rear boundaries of sites 12-14 and included a condition, however the wording of the original condition requires the fence to be put in place prior to occupation of the development, however it does not require the fence to be permanently retained thereafter. An enforcement case was opened and assessed under LA06/2022/0088/CA and it was deemed that the breach of condition was immune from enforcement action due to the wording of the condition, the passage of time and the fact that the original condition did not specify retention of such a fence in perpetuity. The enforcement case was closed.

The application currently under consideration is located centrally within the larger development site and does not adjoin the boundary with the golf course and on this basis restricting occupation of these particular dwellings until the fencing has been erected adjacent to the golf course is not reasonable.

No extant approval exists

Development has commenced on site and construction is underway with a number of dwellings occupied. Permission granted for change of house types to dwellings, approved in the original permission, does not result in the original permission being unable to be implemented.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

- 2. No 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.

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

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

4. The dwellings hereby approved shall not be occupied until provision has been made within the curtilage of each dwelling for the parking of private cars at the rate of 2 spaces. In-curtilage parking areas shall be permanently retained thereafter and shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

Annex 1 Photographs



Photo 1 Entering the development from Station Road, to show the character, scale and design of the dwellings within Craigavad Park



Photo 2 Dwellings under construction across the road from the application site



Photo 3 The application site is beyond the security fencing



Photo 4 Showing the dividing boundary between the application site to the left of the security fencing and the existing dwelling on Site 17.



Photo 5 Showing the existing dwelling on Site 17 adjacent to the application site.

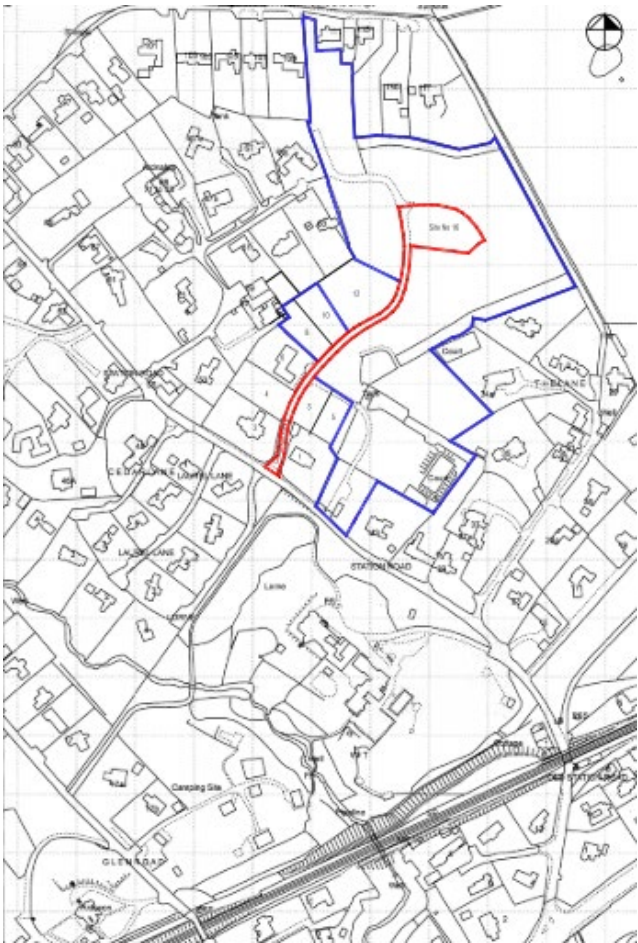


Photo 6 Showing the existing dwellings in Craigavad Park

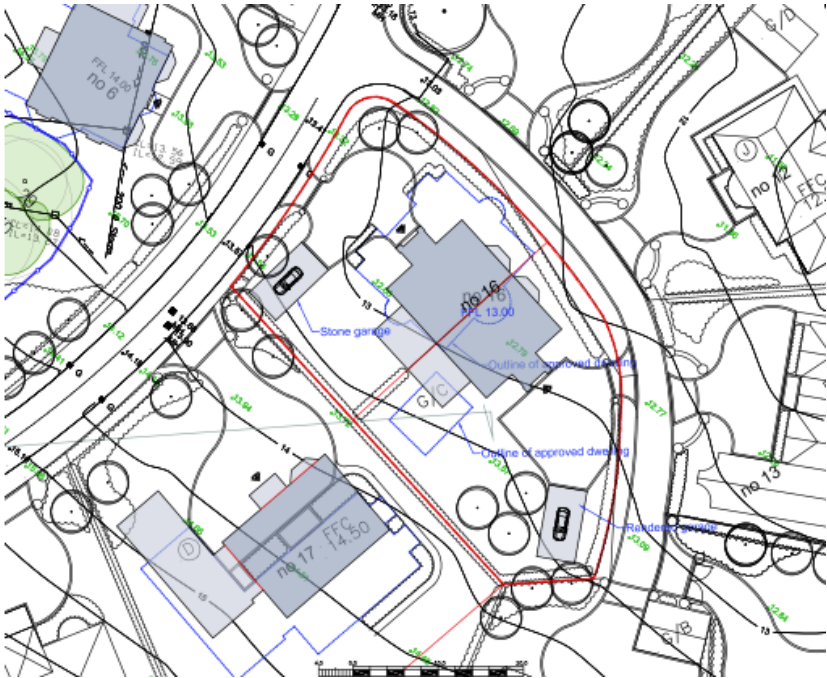


Photo 7 Showing the existing dwellings in Craigavad Park

Proposed plans



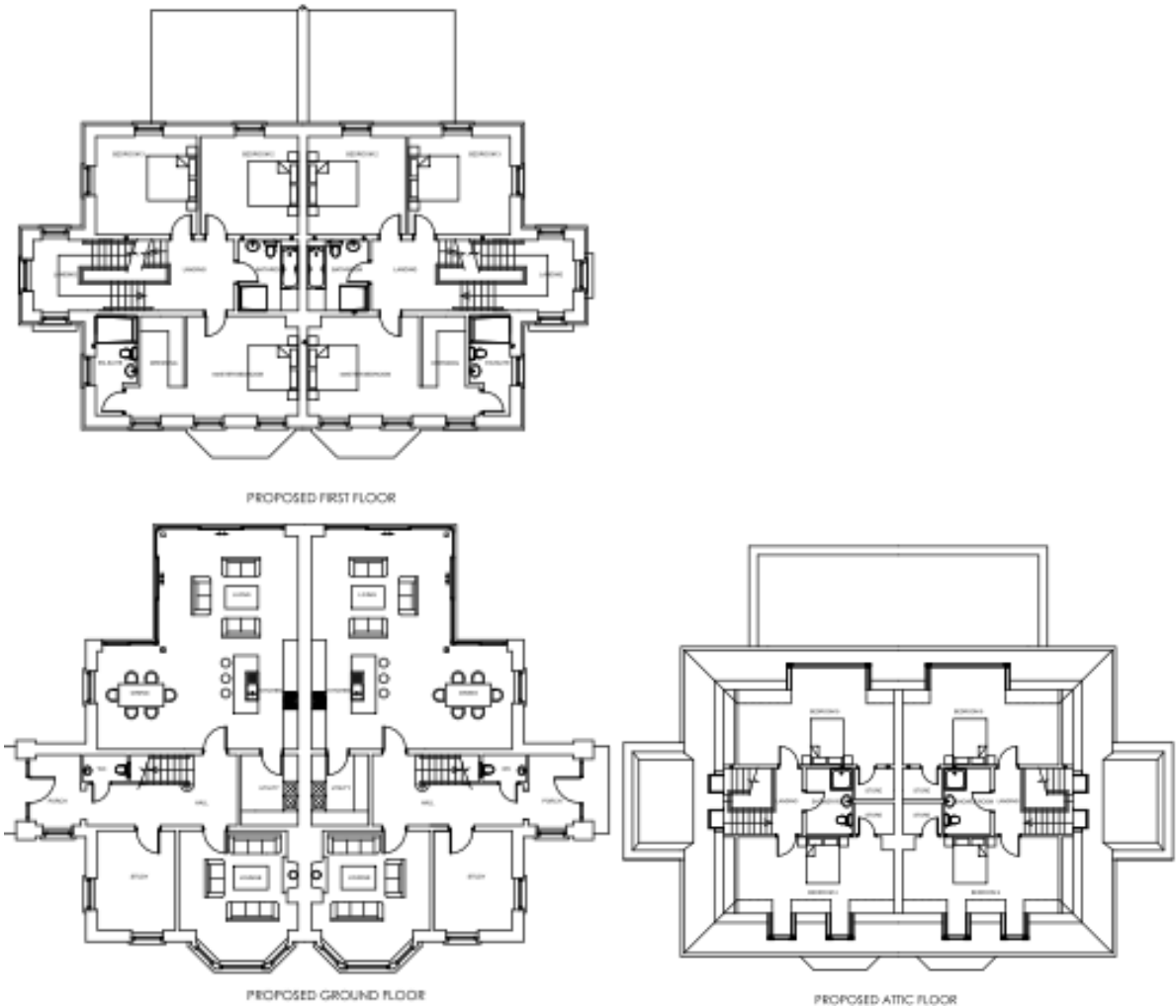
Site location plan




Proposed Site Plan



Proposed elevations



Proposed floor plans

<div style="text-align: center;"> Development Management Case Officer Report </div>				 Ards and North Down Borough Council	
Reference:	LA06/2023/1984/F		DEA: Hollywood & Clandeboye		
Proposal:	Demolition of building and erection of 4 storey building comprising ground floor office and 5 apartments above		Location:	King House, 37-39 High Street, Hollywood	
Applicant:	M Strydom				
Date valid:	03/07/2023		EIA Screening Required:	No	
Date last advertised:	14/08/2023		Date last neighbour notified:	22/07/2025	
Consultations – synopsis of responses:					
DFI Roads			No objection		
NI Water			No objection subject to condition		
Environmental Health			No objection		
Council's Conservation Officer			No objection		
Historic Environment Division			No objection		
Letters of Support	0	Letters of Objection	59 from 8 addresses (2 Pro-forma letters received)	Petitions	1
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 					
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 <https://planningregister.planningsystemni.gov.uk/>

1. Site and Surrounding Area

The application is site is located on the north-western side of High Street and is occupied by a symmetrical two storey block of former two dwellings with central coachway, dating from the middle part of the 19th Century (named King House.) The building has been converted to commercial use and is occupied by several businesses including a barbers, guitar tuition and beauty salon. The rear yard of the building is accessed via Strand Mews, which is a residential development of two storey terraced housing and some larger three and four storey apartment blocks. The yard is enclosed by a part stone, part block boundary wall and is occupied by a large single storey outbuilding with a pitched corrugated metal roof. Pedestrians can also access the rear of the site and car park associated with Strand Mews via an alleyway between King House and No. 27 High Street and there is a drop in ground levels from High Street towards the north-western boundary.

The character of the surrounding area is largely commercial to the south but residential to the north. Strand Avenue is a large housing development which includes terraced properties and substantial apartment blocks. There are also three storey apartment blocks adjacent to King House, overlooking High Street.

The site is within the settlement of Holywood and is located within the Town Centre, Primary Retail Core, Conservation Area and an Area of Archaeological Potential in the draft Belfast Metropolitan Area Plan 2015.

2. Site Location Plan



Fig 1 – Site location plan

3. Relevant Planning History

LA06/2023/1985/DCA - King House 37 - 39 High Street, Holywood - Demolition of building to rear and partial demolitions to rear wall of main building – Under consideration.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984 – 1995
- Draft Belfast Metropolitan 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 and the Built Environment
- Planning Policy Statement 6 (Addendum): Areas of Townscape Character
- Planning Policy Statement 7: Quality Residential Environments
- 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 site is within the settlement of Holywood and is located within the Town Centre, Primary Retail Core and Conservation Area in draft Belfast Metropolitan Area Plan 2015.



Fig 2 – Proposed side elevation

The proposal is to demolish the detached single storey building to the rear of the site, the boundary wall and also some elements of the rear elevation of King House and then the erection of a link and a four storey block to the rear. The existing King House building will remain in situ with its internal provisions. The new extension to the rear will facilitate an office unit of 60sqm and five new apartments provided over the first, second and third floors. The proposed development does extend to the boundaries of the site and therefore in-curtilage parking is not provided.

The SPPS, in paragraph 6.269, states that *'It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.'*

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

The application site lies within the Primary Retail Core designated in Draft BMAP and whilst Policy R1: Retailing in City and Town Centres in Draft BMAP states that planning permission will only be granted for non-retail uses at ground floor where all the following criteria are met:

- It is not located within a designated Primary Retail Frontage – the siting of the extension to the rear means that the office unit will not be located on the Primary Retail Frontage. A Primary Retail Frontage has not been designated within Hollywood Town Centre.
- There is no significant loss of retail floorspace at ground floor level – the proposal does not result in the loss of any retail floorspace.

- It does not create a cluster of non-retail uses – the proposal is for one office unit and due to its siting adjacent to residential properties, a cluster of non-retail units is not anticipated at this location in the future.
- It would not lead to a predominance of non-retail uses – It is considered that the 60 sqm of office floorspace is small scale and will not lead to a predominance of non-retail uses at this location.

The PAC Report in the Adoption Statement recommended that Policies R1 and R2 were replaced by a single policy as follows:

“Planning permission will be granted for retail development in all town and city centres. Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use. The Primary Retail Cores will be the preferred location for new comparison and mixed retail development.”

Given the location of the unit at the rear of the existing building and its small scale (60sqm) it is considered that it will not harm the vitality and viability of the primary retail core.

Design, Visual Impact and Impact on Character of the Area

The proposed extension will be located to the rear of the existing King House building. There is a pedestrian laneway on the north-eastern side of the building but due to the built-up nature along High Street, there will be very limited views of the proposed extension from High Street as can be seen below.



Fig 3 – Pedestrian Laneway

To the rear of the building there is a parking area associated with the adjacent terraced housing at Strand Mews. There is no through-road at Strand Mews, so critical views are likely to be mainly from the Hollywood by-pass.



Fig 4 – View from Hollywood bypass

The existing building is visible from the Hollywood by-pass however it is approx. 100m from this road and there are intervening two storey terrace dwellings which screen the majority of the rear elevation. The roof form can be seen and it is noted how the existing building has a similar ridge height to the flats on its north-eastern side. There are buildings on its south-western side which have a higher ridge height than the subject building and the proposed extension does not extend above the existing ridge line. The existing building has dormer windows on the rear roof form and these will be repeated on the proposed extension but with more modern metal standing seam dormers. It is noted that there are other developments in the vicinity of the site which have windows and grey coloured cladding at this height. Representations have raised concerns regarding the density of the development and its impact on the residential character of the area. The proposal can be considered as the redevelopment of a brownfield site which is encouraged within the provisions of the SPPS. The footprint of the building will replace development already in situ with the height of the development being the most significant alteration. While it does add to the density of this existing plot, it must be considered that it is rising to a similar height of the main Kings House building.

Furthermore, the surrounding area is characterised by apartment blocks which are 3-4 storeys in height along High Street and Strand Avenue. The location of the development would appear as a continuation of this existing density along the streetscape of Strand Mews and would not be considered to be inappropriate. Overall, the proposed building is reflective of the general character of the locality.



Fig 5 – Front of the site from High Steet

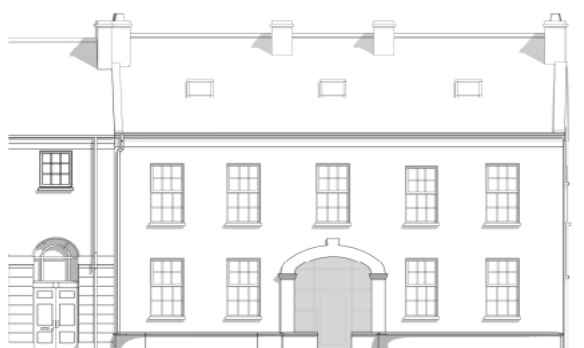


Fig 6 – Proposed front elevation



Fig 7 – Rear of the site



③ Proposed West Elevation
1 : 100

Fig 8 – Proposed rear elevation

The footprint of the proposed extension is similar in scale to the existing main building and the scale of the building is comparative to other development in the locality. It is considered that the design, layout, scale and massing of the proposed development will respect the topography of the land and the character of the area in accordance with PPS 7 Policy QD 1. The impact of the building on residential amenity will be considered later in the report.

Public Open Space/Private Amenity Space

There is no requirement for the provision of public open space due to the number of residential units proposed. Additionally, given the urban location of this site, landscaping is also not considered necessary. Creating Places recommends that the level of amenity for apartments should range from a minimum of 10 sq m per unit to around 30 sq m per unit. In this instance an average of 5.8sqm has been provided per unit in the form of balconies.

The area of development is considered to be brownfield. Furthermore, the Creating Places is supplementary guidance and must be given appropriate weight in such instances. Due to the proximity of the site to the waterfront and town centre parks there will be open space available within walking distance which negates the requirement for the full provision of private or communal amenity space under this application. An area is also set aside at ground floor level for bicycle storage.

Local neighbourhood facilities are not required due to the scale of the proposal.

Impact on Residential Amenity

Policy QD1 (h) states that design and layout should not conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of over-looking, loss of light, overshadowing, noise or other disturbance.

The proposed development is compatible with the adjacent town centre uses and the residential uses to the north-east and north of the site.



Fig 9 - Block plan for the adjacent flats to the northeast (W/2001/0108/F)

There are bedroom windows and side balcony windows proposed on the gable elevation at both first and second floor level and a kitchen/dining room window proposed at third floor level on the gable of the proposed extension looking towards the rear amenity of the adjacent flats and the parking area to the rear of the flats.

There are also windows proposed on the link which are in line with the amenity area of the adjacent apartments. These windows can be conditioned to be finished in obscure glazing and be non-opening below 1.7m to ensure that direct over-looking does not occur.

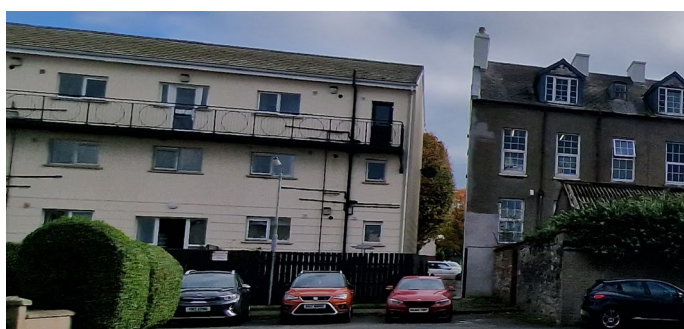


Fig 10 – Rear of adjacent flats

The windows closest to the application site are bathroom windows, with the next windows over serving the kitchens. The 45 degree light test has been employed to assist assessment and it is noted that the proposed extension does breach this test. Furthermore, considering the path of sunlight it is noted that the extension will only impact the rear amenity area in the late evening and is not likely to have an unacceptable adverse impact on loss of sunlight on the rear windows due to their north-west facing location.



Fig 11 – 45 degree light test from existing kitchen windows

The proposal was accompanied by an 'Existing and Proposed Daylight Analysis' (Published on the Planning Portal). The analysis looks at the shadows casted by the existing and proposed building forms. The examples provided include 15 March (10am and 4pm) 15 June (10am and 4pm) and 15 September (10am and 4pm). The shadows from the proposed extension do not appear to extend to the neighbouring amenity areas until December but it is noted that the shadows are already cast over the neighbouring amenity areas in the 'existing' studies. It is therefore considered that the proposed extension will not have an unacceptable adverse impact on the daylight currently enjoyed by the existing residential properties to the north and north-west of the site.

1-3 Strand Mews

These dwellings are front facing to the south-west and therefore look out onto the existing parking area. There are no windows on the gable elevation and the front of the dwellings is already open to public view. The windows proposed on the rear of the extension are orientated to the north-west which means that over-looking from these windows will only have oblique views towards 1-3 Strand Mews and not direct. Whilst balconies are proposed on this rear elevation, the floor area of them ranges at 3-4sqm at first and second floor level and then there is one larger area at 15sqm on the third floor. The balconies are recessed into the building so views will be directed towards the north-west. It is acknowledged that oblique views can be taken from the balustrades but the relevant area associated with 1-3 Strand Mews serves front gardens which are already open to public views.

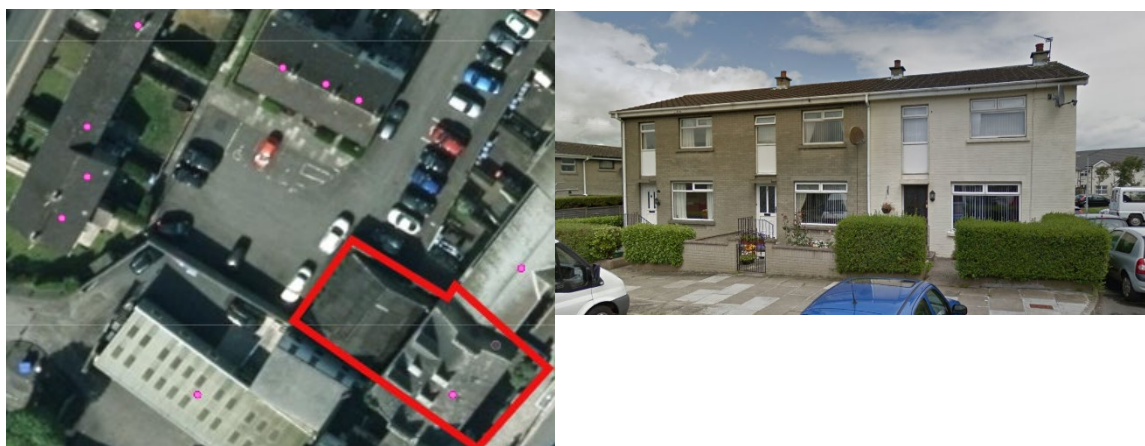


Fig 12 - Site and neighbouring dwellings (1-3 Strand Mews)

30-36 Strand Mews

The rear of these terrace dwellings backs onto the application site with approx. 23m between the rear of the proposed extension and the rear boundary of the dwellings. There is approx. 28m between the opposing rear elevations. As stated above, balconies are proposed on the rear elevation along with windows. The balconies are recessed and are of small scale. The adjacent apartments have a full length external balcony to the rear on the second floor which also have an outlook in the same direction as that of the proposal.

The buildings to the south-west are commercial and therefore will not be adversely impacted upon by the proposal. Representations highlighted the potential impact that can occur on both residential amenity and also for an impact of parking due to construction work. It is acknowledged that this can have an affect on the amenity of nearby receptors however any works would be temporary in nature. As such it is recommended that a condition is added requiring the submission of a Construction Management Plan prior to commencement of any works to be approved and mitigate against such impacts. Further objections sought to request the provision of noise and light impact reports.

As detailed above the development will see the inclusion of small enclosed balconies. The enclosure of these will help to limit noise while the limited space mean that they will be unlikely to generate significant nuisance. The type of development is also not considered to generate significant impacts through noise and is not considered appropriate to request such information. The light that would be produced by the development would be similar to other development located adjacent to the site and would not be considered to have an adverse affect. It must also be considered that the site is within an urban area and the area is already exposed to light emitting from other development and features such as street lights.

Overall, it is considered that there will be an unacceptably significant adverse impact on the existing residential properties.

Access, Road Safety and Car Parking

The proposal does not include in-curtilage parking. The site is located within the town centre. The town centre location renders it close to transport links (bus and rail) and within walking distance of amenities, ensuring that future residents would not be relying on the car as the sole mode of transport. Annex A of the DfI Parking Standards sets out that lesser provision for parking may be acceptable in inner urban locations and other high-density areas. Furthermore, in some inner urban locations, car-free developments may be considered appropriate where it can be demonstrated that households will not own a car or will keep it elsewhere.

To this effect, a Transport Assessment Form (TAF) was completed by Atkins Limited and submitted in support of the application. The site is located within a 10m walking distance to the Health Centre bus stop and within 400m walking distance to the Hollywood Train Station. There are several on-street car parking spaces and public car parks located within the short walking distance of the site, some of which are free to use after 6pm and before 8am Monday to Saturday.

The TAF includes the results of a Parking Survey which was undertaken on 22 and 23 November 2021 before 7am and after 7pm. On average there were 173 available spaces within a 200m walking distance of the site. The site is also located within 800m of the National Cycle Network (NCN) Route 93. The site's location within the town centre renders it close to a vast range of amenities including shops, food outlets and banks.

It must be noted that representations received highlighted the potential impact of the development on parking within Strand Mews. The Northern Ireland Housing Executive also raised similar concerns and confirmed that Strand Mews is privately owned and used for the parking of their residents. Notably, the parking survey carried out excludes the consideration of spaces within Strand Mews and has demonstrated ample availability within the area to accommodate any needs of the development. Furthermore, as Strand Mews is privately owned, the role of enforcing who parks on this land sits outside of the remit of planning.

Given the town centre location, the availability of parking spaces within walking distance of the site and the availability of alternative modes of transport, it is considered that parking is not critical to serve the proposed development.

DfI Roads considered the proposal and the accompanying information and subsequently offered no objections to the proposal.

Archaeology and Built Heritage

The application site lies within the boundaries of Hollywood Conservation Area (CA), designated by reason of its special architectural and historic interest on 12 May 2004. Section 104 (11) of the Planning Act (NI) 2011 states that in designated Conservation Areas, special regard must be given to:

- (a) preserving the character or appearance of that area where an opportunity for enhancing its character or appearance does not arise
- (b) enhancing the character and appearance of that area in cases where the opportunity to do so does arise.

The Strategic Planning Policy Statement (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act and echoes the criteria listed above.

The CA boundary skirts around the boundary of this site meaning that the Strand Avenue development falls outside of the CA. A Design and Access Statement has been submitted in accordance with Article 6 of The Planning (General Development Procedure) Order (Northern Ireland) 2015. It discusses the design principles and concepts behind the development of the scheme.

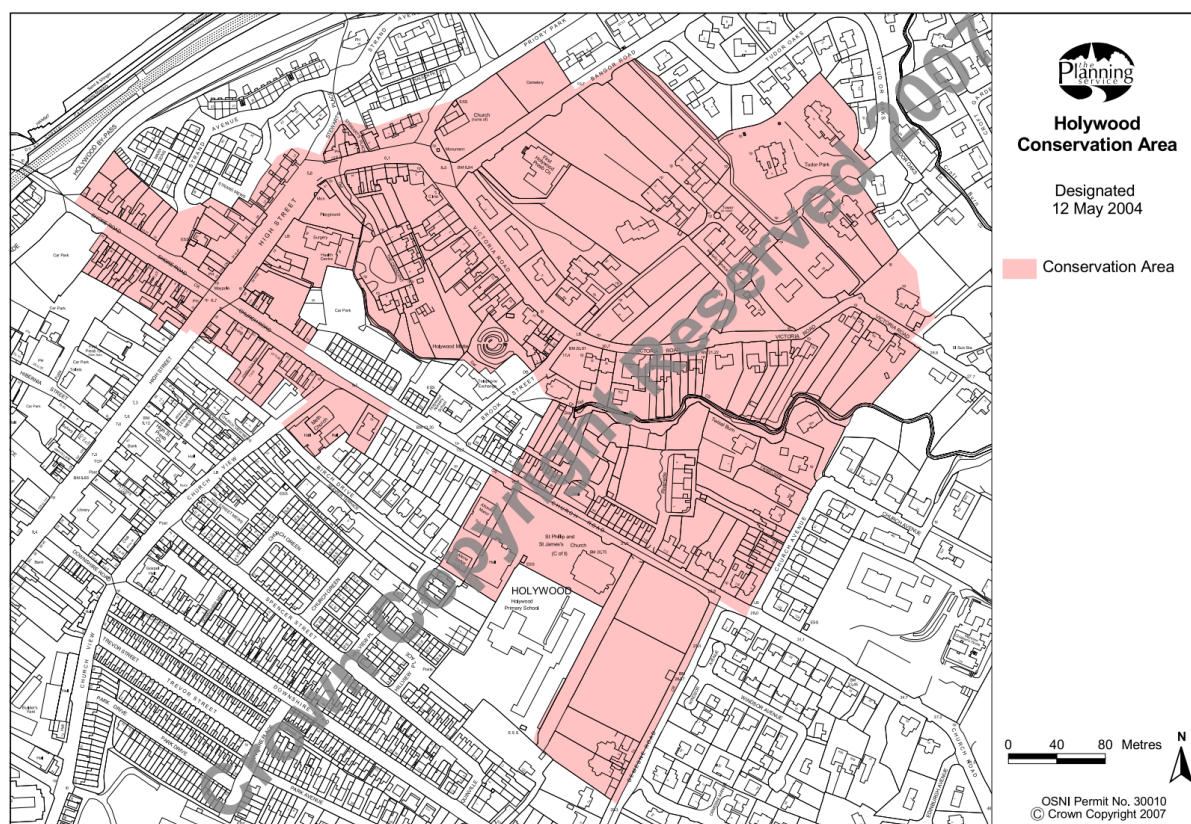


Fig 13 – Hollywood Conservation Area

The Hollywood Conservation Area Design Guide describes how 'High Street widens from the Maypole as it reaches the bend at the former Priory Inn....The terraced buildings along the first part of High Street are positioned at the back edge of the footpath....the variation of heights between two and three storeys add interest to the appearance of the area and dates back to the mid to late Victorian period. Walls are finished in painted render with pitched roofs in natural slate covering and display a strong vertical emphasis.'

Demolition

The proposal includes the demolition of the detached single storey building to the rear of the site, the boundary wall in addition to some elements of the rear elevation of King House.

The SPPS policy direction requires a broadly similar approach to that set out in policy BH14 of PPS6. Policy BH14 of Planning Policy Statement 6 (Demolition in a Conservation Area) states that 'demolition of an unlisted building will only be permitted where the building makes no material contribution to the character or appearance of the area.'

Para. 7.17 goes on to say that 'in determining proposals for demolition of unlisted buildings, the Department (Council) will take account the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole'.

The building to the rear of the site is single storey and constructed in blockwork with a corrugated metal roof. It does not display any of the typical characteristics of the buildings in the conservation area which are listed in the CA design guide such as render finish, slate roof and robust chimneys. It is of simple construction, does not display any notable architectural detailing or features and clearly does not date from the mid-late Victorian period. It also occupies a back land location, behind the established building line on High Street. The 2m high wall enclosing it is partially constructed in stone, and the rear section is brick. Whilst the stone section is not unattractive and includes an arched entrance to the yard, it is short in its extent and not visible from anywhere other than the car park of Strand Mews, which is a peripheral location, outside the conservation area boundary (see figure 14). In view of all of these considerations, the rear outbuilding and boundary wall are not considered to make a positive contribution to the CA and would be no objection in principle to their demolition.



Fig 14 – Wall and arch to be demolished

It is also proposed to remove some sections of the rear elevation of King House in order to permit the construction of a glass link to the new apartment building beyond. Three dormer windows, two first floor windows and all the rainwater goods are to be removed. Most of the glazing on the rear elevation is double glazed and also different configurations of uPVC units are used throughout so I would not object to their removal. The majority of the historic fabric of King House is being retained, including the front elevation facing High Street. The building does make a material contribution to the CA and therefore its retention and incorporation into the scheme is welcomed.

The second element of the proposal is the construction of a contemporary four storey block, connected to the existing building at 39-41 High Street via a glass section which houses the stairwell and lift. The ground floor will consist of offices and the three floors above will accommodate 5 small one and two bedroom apartments with small balconies. Policy BH12 (New Development in a Conservation Area) states that new developments which impact upon the setting of a conservation area will only be permitted where a number of specific criteria are met.

- (a) the development should preserve or enhance the character and appearance of the area
- (b) the development should be in sympathy with the built form of the area
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings
- (d) the development will not result in environmental problems such as noise, nuisance or disturbance
- (e) important views in to and out of the area are protected
- (f) trees and other landscape features are protected
- (g) the design conforms to the guidance set out in the Conservation Area documents.

At four storeys, the scale of the new development is substantial. Figure 2 illustrates how the drop in level towards the NW boundary permits the site to accommodate a four storey block which does not sit above the ridge line of the two-three storey building fronting High Street. Subsequently the new development should be imperceptible from High Street which is a key viewpoint within the CA. The buildings on either side of King House are also 3 storeys in height so should also block any views of the rear of the site when approaching from either direction along High Street.

The most significant views of the block will be available from outside the conservation area. The development will be very visible from those Strand Mews properties that are located to the north and northwest of the site. There will also be limited views of the site from a distance, both from the A2 and the railway track. The A2 is elevated above this part of Hollywood, however there is roadside planting resulting in views which are intermittent and not prolonged. As the view from the A2 and the railway line is towards the rear edge of the conservation area and also some areas that are outside it altogether, there is quite a mixture of returns, outbuildings and also several sizeable apartment blocks clearly visible. These include 3 and 4 storey blocks at Strand Avenue, Stewarts Place, 17-27 High Street, Priory Park and Shore Road. The new 4 storey block will be viewed (albeit fleetingly) in conjunction with, and against the backdrop of these developments. Taking this into account in addition to this back land location, it is not considered that the proposal will have an unacceptable impact upon views in to and out of the CA.

In terms of the design approach, the proposal is contemporary, however page 14 of the Hollywood Conservation Area does not preclude contemporary design approaches provided they are of a high quality and demonstrate respect for the context. In this case the materials used are predominately painted render and slate roofs which are appropriate to the conservation area. The metal standing seam dormers and aluminium rainwater goods and windows are a departure from the typical built form of the CA, however I have already referred to the limited visibility and back land location of the site. This design will not sit at odds with the established character of High Street and the location can absorb a more contemporary approach.

The removal of an unattractive outbuilding and its replacement with a high quality residential/office scheme will enhance the conservation area. The original building fronting High Street will be unaffected so the street scene in this location will not be disrupted.

No objections have been received in terms of impact upon the character and appearance of the conservation area. The proposal complies with the addendum to PPS6 and the SPPS insofar as it refers to conservation areas.

The proposed scheme is within the Area of Archaeological Potential for Holywood. This is the area in which is known to contain both upstanding and below ground archaeological remains of the historic settlement. HED (Historic Monuments) was consulted on the proposal, and it is of the opinion that the extant upstanding modern buildings will have removed any surviving archaeological material during their construction and considering the scale and nature of the proposal, they are content that the proposal satisfies the SPPS and PPS 6 archaeological policy requirements.

The application site has the potential to impact upon Johnny the Jig statue, High Street, Holywood (Grade B2) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED), has considered the impacts of the proposal on the listed building and consider that the listed building is sufficiently removed to remain unaffected by this application.

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

Security from Crime

The proposed development has been designed so that there are windows looking out to the north-west and north of the site. As illustrated in figure 15, the apartments and office unit will be accessed from the car park to the rear of the site.

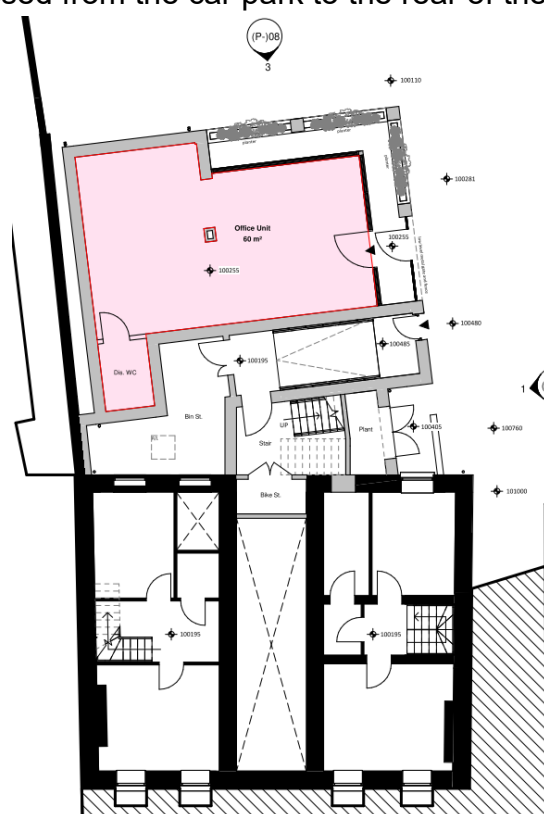


Fig 15 – Proposed Ground Floor

Designated Sites/Other Natural Heritage Interests

Policy NH 1 relates to European and Ramsar Sites. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Policy NH 2 states that planning permission will only be granted for a development proposal that is not likely to harm species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species. The Biodiversity Checklist submitted in support of the planning application included a Preliminary Ecological Appraisal (PEA) which concluded that no mitigation was necessary and no further reports were required.

5. Representations

59 letters of representation, from 8 different addresses, were received however this number included 2 pro-forma letters. In accordance with the Scheme of Delegation –

- Multiple letters of objection from one individual person (or body including any corporate entity) will constitute one objection;
- Multiple letters of objection from one address (whether by one individual or more) will constitute one objection;
- Pro-forma objection letters will constitute one objection;

In this instance the total number of objections is considered to be 8. The issues raised within the objections can be summarised as;

- Development increasing population density
- Potential for noise and light pollution on nearby residential receptors
- Impact on parking
- Impact on residential character
- Loss of light and overshadowing
- Impact on the Conservation area
- Impact from Construction traffic
- Not all nearby properties being neighbour notified.

These issues have mainly been considered within the body of the report within the appropriate sections. In respect to the neighbour notification, the Council has carried

out its statutory requirements appropriately in line with legislation. In this instance however it is also noted that several objections have been received from residents of Strand Mews and it is not considered that any lack of notification has prejudiced their interests in the application.

6 Recommendation

Grant Planning Permission

7 Conditions

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

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

2. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure there will be no adverse impact on the environment.

3. No works or development shall commence on site, including demolition, site clearance and site preparation, until an Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No works, development, demolition, site clearance or site preparation shall be carried out unless in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the area. Approval is required upfront because construction works have the potential to harm the amenities of the area.

4. The windows, as indicated in blue on Drawing No. 11, shall be finished with obscure glass and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. These windows shall be installed prior to the occupation any unit hereby approved and be permanently retained thereafter.

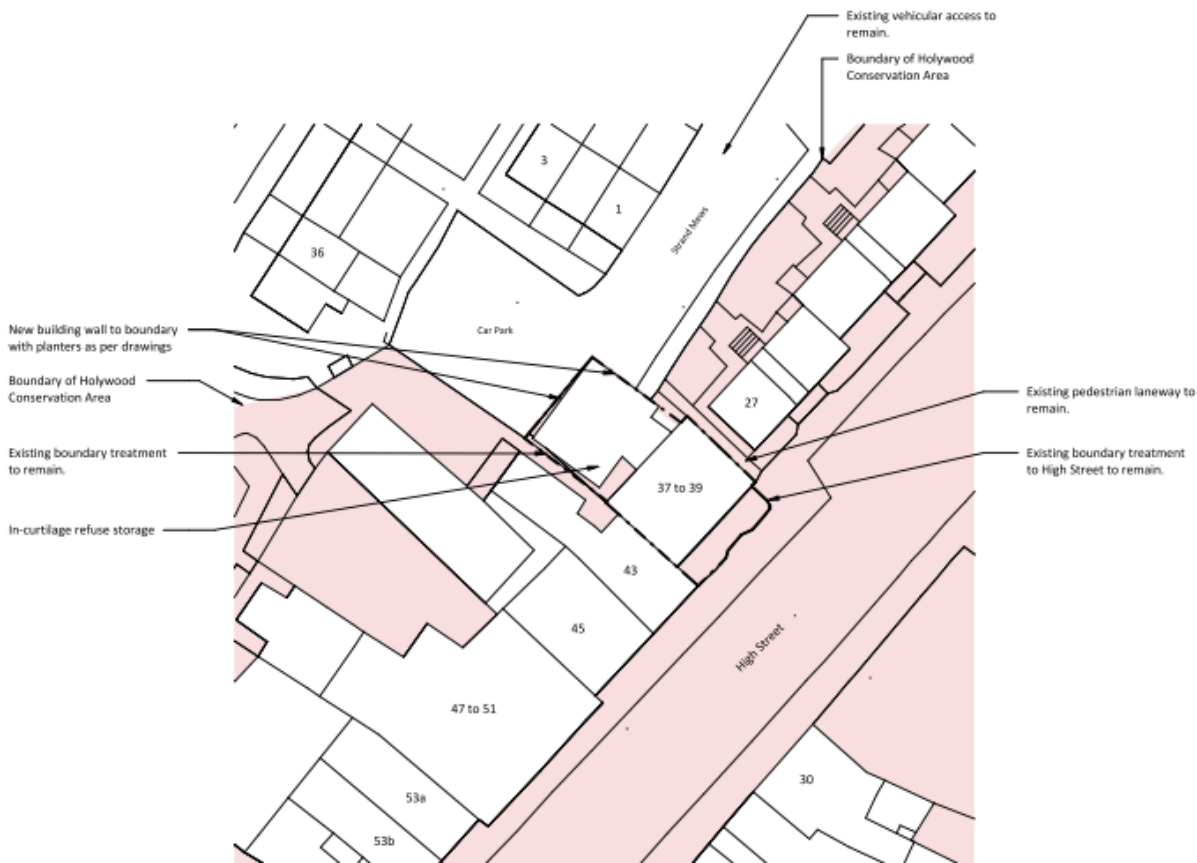
Reason: In order to preserve the amenity of the adjoining properties.

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

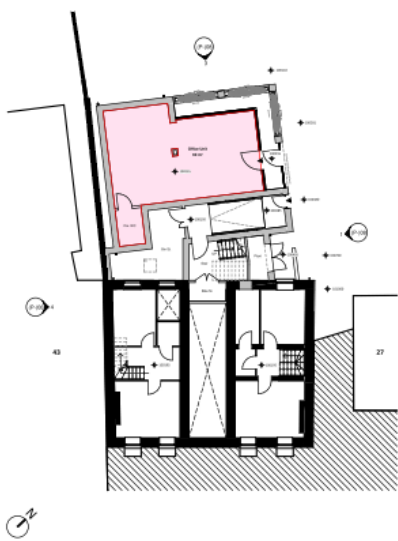
Site location



Proposed Layout



Proposed Floor Plans



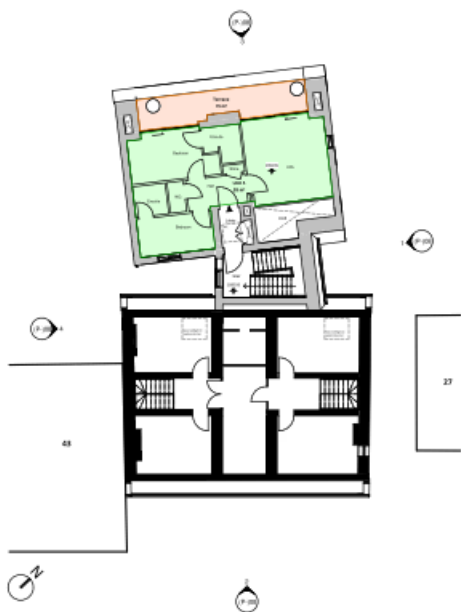
1 Proposed Level 00 Floor Plan
1 : 100



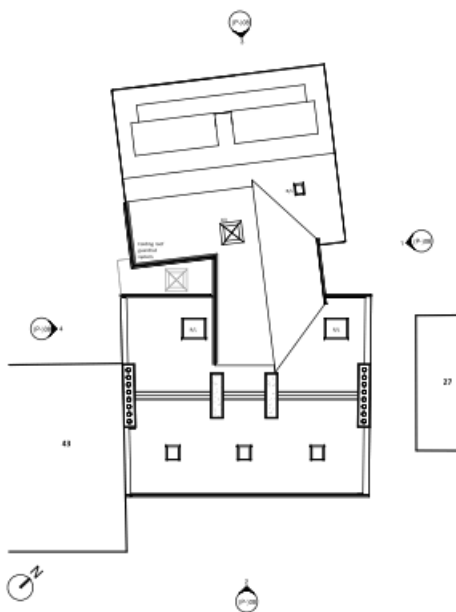
2 Proposed Level 01 Floor Plan
1 : 100



3 Proposed Level 02 Floor Plan
1 : 100

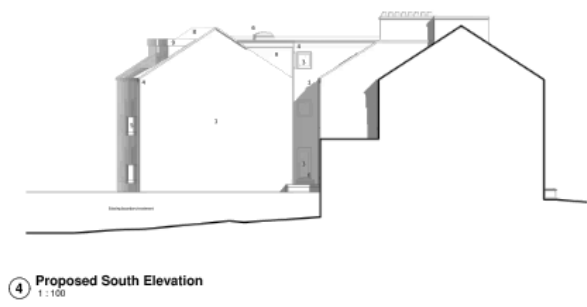


1 Proposed Level 03 Floor Plan
1 : 100



2 Proposed Roof Plan
1 : 100

Elevations



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	02 September 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	14 August 2025
File Reference	N/A
Legislation	Section 4 of the Planning Act (NI) 2011 The Planning (Statement of Community Involvement) Regulations 2015.
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: Not applicable
Subject	Update to Statement of Community Involvement
Attachments	5a Statement of Community Involvement updated

Purpose of Report

1. The purpose of this report is to seek approval of a revised Planning Statement of Community Involvement (SCI). Subject to approval by Council, and once receipt of agreement has been received from the Department for Infrastructure (DFI) in accordance with Section 4(3) of the Planning Act (Northern Ireland) 2011, the SCI shall be published, thus fulfilling obligations under regulation 7 of the Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 – available at <https://www.legislation.gov.uk/nisr/2015/63/contents/made>

Background

2. The purpose of a Statement of Community Involvement (SCI) is to outline how the Council proposes to engage the community and stakeholders in exercising its planning functions. The SCI sets out a council's policy as to the involvement, in the exercise of the Council's functions under the development management

Not Applicable

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and local development plan provisions of the **2011 Act**, of persons who appear to the Council to have an interest in the matters relating to development in its area.

3. The SCI explains how the community and stakeholders will be involved in the development management process (planning applications) as well as the preparation of the local development plan. It will also set out the steps that the Council will take to facilitate community involvement. It allows everyone to know with whom, what, where and when participation will occur in the planning process. In short, it presents a vision and strategy for involving the community and stakeholders at various stages of the planning process. The SCI sets out the standards to be met by the Council in terms of community involvement, building upon the minimum requirements set out in both the Planning (Local Development Plan) Regulations (NI) 2015 and the Planning (Statement of Community Involvement) Regulations (NI) 2015.
4. Section 4 of the Planning Act (NI) 2011 requires a council to prepare a SCI. The SCI Regulations set out the requirements for the preparation, form and content and publicity for the SCI.
5. A Council should involve the community at an early stage in the planning process and anyone who wishes to get involved is encouraged to do so at the opportunities provided. The following groups of people are most likely to become involved:
 - People living within the area / neighbourhood;
 - Elected representatives;
 - Voluntary groups;
 - Community forums / groups / umbrella organisations;
 - Environmental and amenity groups;
 - Residents' groups;
 - Business community
 - Public bodies;
 - Developers / landowners;
 - Government departments;
 - Adjacent councils;
 - Groups identified under Section 75 of the Northern Ireland Act 1998.
6. It should be noted that the above list is not intended to be exhaustive and in no way restricts other individuals, groups and organisations from participating in the planning process.
7. The planning system can be difficult to understand which means some groups of people may find it difficult to get involved. These underrepresented groups can include young people, ethnic minorities, people with disabilities and disadvantaged communities. The Council may therefore wish to liaise with community representatives to help identify under-represented groups within its area and develop strategies and specific consultative methods in order to

Not Applicable

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encourage engagement with these groups in the planning process. This may include targeting participation through workshops, focus groups or mapping exercises and ensuring venues for consultation events are as accessible as possible to all groups of the community, and that events are held at locations within the community and at varying times which appeal to a wider range of people.

8. The SCI was last reviewed and updated to take account the arrangements for community involvement in the planning system post-pandemic and now deals with privacy in respect of data and consultation arrangements. Once approved by Council, will be submitted to the DFI for review seeking to agree terms as per Planning Act (NI) 2011, Part 2 section 4 (3).

RECOMMENDATION

It is recommended that Council notes the content of this report and approves the updated Statement of Community Involvement.

Statement of Community Involvement

Revised August 2025



**Ards and
North Down**
Borough Council

How to contact us:

By email to: planning@ardsandnorthdown.gov.uk

By post to:

Planning Service
Ards and North Down Borough Council
2 Church Street
Newtownards
BT23 4AP

Additional copies of the document can be downloaded from our website at www.ardsandnorthdown.gov.uk or requested via the postal address, email as above, or by telephone on 0300 013 3333.

This Statement of Community Involvement is not intended to be a source of definitive legal advice. Reference should be made to the actual legislation referred to in this statement and if any discrepancy exists the provisions of the legislation will prevail.

Should you require a copy of this document in an alternative format, it can be made available on request in large print, audio format, or Braille. It may also be made available in minority languages to meet the needs of those for whom English is not their first language.

If you have any queries regarding this document, please contact us using the details above.

The Council has privacy notices available in respect of how we handle your information related to Planning. These are available to view online on the Council website.

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1. What is The Statement of Community Involvement

Purpose

1.1 The purpose of this Statement of Community Involvement (SCI) is to set out how we shall engage with the community and key stakeholders in the delivery of planning functions. The Council's planning powers include:

- preparation of a Local Development Plan (LDP) which shall set out what the Council area should look like and how land should be used and developed in the future;
- making decisions on the majority of planning applications for the Borough; and
- investigation of alleged breaches of planning control and determining what enforcement action should be taken.

12 It describes who, how and when the community will be invited to participate in the different stages of both LDP formulation and the determination of planning applications, in planning enforcement and other planning matters.

Participation

Our Vision of Participation

13 The Council's vision as set out in its Corporate Plan is *'of A Sustainable Borough is one where economic, environmental, and social wellbeing are interdependent and decisions that are taken are well-balanced and equitable.*

14 This is a shared vision of participation in decision making and it is therefore aimed to ensure that:

- (i) everyone has an early and informed opportunity to express their view on the development of the area and have it considered before decisions are made;
- (ii) all groups in our community, regardless of religious belief, political opinion, racial group, age, sex, marital status, physical ability, sexual orientation, and those with and without dependents are enabled and empowered to participate.

15 It is intended to adopt a proactive and timely approach to community involvement through a process of providing clear information and encouraging participation during local development plan preparation, planning application submission, assessment and determination, and reporting of breaches of planning control. The process must, therefore, be informative, user friendly, as inclusive as possible, and conducted in an open and transparent way. Every effort is to be made to engage the community, record views and provide feedback, where appropriate.

- 16 Community planning is a further new power that has a significant impact upon how we engage with our residents and empower them to help us make decisions for the new Borough.
- 17 Councils have a statutory responsibility to participate and lead in Community Planning. The Local Government (Northern Ireland) Act 2014 and the Planning Act (Northern Ireland) 2011 link the community planning and Development Plan processes suggesting that the LDP should be 'the spatial reflection of the community plan'. The Local Government Act defines community planning as 'a process whereby Councils, statutory bodies and communities work together to develop and implement a shared vision for promoting the wellbeing in an area.' When considering well-being community plans should include the social, economic and environmental factors which can impact on communities and citizens.
- 18 Every effort will be made to establish linkages between the community planning and local development planning processes, especially in relation to community engagement.

2.0 Local Community Involvement in the Preparation of the Local Development Plan (LDP)

Purpose

- 2.1 The purpose of the Ards and North Down Borough Council LDP is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy (RDS); take account of the Council's Community Plan; and guide development decisions within the Borough up to 2032.
- 2.2 The LDP will comprise two separate documents. The first document is called the Plan Strategy (PS) and will set out the Council's vision and strategic objectives and strategic policies for the future development of the area with a spatial strategy that indicates in broad strategic terms the locations where different types of development will be promoted. This will be followed by a Local Policies Plan (LPP) which will include the site-specific proposals, policy designations and land-use zonings that will be required to deliver our vision, objectives, spatial strategy and strategic policies of the Plan Strategy. Once adopted, the LDP will replace the current development plans¹ for the borough and operational planning policies produced by the Department of the Environment.
- 2.3 Prior to the preparation of these two plan documents, we have identified key planning issues and defined a range of options for addressing these issues which culminated in the publication of a Preferred Options Paper (POP).

¹ North Down and Ards Area Plan 1984-1995, Ards and Down Area Plan 2015 (for legacy Ards Borough), Bangor Town Centre Plan & draft Belfast Metropolitan Area Plan 2015 (for legacy North Down Borough)

- 24 To ensure that the policies and proposals in the LDP are socially, economically and environmentally sustainable, we will undertake a Sustainability Appraisal (SA) which will run parallel to the preparation of the POP, Plan Strategy and Local Policies Plan.

Who can get involved?

- 25 Anyone who wishes to get involved in the preparation of this LDP will be encouraged to do so at the opportunities provided. In particular, the views of the following groups of people are welcomed:
- people living within the Borough;
 - voluntary groups;
 - community forums / groups / umbrella organisations;
 - environmental groups;
 - residents' groups;
 - business interests; developers / landowners/Investors; and
 - elected representatives.
- 26 Elected Members, forums, community and residents' groups provide a voice for the local community. Other voluntary and interest groups also bring a special knowledge and can ensure that important concerns are addressed.

Empowering disadvantaged and under-represented groups

- 27 Section 75 of the Northern Ireland Act 1998 requires a public authority, in carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.
- 28 In addition, without prejudice to the above obligations, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or race. The above Section 75 groups are important participants within the planning process and include people who traditionally have been under-represented or disadvantaged. These groups will be targeted through the consultation process on the LDP in order to obtain their views and contribute to the consideration of equality issues under Section 75. Their views on any equality screening documents or Equality Impact Assessments will also be sought within the specified period for comment along with the draft PS and draft LPP.
- 29 To ensure that the LDP and consultation documents are accessible to everyone they will be made available online on the Council's website www.ardsandnorthdown.gov.uk and upon request in different formats, where possible. The Council will take all reasonable steps to provide documents in the requested alternative formats. Plain English is to be used for all

publications. A telephone number will be stated on each document. If for any reason, a request for a document in a particular alternative format cannot be met, other possible solutions will be explored.

How and when will the community be involved?

- 210 The Local Development Plan process involves a number of key stages, each presenting opportunities for community involvement. Each of these stages is identified with details of how community and stakeholders can get involved. The actions will fulfil, and in some cases exceed, the statutory requirements on public consultation. The LDP Timetable will outline an indicative timeframe for each of the stages, including production of Plan Strategy and the Local Policies Plan. The timetable is available to view at the Council's Planning office and published on the Council's website at www.ardsandnorthdown.gov.uk. It may be subject to review and revision as considered appropriate.
- 211 Notification shall be placed in the local newspapers regarding the availability of the timetable (paragraph 2.10 above). The current newspapers available to the Council for advertisement of the LDP Process are the Newtownards Chronicle and the County Down Spectator, however the Council shall use regional papers which also circulate in the Borough at any time where the local newspapers are not available (those papers being Belfast Telegraph and Irish News). That follows for all sections of this document where the term 'local newspapers' appears.
- 212 The Council's methods of engagement of the local community in the LDP process are set out below.

Stage 1 Initial Plan Preparation and Data Collection

- 213 Surveying and information gathering has been an ongoing function of the Council and is particularly important at this early stage of plan preparation. Information obtained at this stage has been used to establish the social, economic and environmental characteristics of the Plan area which shall enable the Council to determine the issues which need to be addressed and the options for addressing them. The initial findings from the evidence base have informed the preparation of the (POP). The POP is also accompanied by Scoping Reports for the Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment (SEA) and the screening with regard to Section 75.

What we will do

- 214 During this stage the Council will:
- Set up a **Steering Group** consisting of the Planning Committee and relevant council officers that will ensure an overview and strategic input to the plan process.

- Set up a **Project Management response team** comprising representatives from key statutory consultees including government departments and agencies. The purpose will be to ensure that key consultees engage in the Plan-making process and particularly in the development of the emerging policies and proposals in a local distinct circumstance.
- Engage with key consultees who will receive written invitation requesting them to participate in the plan making process by providing information on the key strategic issues that the Local Development Plan should address;
- Engage with underrepresented (Section 75) groups who will be invited to identify whether there are any types of planning policies which are likely to have a significant impact on the groups they represent. They will also be provided opportunity to identify any particular issues or needs which they feel the plan should address. Where requested this can be done through a face to face meeting with a planning official.
- Consult with statutory consultation bodies on the Scoping Report of the SA incorporating SEA;
- Issue a Public Notice to confirm:
 - (i) the commencement of work on the Council's new Local Development Plan;
 - (ii) publication of the timetable; and
 - (iii) how to view or obtain copies of the timetable.

215 The Public notice will be placed on the Council's website www.ardsandnorthdown.gov.uk and appear in the local newspapers (referred to at para 2.11 above) for two consecutive weeks.

- Consult with neighbouring Councils if there are matters which require survey work or information from those neighbouring districts in order to ascertain potential cross boundary impacts.

Stage 2 Publication of the Preferred Options Paper (POP)

216 The Council launched its Preferred Options Paper on 25 March 2019, and the public consultation period opened on 28 March 2019. Following discovery of an inadvertent error in the original online version of the POP, public consultation began afresh on 17 May 2019 and ran for 12 weeks, ending on 9 August 2019. The POP sets out the key plan issues and the preferred options available to address them. The POP is a consultation paper to promote debate on issues of strategic significance which are likely to influence the shape of future development within the Borough. The intention of the POP is to stimulate a wide-ranging, yet focused, debate and encourage feedback from a wide variety of interests. Any representations or views received as a consequence of its publication will be considered whilst formulating the draft Plan Strategy.

- 217 The POP is also subject to the initial stages of Sustainability Appraisal (SA), including interim Strategic Environmental Appraisal (SEA), and Equality Impact Screening. The SA is a continual process which runs parallel with the preparation of the POP and the LDP. A SA interim report, (consisting of SA Scoping Report and assessment of alternatives) accompanies the POP.

What we have done/What we will do

218 During this stage the Council has:

- **Held a launch event** and issued a press release highlighting publication of our preferred options;
- **Made available** on the Council's website and at the Council Office the POP and other supporting documentation including SA Scoping Report and Equality Impact Screening Assessment and provide hard copies upon request at a specified price;
- Held public engagement **events and exhibitions** with drop-in sessions at locations throughout the Borough where our Planning Officers were available to answer questions;
- **Written to** Key Consultees and Elected Members providing them with a copy of the POP and relevant supporting documentation; invited them to attend the launch; requested that they provide comments within the specified consultation period; and informed them of the public engagement events, exhibitions and drop-in sessions;
- Contacted local community groups and under-represented (Section 75) groups advising them how to obtain a copy of the POP and inviting them to comment within the specified consultation period, attend the public engagement events, exhibitions, and drop-in sessions, and offering the opportunity of a meeting with planning officers to record their views;
- Issued a Public Notice to confirm:
 - (i) Publication of the POP and invite comment within the specified consultation period (a period of not less than 8 weeks or more than 12 weeks);
 - (ii) Details of public engagement events, exhibitions and drop-in information sessions during the consultation period; and
 - (iii) Publication of the Screening and Scoping Papers for the SA(incorporating SEA) and Equality Impact Assessments and invite comments.

This public notice was placed on our website and appeared in the local newspapers for two consecutive weeks. A notice was also placed in the Belfast Gazette.

- Made the evidence base available on the Council's website and made hard copies available upon request;
- Presented a synopsis Public Consultation Report to Elected Members following the end of the consultation period. This contained a brief summary of representations and Planning Officers' comment. A written record will be taken of where Elected Members take differing views to that recommended in the report, along with the rationale for that view. This will be taken into account whilst formulating the Draft PS; and
- Provided the opportunity to the Project Management response team to comment on emerging policy for inclusion in the Draft PS. The comments from the responses shall assist with consideration of emerging policy alongside the Sustainability Appraisal.

Stage 3 Preparation and publication of the Plan Strategy

219 This stage of the LDP process consists of the preparation and publication of the draft Plan Strategy (PS). The draft Plan Strategy is a public consultation document and is not the final plan. It is an indication of the Council's intentions regarding the future development of the area and is a key part of the public consultation process. The draft PS provides the strategic policy framework for the district and will establish a vision for the council area alongside objectives and strategic policies to achieve the vision. It provides the framework for the later development of the draft Local Policies Plan.

What we will do - preparation

220 During this stage the Council will:

- Hold a series of workshops for all **Elected Members** to help inform, shape and agree the strategic policies and proposals that will make up the draft PS;
- Report progress to the Steering Group on merging strategic policies and proposals.

What we will do – publication

- Hold **launch event for invited persons** to announce the publication of the Draft PS and indicate the period for public consultation;
- Issue a **public notice** in the local newspapers for two consecutive weeks, in the Belfast Gazette (one week) and on the Council's website www.ardsandnorthdown.gov.uk detailing:
 - (i) Publication of Draft PS Plan Strategy and accompanying SA Report and other reports and how to view or obtain copies;
 - (ii) The dates and locations of drop in public engagement events;

- (iii) Advance publication of the Draft PS for four weeks in advance of the statutory 8-week period of public consultation period (if considered appropriate taking into account holiday periods) and closing date for receipt of representations to the Draft PS and accompanying SA Report and EqIA screening.
- Make available on the Council website and at the Council Office the Draft Plan Strategy and any other supporting documentation including the Sustainability Appraisal Report and Equality Impact Assessment and provide hard copies upon request.
- Hold **drop in events** throughout the Borough. Planning Officers will be available to answer any questions on the content of the material presented;
- **Write to key consultees and Elected Members** to inform them of the publication of the Draft PS, the dates of the public drop in sessions; the specified consultation period (including whether a 4-week period in advance of statutory consultation is being utilised) and the closing date for representations and provide them with a copy of the relevant documents;
- **Write to all who submitted a representation to the POP** informing them of the publication of the Draft PS and accompanying documents; advising how they can view or obtain copies; the dates of the public drop in sessions; the 8- week consultation period (including whether a 4-week period in advance of statutory consultation is being utilised) and closing date for representations.
- **Representations will be reported to the Elected Members.**

Public Inspection of Representations to the draft Plan Strategy

221 All representations to the draft PS will be published on the Council's website and made available for public inspection as soon as reasonably practicable following the expiry of the eight-week public consultation period. The Council has prepared a privacy notice for dealing with representations to the Local Development Plan (available from the Council website). Interested parties may also comment on site-specific representations (counter representations) that have been received within an eight-week period of those representations being made publicly available. Counter representations must not propose changes to the development plan document. Both the representations and counter representations will be considered at the Independent Examination.

What we will do

222 During this stage the Council will:

- **Make available** copies of representations for inspection at the Council's Planning Office and on the Council's website. Hard copies of representations can also be provided upon request at a specified price;

- **Write to key consultees**, the Council's Elected Members and any person that has submitted (and not withdrawn) a representation, informing them that representations are available for inspection and the places and times at which they can be inspected;
- **Issue a public notice** in the local newspapers for two consecutive weeks, in the Belfast Gazette (one week), and on the Council's website detailing:
 - (i) the availability of representations for inspection; and
 - (ii) the eight week consultation period including closing date for submission of counter representations.
- **Make available** for inspection at the Council's Planning Office and on the Council's website copies of any counter representations; and
- **Report any** counter representations to Council's Elected Members;
- Representations and counter-representations will be considered by the Council before being submitted alongside the draft Plan Strategy, and all other supporting documents, to the Department for Infrastructure (DFI) for it to cause an Independent Examination (IE).

Consideration of representations and counter representations to the draft Plan Strategy²

223 Following receipt of representations to the draft PS the Council will consider the issues raised. The impact of any new information and the implications for the soundness of our draft PS will be considered. If appropriate, the Council may decide to revisit the evidence base or engage with the relevant parties to determine how to address particular issues raised. Ultimately the Council will consider each issue raised and determine whether there will be:

- **No Change** – determine that the draft PS as prepared is sound and does not need to be changed;
- **Minor Changes** – notes the issues and whilst determines that the draft PS as prepared is sound, proposes minor changes that could be acceptable, which would not impact on the soundness of the draft PS;
- **Focussed Changes** – identifies that an unforeseen issue has arisen and considers that changes are required to ensure that any impact upon the soundness of the draft PS is addressed;
- **Fundamental Changes** – agrees that an issue is fundamental and goes to the heart of the draft PS and withdraws the draft PS.

224 In the event of the Council withdrawing the draft PS, the Council will issue a public notice in local newspapers and in the Belfast Gazette and on the

² See Development Plan Practice Note 10 – Submitting Development Plan Documents for Independent Examination

Council's website that it has been withdrawn and the reasons for the withdrawal. The Council will also notify consultation bodies and any person who made a representation or counter-representation in relation to the draft PS.

Submission of Plan Strategy to Department for Infrastructure

- 225 The Council will not submit the draft PS and associated documentation to the DFI unless it considers that it is ready for Independent Examination (IE). The purpose of the IE is to determine whether the PS is sound, taking into account representations and counter representations. The body appointed by the DFI must consider all representations and counter representations before it makes recommendations, giving reasons³.

What we will do:

226 During this stage the Council shall:

- **Make available** for inspection in the Council's Planning Office and on the Council's website a copy of the PS and all supporting documentation forwarded to the DFI in accordance with the Regulations;
- **Issue a public notice** in the local newspapers for two consecutive weeks and give notice in the Belfast Gazette (one week) and on the Council's website that the draft PS and supporting documentation has been submitted to the DFI;
- **Notify consultation bodies** and anyone who has made a valid representation (and not withdrawn) and valid counter-representation to the PS notifying them that the submitted plan and supporting documentation are available for inspection at the Council's Planning Office during normal office hours;

Independent Examination

- 227 The purpose of the Independent Examination is to determine the soundness of the Draft Plan Strategy, taking into account representations and counter representations.

³ Under section 10(7) of the 2011 Act, "Any person who makes representations seeking to change a development plan document must (if that person so requests) be given the opportunity to appear before and be heard by the person carrying out the examination." DFI Development Plan Practice note 9 Version 2 indicates that '*This 'right' to appear and be heard applies to a person who has made a representation seeking to change a development plan document, but does not apply to a person who has made a counter representation. However, an independent examiner may invite anyone to appear before and be heard at the examination if the examiner thinks that person's oral evidence is likely to materially assist in determining the soundness and sustainability of the development plan document*'. The Independent Examiner appointed by DFI makes arrangements for the procedure of the IE including invitations to appear.

Publicity for Independent Examination

228 The Council will undertake further publicity measures in relation to the date and timing of the Independent Examination of the draft PS.

What we will do:

229 During this stage the Council shall:

- **Continue to make available** on the Council's website a copy of the draft PS and supporting documentation;
- **Issue a public notice** at least four weeks prior to the IE in the local newspapers and Belfast Gazette for two consecutive weeks, and on the Council's website at www.ardsandnorthdown.gov.uk stating:
 - (i) the dates, times and venues at which the IE will be held;
 - (ii) whether the Planning Appeals Commission or a person appointed by the Department for Infrastructure will carry out the IE; and
 - (iii) that representations and counter representations are available for inspection.
- **Notify consultation bodies** and any person who has made and not withdrawn a representation/ counter representation of the full details of the IE at least four weeks prior to its commencement.

Adoption of the Plan Strategy

230 Following the IE, the DFI will issue a Direction to the Council, requiring it to adopt the draft Plan Strategy, as originally prepared, or with modifications. The Council may also be directed to withdraw the PS. In either scenario, the DFI will be expected to give reasons for its Direction.

What we will do:

231 During this stage the Council will:

- Issue a **public notice** in the local newspapers for two weeks and Belfast Gazette for (one week) and on the Council's website of the:
 - (i) date of adoption of the Plan Strategy;
 - (ii) where to get copies of the Plan Strategy and any accompanying documents, the Department's Direction and the Independent Examiner's Report;
- **Make the Plan Strategy and any accompanying documents, the DFI's Direction and Independent Examiner's Report available at the Council's Planning Office and on the Council's website, with hard copy available on request for a specified price;**

- **Write to key consultees and those submitting valid representations and valid counter representations** advising them of the adoption of the PS, and where to obtain copies together with the DFI Direction and the Independent Examiner's Report; and also advising them of the commencement of work on the Local Policies Plan.
 - Notify any person who has asked to be notified of the adoption of the PS.
- 232 In an event of the Council being directed by the DFI to modify or withdraw the PS, the Council will issue a public notice in local newspapers and in the Belfast Gazette and on the Council website that it has to be modified/has been withdrawn and the reasons for the modification/withdrawal. The Council will also notify consultation bodies and any person who made a representation or counter-representation in relation to the PS.

Stage 4 Preparation of the Local Policies Plan

- 233 The Local Policies Plan (LPP) is the second document comprising the LDP. The draft local Policies Plan is a public consultation document and is not the final part of the plan. It will be consistent with the adopted Plan Strategy and set out the Council's more detailed policies and proposals (zonings and designations) regarding the future development of the Ards and North Down Borough area. The draft LPP is a key part of the public participation process. The PS must be adopted before the draft LPP Local Policies Plan is published for consultation.

Publication of draft Local Policies Plan

What we will do:

- 234 During this stage the Council will:

- **Hold launch event** to announce the publication of the Draft LPP and issue newspaper releases highlighting its key elements;
- **Make available** at the Council's Planning Office and on the Council's website the draft Local Policies Plan and any supporting documentation including the Sustainability Appraisal (SA) Report and Equality Impact Assessment (EqIA). Hard copies will be available upon request at a specified price;
- Hold **public drop in engagement events** throughout the Borough. Planning Officers will be available to answer any questions on the content of the material presented;

- Issue a **public notice** in the local newspapers for two consecutive weeks, in the Belfast Gazette (one week) and on the Council's website detailing:
 - publication of Draft LPP and accompanying SA Report and EqIA and how to view or obtain copies;
 - the dates and locations of public drop in sessions;
 - the specified eight week consultation period (or as extended to allow flexibility for holiday periods where appropriate) and closing date for receipt of representations to the Draft LPP and accompanying SA Report and EqIA;
- **Write to key consultees and Elected Members** to inform them of the publication of the Draft LLP, the dates of the public drop in sessions; the specified consultation period and the closing date for representations and provide them with a copy of the document.

Representations to draft Local Policies Plan

235 All representations to the draft LPP will be made available for public inspection. Interested parties may also comment on site specific representations that have been received (counter representations).

What we will do:

236 The Council shall:

- **Make copies of valid representations available** for inspection in the Council's Planning Office and on the Council's website. Hard copies of representations can also be provided upon request at a specified price;
 - **Write to key consultees and Elected Members** and any person that has submitted and not withdrawn a representation informing them that representations are available for inspection and the places and times at which they can be inspected;
 - **Issue a public notice in the local newspapers for two weeks** and Belfast Gazette for a week, and on the Council's website of the availability of representations for inspection and the eight week consultation period for submission of counter representations;
 - Make copies of counter representations **available for inspection** in the Council's Planning Office and on the Council's website;
 - Report counter representations to the Council's Elected Members;
- 237 Representations and counter representations will be fully considered by the Council before being submitted with the LPP, and all other supporting documentation, to the DFI for it to cause an Independent Examination.

238 Following receipt of representations to the draft LPP the Council will consider the issues raised. The impact of any new information and the implications for the soundness of our draft LPP will be considered. If appropriate, the Council may decide to revisit the evidence base or engage with the relevant parties to determine how to address particular issues raised. Ultimately the Council will consider each issue raised and determine whether there will be:

- **No Change** – determine that the draft LPP as prepared is sound and does not need to be changed;
- **Minor Changes** – notes the issues and whilst determines that the draft LPP as prepared is sound, proposes minor changes that could be acceptable, which would not impact on the soundness of the draft LPP;
- **Focussed Changes** – identifies that an unforeseen issue has arisen and considers that changes are required to ensure that any impact upon the soundness of the draft LPP is addressed;
- **Fundamental Changes** – agrees that an issue is fundamental and goes to the heart of the draft LPP and withdraws the draft LPP.

Submission of Local Policies Plan for Independent Examination

239 The Council will submit the LPP to the DFI for it to cause an IE⁴. The Council will not submit the Plan to the DFI unless it considers that it is ready for Independent Examination (IE). The purpose of the IE is to determine whether the LPP satisfies relevant statutory requirements and whether it is 'sound'.

What we will do:

240 During this stage the Council shall:

- **Make available** for inspection in the Council's Planning Office and on the Council's website a copy of the LPP and all supporting documentation forwarded to the DFI in accordance with the Regulations;
- **Issue a public notice** in the local newspapers for two consecutive weeks and give notice in the Belfast Gazette (for a week) and on the Council's website that the Plan and supporting documentation has been submitted to the DFI;
- **Notify consultation bodies** and anyone who has submitted (and did not withdraw valid representations) to the LPP, that the submitted LPP and supporting documentation are available for inspection at the Council's Planning Office.

Publicity for Independent Examination (IE)

What we will do:

241 During this stage the Council will:

- **Continue to make available** on the Council's website a copy of the LPP, and all accompanying documentation;
- **Issue a public notice** at least four weeks prior to the IE in the local newspapers for two consecutive weeks and Belfast Gazette (for a week), and on the Council's website:
 - the date, time and place at which the IE will be held;
 - whether the PAC or a person appointed by the DFI will carry out the independent examination; and
 - that representations and counter representations are available for inspection;
- **Notify consultation bodies** and any person who has made (and not withdrawn) a representation/counter representation, of the full details of the IE, at least four weeks before its commencement. Council will also advise whether the Planning Appeals Commission (PAC) or another appointed person by the DFI will carry out the IE. Council will provide comment on

⁴ See footnote 3 on right to be heard at Independent Examination.

the representations and counter representations for consideration at the Independent Examination.

Adoption of the Local Policies Plan

242 Following the IE, the PAC or other person appointed by DFI, will send their recommendations and reasoning to DFI. DFI will issue a Direction to the Council, requiring it to adopt the LPP as originally prepared or with modifications. The Council may also be directed to withdraw the LPP. In either scenario, the DFI will be expected to give reasons for its Direction. The Council must comply with the Direction within timeframes as may be prescribed by DFI. The Local Policies Plan must be adopted by resolution of the Council.

What we will do:

243 The Council will:

- Adopt the Local Policies Plan as originally prepared or with modifications as soon as reasonably practicable after receipt of the Direction from DFI.
- Issue a **public notice** in the local newspapers for two consecutive weeks, and Belfast Gazette (for a week) and on the Council's website advising of the:
 - (i) Date of the adoption of the LPP; and
 - (ii) where to get copies of the LPP and accompanying documents,
- On the date of adoption **make the Local Policies Plan and accompanying documents, the DFI's Direction and Independent Examiner's Report available at the Council's Planning Office and** on website, with hard copy available on request for a specified price;
- **Write to key consultees and those submitting who have submitted and not subsequently withdrawn representations and counter representations** advising them of the adopted LPP, and where to obtain copies together with the Department's Direction and the Independent Examiner's Report.

244 In an event of the Council being directed by the DFI to withdraw the Draft LPP, the Council will issue a public notice in local newspapers and in the Belfast Gazette and on the Council's website that it has been withdrawn and the reasons for the withdrawal. The Council will also notify consultation bodies and any person who made a representation or counter-representation in relation to the LPP.

245 Any revisions as directed by the DFI shall be subject to the same procedural and publicity arrangements as set out earlier.

Next Steps

- 246 Following the adoption of the Plan Strategy and Local Policies Plan, the Council will identify its work priorities for the next five years in a new LDP Timetable. It may also issue a new Statement of Community Involvement if considered appropriate. In addition, the Council will engage in monitoring and review (Stage 4 of the LDP process) which are essential in establishing how the objectives in the Local Development Plan are being achieved and whether any changes are required. The Council will engage with the public on any formal review of the LDP. The Council shall review its Local Development Plan no later than five years from the date that the Local Policies Plan is adopted. The Council will also send a Findings Report of the review to the Department for Infrastructure.

3.0 Local Community Involvement in the Development Management Process

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The Council's Development Management function

- 3.1 The Council as the local planning authority for Ards and North Down is responsible for making decisions on planning applications in the borough. It also deals with other applications including listed building works, works in conservation areas, works to protected trees and advertising consent. Development Management is the process through which such applications are considered. An important part of the process is to provide information and advice to applicants and to seek and consider the views of the general public and statutory consultees on all planning applications. The statutory requirements for consultation on planning applications are set out in planning legislation. These requirements vary according to the type of proposal but include notification to specified bodies and general publicity (some minor exceptions exist e.g. processing of regionally significant planning applications submitted under Section 26 of the Planning (NI) Act 2011, call-in procedures Section 29 of the Act and Section 88 which permits the Department for Infrastructure (DFI) to issue directions to call-in Listed Building Consent applications (amended to the Department for Communities in 2016)).
- 3.2 The Council receives a wide variety of planning applications and therefore needs to involve the community to differing degrees, according to the scale and complexity of the application.
- 3.3 All planning applications are categorised as local, major or regionally significant. The Council is responsible for the determination of the majority of local and major applications only.
- 3.4 Regionally significant developments are those which are considered to have a critical contribution to make with regard to economic and social success of Northern Ireland as a whole or to a substantial part of the Region. Such proposals also include developments which have significant effects beyond Northern Ireland or involve a substantial departure from the Local Development Plan.
- 3.5 Regionally significant applications are currently dealt with by the Department for Infrastructure (DFI) and applicants will be required to enter into consultation with it. In certain circumstances DFI may determine that a proposal is not of significance and advise the applicant that the Council should determine the planning application.
- 3.6 Some major developments have important economic, social and environmental implications for the Borough. Due to the potential for these proposals to deliver important benefits to the community, where appropriate, major applications are prioritised where possible to avoid any undue delay.

Examples include:

- A housing development involving the construction of 50 units or more;
- A retail development involving 1,000m² or more of gross retail floor space outside town centres;
- A business/ industry/storage/distribution development that comprises 5,000m² or more gross floor space; and

- A wind or solar farm (or other types of electricity generating stations) where its capacity is or exceeds 5 megawatts.

3.7 This section of our Statement of Community Involvement sets out:

- how the public can become involved at the various stages of the planning application process; and
- how the level of community involvement will depend on the scale of the development proposal.

Pre-Application Stage

Pre-Application Discussions (PADs)

3.8 By facilitating effective and meaningful pre-application discussions a council can ensure that opportunities to work collaboratively with applicants and to improve the quality of developments are maximised. Pre-application discussions are encouraged prior to the submission for a range of types of applications. These will mainly be for major applications. The objective of pre-application discussions should be to confirm whether the principle of development is acceptable and to clarify the format, type and level of detail required to enable the Council to determine an application. For major applications it will also enable the applicant to discuss with the Council details of how the community should be involved in the decision-making process.

Pre-Application Community Consultation (PACC)

3.9 The planning system strives to assist in the informing and involving the wider community in helping to create better quality developments and promote place-making. Applicants submitting major applications to the Council must undertake community consultation before submitting their application in line with details set out in The Planning Act (NI) 2011. The Council will require the following actions to be undertaken by the applicant before the application is submitted:

- Notify the Council, at least 12 weeks in advance, that an application for a major planning application is to be submitted (a 'Proposal of Application Notice (PAN));
- Hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant regarding the proposed development;
- Publish details of the proposal in the local press, outlining where further details of the proposal can be obtained and the date, time and location of a public event; and
- Submit a pre-application community consultation ('PACC') report to the Council to accompany the subsequent planning application.

3.10 Pre-application consultation is likely to be more successful if the applicant makes significant efforts to involve communities in proposals which may affect them.

- 3.11 As previously stated, the Council would recommend all applicants considering submission of development proposals that fall within the definition of major development to seek a Pre-Application Discussion with planning officers. Where applicants fail to fully meet the pre-application community consultation requirements the Council may decline to determine the application.

Planning Application Stage

- 3.12 In line with legislative requirements set out in The Planning (NI) Act 2011, when a planning application is submitted for determination, the Council will involve the community in the decision-making process. If you feel you will be affected by development proposals, you will have an opportunity to consider what is proposed and how it will affect you. You will also have the opportunity to make your views known before a final decision is made on the application. Details of how to comment on a planning application is available on the Council's website www.ardsandnorthdown.gov.uk/resident/planning. This now includes online submission through the Planning Portal, once registered for an account.

Advertising and Neighbour Notification

- 3.13 The Council undertakes statutory publicity in accordance with current legislation. Government may change the statutory publicity requirements, and our future approach will reflect any changes that are made.

Advertising

- 3.14 The Council will advertise all new planning applications (with the exception of Certificates of Lawfulness, Non-material Changes and Advertising Consent) on a weekly basis in the local newspapers (in accordance with **Section 41 of the Planning Act**). The advertising list is also available to view on the Planning pages of the Council's website.

Neighbour Notification

- 3.15 Current legislation states that "any identified occupier of neighbouring land" must be notified of development proposals.
- 3.16 "Neighbouring land" is defined as 'land which directly adjoins the application site, or which would adjoin it but for an entry or road less than 20m in width'. "Identified occupier" is defined as the 'occupier of premises within a 90 metre radius of the boundary of the proposed application site'.
- 3.17 Under the Council's Neighbour Notification Scheme, the Council will ensure that planning applications are brought to the individual attention of those specified within the legislation. In addition, the Case Officer when carrying out a site inspection will also check the accuracy of the neighbour notification details supplied on the application form and may add details as considered appropriate.
- 3.18 The Council has provided direction to Planning Officers within Ards and North Down Borough Council to ensure notification of additional properties beyond the parameters of the statutory scheme for those proposals in relation to single wind turbines as follows '*That occupiers of premises within a ten times rotor diameter of wind turbine applications be neighbour notified*'.

- 3.19 The period for responding following receipt of a neighbour notification letter is 14 days, as legislation restricts the Council from making a determination on an application until the 14 day period has expired, although any late representations received before a decision is made will still be considered. We request comments within 14 days so that we know your views as soon as possible in the process. It's also useful for the applicant to learn about any concerns early as it may give them an opportunity to make changes. It also reduces delays at the latter stages of a project too.
- 3.20 You should note that regardless of having submitted comments to the applicant for a major development application through the Pre-Application Community Consultation, you should make representations to the Planning Service on the submitted application, as it is only these comments that we can take account of (where they raise material planning considerations) when assessing the proposal.
- 3.21 Neighbour notification does not take place for applications for Certificates of Lawfulness, Non-Material Changes or Advertising Consent.

Environmental Impact Assessment Development

- 3.22 Environmental Impact Assessment (EIA) is a method for ensuring that the likely effects of new development on the environment are fully understood and taken into account before consent is given for the development to proceed. The Environmental Statement (ES) produced as part of an EIA, brings together in a single document, or series of documents, information about a proposed development and its effects on the environment.
- 3.23 In most cases it will fall to the Council to determine if the application is EIA development. It should be noted that if an application is EIA development it cannot be processed until the ES is received. When a developer submits an ES in support of a planning application, the Council will publish a notice of its receipt in local newspapers and indicate where it may be purchased and the address of the Council Office where it may be inspected. The Council will also allow four weeks from the date the notice is first published for representations to be made.

Obtaining further information and getting involved in planning applications

- 3.24 Planning applications including supporting documents and corresponding plans can be viewed online on the Planning Portal <https://planningregister.planningsystemni.gov.uk/simple-search> as well at the Council's Planning office in Newtownards between 9am to 4pm Monday to Friday. Planning Officers are available to give advice on current or proposed applications through our informal Planning Advice Service (telephone 028 91 824006).

Public Register

- 3.25 The Council will make the planning application, plans and any associated Environmental Statement available on a public register in accordance with **Section 242 of the Planning Act**. Each register will contain the following information:

- a copy (which may be photographic) of each application together with copies of application forms, plans and drawings submitted in relation thereto;
- the decision notice, if any, in respect of the application, including details of any conditions subject to which permission or consent was granted, or refusal reasons;
- the reference number, the date and effect of any decision of the Planning Appeals Commission (PAC) in respect of the application; and
- brief details of any revocation or modification relating to any permission or consent, including date of issue.

Please note:

- For decisions made between 1973-1990 inclusive we only hold the Decision Notice;
- For decisions made between 1991-2015 inclusive we hold the Decision Notice, accompanying drawings and application form only.

File Inspection

3.26 The Council will make the application file available for inspection, by appointment (telephone 028 91 824006). The amount of information on the file will, of course, be dependent on the stages the application has completed.

Submitting Comments

3.27 Individuals, groups and organisations can comment on a planning application even if they have not been neighbour notified by the Council. All comments will be carefully considered. Care should be taken when making comments to the Council to ensure that no personal data is included. The Council has published guidance 'Commenting on a Planning Application' which is available the Planning pages of the Council website here

<https://www.ardsandnorthdown.gov.uk/article/1472/Planning-applications-recently-advertised>.

3.28 The Council has a privacy notice associated with the Northern Ireland Planning Portal. This is available to view online.

3.29 When a decision is made on a planning application only certain issues are taken into account; these are often referred to as 'material planning considerations'. Material considerations must be genuine planning considerations. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Generally greater weight is attached to issues which are supported by evidence rather than solely by assertion. If an identified problem can be dealt with by means of a suitable condition the Council is required to consider this as an alternative to refusing an application.

3.30 Anonymous or defamatory comments cannot be taken into account. You should ensure that your comments relate to relevant planning matters only. The Council's Planning Service reserves the right to redact information which it considers is defamatory, of a personal nature, or irrelevant to the application.

You can make comments in a variety of ways, by quoting the application number, as follows:

Online at: <https://planningregister.planningsystemni.gov.uk/simple-search> (select Application tab at top)

By email: planning@ardsandnorthdown.gov.uk

By Post:

Ards and North Down Borough Council
Planning Service
2 Church Street
Newtownards, BT23 4AP

- 3.31 All written comments on an application will be acknowledged within five working days. All material planning issues raised will be summarised and fully considered within the Planning Officer's report on the planning application. The acknowledgement letter will set out who is dealing with the application and who to contact if there are any questions. The Council will not normally contact the respondent again until after a decision is made unless the application is significantly altered or is withdrawn.
- 3.32 Due to the large volume of correspondence received in relation to planning applications, it is not possible for the Case Officer to answer queries raised within representations unless they need to clarify a particular matter.
- 3.33 You may also wish to contact your local Councillor, who has the ability to request that the application is determined by the Planning Committee (this procedure is referred to in the Council's Scheme of Delegation [Part B]).
- 3.34 The Council will consult with a range of Statutory Consultees (see Appendix 2) to assist in the determination of an application. If a representation raises issues that are relevant to the responsibilities of the consultee (e.g. road safety) the representation will be highlighted to the appropriate consultee for consideration and comment. The Council will carefully take any comments made into account before a decision is made. All comments are scanned and added to the NI Planning Portal once email addresses and handwritten signatures have been removed (it should be noted that typed names and addresses remain visible).
- 3.35 The Council may negotiate changes to applications with the applicant/developer where these are considered appropriate, without allowing the process to become overly protracted.

Community Involvement at the Planning Committee Meeting Stage

- 3.36 Planning applications are usually determined by the Head of Planning under delegated powers. The circumstances under which an application can, or cannot, be determined using delegated powers are set out in the Council's Scheme of Delegation available online at <http://www.ardsandnorthdown.gov.uk/article/1473/Delegated-ApplicationsCouncil>, which is subject to regular review.

Pre-determination hearings and speaking at the Planning Committee

- 3.37 For those major applications that have been notified to the Department for Infrastructure but have been returned to the Council for determination, the Council will afford the applicant the opportunity of appearing before and being heard by the Planning Committee.
- 3.38 If an application goes before the Planning Committee, the Council will also offer the public the opportunity to speak and make direct representation to the Elected Members on the Planning Committee. Requests to speak must be made in writing, which includes emails, and include a valid planning reason.
- 3.39 All requests to speak (including those from Elected Members, MLAs or MPs) should be received by the Council's Planning Service (in writing or by email) at least five working days prior to the scheduled Planning Committee meeting.
- 3.40 The Council has a guide to getting involved at Planning Committee meetings – this is available online at:
<http://www.ardsandnorthdown.gov.uk/article/1474/Planning-Committee>

Community Involvement after a Planning Application has been determined (Post Application Stage)

- 3.41 A notification of decision letter is sent to the applicant/agent and all people who have responded to the consultation on the planning application, informing each of the decision and the reason for that decision. The decision is recorded on the Council's website and in the statutory Planning Register. If it is a case that has been considered by the Planning Committee, details of the decision of the Planning Committee can be found on the Planning pages of the Council website the day after the Committee meeting, or by viewing the minutes of the meeting which will be published on the Council's website once ratified by full Council.

Involving the Community When an Appeal is made against a Planning Refusal/ Conditions of an Approval/ Enforcement Notice

- 3.42 In Northern Ireland there is no third-party right of appeal. Where an applicant is unhappy with the Council's refusal of an application or a condition attached to a permission, he/she may appeal to the Planning Appeals Commission (PAC). An applicant may also appeal to the PAC where the Council has not determined an application within the relevant period prescribed by the Planning (General Development Procedure) Order (NI) 2015, as amended; where such an appeal is lodged, the application is deemed to have been refused. Appeals must be lodged with the PAC within four months from the date of notification of the Council's decision, or expiry of the prescribed period as the case may be. Only applicants and those upon whom Enforcement Notices have been served have the right of appeal.
- 3.43 All those people who responded on the original planning application that is the subject of appeal will be advised by the Planning Appeals Commission that an appeal has been received and provided with an opportunity to make their views known. Copies of letters already submitted will be forwarded to the PAC.

- 3.44 For hearings and public inquiries, the interested parties have the opportunity to make their views known verbally to the PAC. Each appeal will be published in the local press by the PAC to alert any other interested parties, and those who respond within 14 days will be listed as third parties by the PAC and receive invitation to participate in the appeal process. Further information is available on the PAC's website www.pacni.gov.uk.
- 3.45 A member of the public can only challenge an approval issued by the Council on a point of law by applying for leave to judicially review that decision.

4.0 Community Involvement in Planning Enforcement

- 4.1 Under the provisions of the Planning Act (NI) 2011 the Council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations.
- 4.2 A breach of planning control occurs when building works or a material change of use of land, or a building, takes place without planning consent. In most cases, it is not an offence to undertake development without consent, but the Council has powers to require these breaches to be put right. The Council can do this by requiring changes to be made to the development, by requiring removal of the development, or by giving the development approval if considered acceptable.
- 4.3 The Council encourages the community to report cases where they believe there has been a breach of planning control; however, the Council **will not** investigate anonymous complaints. A breach of planning control occurs when development or other certain activities take place without the necessary planning permission or consent from the Council or the Department. This may also include failure to carry out development in accordance with the approved plans or conditions.
- 4.4 If someone believes that a breach of planning control has occurred, they should contact the council's Planning Enforcement team (in person, by telephone, in writing, through the Northern Ireland Planning Portal or by email as follows:

By email: www.planning@ardsandnorthdown.gov.uk

NI Planning Portal: <https://planningregister.planningsystemni.gov.uk/simple-search>
(go to Log In tab to register)

By post: Planning (Enforcement Section)
Ards and North Down Borough Council
2 Church Street, Newtownards, BT23 4AP

By telephone: 0300 013 3333 (Main Planning Council Line)
028 91 824006 (Planning Business Support)

- 4.5 You should provide the following, if possible:

- give the address of the site or directions (we may need a plan so that we know exactly where the site is);
- detail exactly what has happened and when it first occurred;
- provide the name and address of the landowner or landowners or the person responsible for carrying out the works, if known;

- 4.6 Please note – we will not investigate anonymous complaints. We require the name and contact details of the person reporting a breach of planning control. Their contact information will remain confidential unless we need to use their evidence to support our case, for example, if the matter goes to court. We will ask for their consent to use their evidence.

- 4.7 We do not keep complainants updated throughout each enforcement investigation as the process is often long and protracted, but mainly as it could be prejudicial to the outcome of the case if it were to result in legal proceedings. If a complainant contacts the officer dealing with the enforcement case, they will try to be as helpful as possible but will not be able to share information in relation to the progression of the investigation.
- 4.8 After investigation we may decide that there has not been a breach of planning control. When we make this decision, we will close the case immediately. We will not re-open the case unless there is significant new information or a change on site. We may also decide that although there has been a breach, it is not causing enough harm to justify taking further action. We will take into account why the breach may have happened, how many people are affected, how they are affected and whether there is a cumulative effect that adds up to an unacceptable situation. Not every complaint about a breach of planning control justifies further action. We use our judgement based on experience, case law and likelihood of success.
- 4.9 Complainants are informed of the outcome of an enforcement complaint, in writing/email, when the case is concluded. Many complaints relate to works that do not require planning permission, such as minor extensions or alterations to a dwelling allowable under Permitted Development legislation.
- 4.10 Our priorities⁵ for enforcement action are contained in the Council's Enforcement Strategy available for view online from the Council's website at <http://www.ardsandnorthdown.gov.uk/downloads/ards-and-north-down-planning-enforcement-strategy.pdf>.
- 4.11 The Council has a privacy notice available in respect of how we handle your information related to Planning, This is available to view online on the Council website.

5.0 Community Involvement in Supplementary Planning Guidance

- 5.1 The Council may also prepare non-statutory planning guidance to support its Local Development Plan. Supplementary planning guidance (SPG) includes, for example, design guides and advice notes in relation to plan policies. Consultation on SPG will be carried out in a proportionate manner where the Council considers it would be beneficial to seek the views of stakeholders and the general public. Comments received on a consultation draft shall be presented to the Planning Committee for consideration and will be published on the Council website. There will, however, be no opportunity for formal objection to this type of document as SPG is not intended to be new policy and is not subject to the Independent Examination process. A final version of any SPG shall be published on the Council's website and may be a material planning consideration in the determination of any planning application or appeal.

⁵ **Priority 1** – work resulting in public danger or development which may result in permanent damage to the environment. For example, demolition of or works to a listed building, trees protected by a Tree Preservation Order, demolition of a building in a conservation area, and commencement of building operations without permission

6.0 Community Involvement in Conservation Area Designation

- 6.1 A Conservation Area is an area of special architectural or historic interest, the character of which it is desirable to preserve and enhance. The Council considers that consultation with, and the involvement of local people, is important when undertaking work associated with Conservation Areas. This will help encourage greater ownership of the concept and greater co-operation and commitment to achieving the aims of the designation.
- 6.2 The Council will involve the community in the designation, variation or cancellation of a Conservation Area (as designated by the Department/Council). As part of such work, we will formally consult with the Historic Buildings Council, the Department for Communities (Historic Environment Division), the Department for Infrastructure (Roads and Rivers), any water or sewerage undertaker (currently NI Water), as well as any other bodies or persons deemed to have an interest or that could be affected. We will advertise details of proposals in the local press and hold public engagement events to present and discuss them.
- 6.3 For any new designations, the Council will publish a public notice in the local press and hold a public launch. The cancellation of a Conservation Area (as designated by the Council under Section 104 of the Planning Act (Northern Ireland 2011), or part thereof, will similarly be confirmed by public notice in the local press and all properties within the affected area will be notified in writing.

7.0 Community Involvement in Simplified Planning Zone Designation

- 7.1 A Simplified Planning Zone (SPZ) is an area in respect of which a simplified planning zone scheme is in force. It shall consist of a map and a written statement and specify the development or classes of development permitted by the scheme. Where the Council proposes to commence work on an SPZ, it will undertake consultations with the neighbouring Council(s), the landowner(s) and occupier(s), the Department for Communities and will notify the Department for Infrastructure.
- 7.2 Once details of a scheme have been prepared, the Council will make copies available for inspection at the Council's Planning Office, give notice by way of an advertisement in the local press and on the Council's website, and will serve a notice on those it has consulted with.
- 7.3 Following advertising of the details of the proposed (SPZ) there will be an eight-week period when representations can be made to the Council. If the Council subsequently decides not to proceed with the proposed (SPZ) it will publish a further advertisement to that effect and will notify all those who have made representations.
- 7.4 The Council may cause an Independent Examination to be held to consider the representations received. Where it is proposed to hold an Independent Examination, details, including the time and place of the examination, will be published in the local press. Where it is decided not to hold an independent examination the Council will notify all those who have made representations.

- 7.5 Following any independent examination the Council will produce a report and statement detailing its decision and outlining reasons for its decision. Notice of publication will be advertised in the local press and the report and statement will be available for public inspection in the Council offices.
- 7.6 Notice of intention to adopt a SPZ scheme will be advertised in the local press and all those who make a representation and not withdrawn it with respect to the proposals shall be served notice, as well as any other persons deemed appropriate. Any material modifications made to the scheme after considering representations shall be made available for inspection by interested parties. The Council shall make clear what the modifications are and its reasons behind them. Details of the modified proposals will be advertised in the local press and notice shall be served on those affected by the proposals as well as those who had made previous representations. All representations will be considered before finalising the Council's proposals.
- 7.7 The processes of advertisement and notification will be repeated at final adoption stage, following which the relevant scheme details will be made available for public inspection in the Council's Planning Office and any other suitable locations close to the SPZ site, as considered appropriate.

8.0 Review of the Statement of Community Involvement

- 8.1 This Statement of Community Involvement will be reviewed as necessary to ensure that it remains current and relevant to the planning needs of Ards and North Down Borough Council.

Appendix 1

Glossary of Terms

Advertisement: advertisement for two consecutive weeks in at least one local newspaper circulating in the Council area, unless otherwise specified.

Conservation Area: An area previously designated by the then Department of the Environment, or since designated by the Council or Department for Infrastructure under Section 104 of the Planning Act (Northern Ireland) 2011, to be of special architectural or historic interest, the character or appearance of which it is desirable to preserve and enhance.

Council: refers to Ards and North Down Borough Council unless otherwise specified.

Department: refers to the Department for Infrastructure (previously the Department of the Environment DOE) unless otherwise specified.

Development Management: the process of receiving, assessing and determining planning applications and providing related information and advice to customers, the general public and other stakeholders in the matter of placemaking.

Disabled Person: as defined by the Disability Discrimination Act (DDA) 1995, someone who has a physical or mental impairment that has a substantial (more than minor) and long-term (usually over one year) adverse effect on his or her ability to carry out normal day-to-day activities.

Elected Members: a person elected to the office of Alderman or Councillor in the Council.

Environmental Impact Assessment (EIA): a procedure to be followed for certain types of proposed developments to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Equality Impact Assessment (EqIA): a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

Environmental Statement: Environmental Impact Assessment (EIA) ensures that the likely effects of new development on the environment are fully understood and taken into account by producing an Environmental Statement (ES).

Evidence Base: the information and data gathered by the Council to justify the 'soundness' of the policy approach set out in the Local Development Plan documents, including the physical, economic, and social characteristics of the Plan area.

Identified Occupier: means the occupier of premises within a 90 metre radius of the boundary of a planning application site.

Independent Examination: the examination conducted by the Planning Appeals Commission (PAC), or a person/body appointed by the Department for Infrastructure to test the soundness of a local development plan document

Local Development Plan (LDP): the plan for the long-term future development of the Council area, drawn up by the Council in consultation with the community. The Local Development Plan applies regional / strategic policies at local Council level and informs the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will guide development decisions relating to a specific issue or area.

Local Policies Plan (LPP): the second document in the Local Development Plan, which provides detailed policies and proposals for the development of specific geographical or subject areas.

Neighbouring Land: land which directly adjoins a planning application site boundary or which would adjoin it but for an entry or a road less than 20 metres in width.

Permitted Development: certain relatively minor works and forms of development that can be carried out without the need to obtain planning permission, as currently specified in the Planning (General Permitted Development) Order (Northern Ireland) 2015, as amended.

Person appointed: a person appointed by the Department for Infrastructure under Section 10(4) of the Planning Act (Northern Ireland) 2011 to carry out an Independent Examination into a Local Development Plan.

Planning Committee: a committee composed of Elected Members (Aldermen and Councillors) which is responsible for determination of non-delegated planning applications and certain other planning matters affecting the Council area.

Planning Appeals Commission (PAC): the body which provides Commissioner(s) to carry out an Independent Examination of the soundness of a Local Development Plan document or Statement of Community Involvement (SCI), unless the Department appoints a different independent examiner. The PAC also hears and decides a range of appeals including on refused applications, conditions attached to planning approvals, non-determined applications, applications for Listed Building Consent, Advertisement Consent and enforcement-related cases.

Plan-led System: the principle that the determination of any application made under the Planning Act (NI) 2011 must be made in accordance with the development plan unless material considerations indicate otherwise.

Plan Strategy: this is the first document of the Local Development Plan and provides a vision, strategic objectives and a framework for growth for the plan area.

Pre-Application Discussion (PAD): a process of engagement with an applicant prior to the submission of a formal planning application, to discuss the principle of development and to clarify the format, type and level of detail required to enable the Council to determine such an application.

Pre-Application Community Consultation (PACC): if an application is for a major or regionally significant development, applicants must submit a Pre-Application Community Consultation Report together with their planning application. The purpose of the report is to provide details of the consultation that has been undertaken with the local community on the development proposal.

Preferred Options Paper (POP): this sets out the key plan issues that the Local Development Plan (LDP) needs to address, possibilities and alternative proposals produced at an early stage in the production of the Local Development Plan and the preferred options available to address them. The POP is a consultation paper to promote debate on issues of strategic significance which are likely to influence the shape of future development within the Council area.

Proposal of Application Notice (PAN): in the case of major or regionally significant development, as prescribed within the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015, an applicant is required to submit a 'Proposal of Application Notice' at least 12 weeks prior to submitting a planning application for the proposal. The proposal of application notice should set out how an applicant proposes to engage and seek the views of the community on the proposed development.

Scheme of Delegation: a scheme where decision-making on local applications is delegated to an appointed officer rather than through the Council's Planning Committee, thereby enabling speedier decisions and improved efficiency. Section 31 (1) of the Planning Act (Northern Ireland) 2011 requires the Council to produce such a scheme.

Section 75 Groups: nine key groups listed in Section 75 of the Northern Ireland Act 1998 that traditionally have been under-represented or disadvantaged. Section 75 requires all government departments, agencies and councils to consider these groups when creating a policy.

Simplified Planning Zone: an area of land that can be earmarked for specific development where the planning process is relaxed in order to encourage development.

Soundness: a Development Plan Document will be found to be 'sound' if it meets certain tests at the Independent Examination stage. These tests require that a document is prepared according to the correct procedures, that it conforms to other policies, and that its proposals are coherent, consistent and effective.

Stakeholders: individuals or organisations who stand to gain or lose from the impact of a planning policy, proposal or decision. The term is used mostly to refer to bodies that will affect the delivery of a planning document's policies and proposals.

Statement of Community Involvement (SCI): statement setting out the Council's policy and processes for involving the community in the preparation, alteration and continuing review of all Local Development Plan documents and accompanying guidance, the consideration of planning applications, consideration of breaches of planning control and in the making or altering of designated areas.

Strategic Environmental Assessment (SEA): a procedure that contributes to the integration of environmental considerations in the preparation and adoption of plans and programmes with a view to promoting sustainable development.

Supplementary Planning Guidance (SPG): a document which provides supplementary information about the policies in the Local Development Plan documents. SPGs are not subject to independent examination. A SPG may be related to a topic or to a specific area.

Sustainability Appraisal: tool for appraising policies to ensure they reflect sustainable development objectives and required in the Planning Act (NI) 2011 to be undertaken for all Local Development Plan Documents.

Appendix 2 – Local Development Plan Consultation Process

The statutory consultation bodies in the Local Development Plan process, as defined in the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, are:

- **Northern Ireland Government Departments**
 - The Executive Office
 - Department of Education
 - Department for the Economy
 - Department of Finance
 - Department of Health
 - Department of Justice
 - Department for Infrastructure
 - Department for Communities
 - Department of Agriculture, Environment and Rural Affairs

- **Local Planning Authorities adjoining Ards and Down Borough Council**
 - Belfast City Council
 - Lisburn and Castlereagh City Council
 - Newry, Mourne and Down District Council

- **Water or Sewerage Undertakers**
 - Northern Ireland Water

- **Northern Ireland Housing Executive**

- **Civil Aviation Authority**

- **Any person to whom the electronic communications code applies by virtue of a direction given under Section 106(3) of the Communications Act 2003**

- **Any person to whom a licence has been granted under Article 10(1) of the Electricity (Northern Ireland) Order 1992**

- **Any person to whom a licence has been granted under Article 8 of the Gas (Northern Ireland) Order 1996**

Appendix 3 – Development Management Consultation Process

Planning Officers frequently need to obtain specialist advice to enable them to consider the potential impacts of a development proposal before determining a planning application. This is referred to as the consultation process. Consultation with statutory and non-statutory bodies will be carried out only when necessary to inform a planning decision.

Where the Council undertakes consultation on a planning application, the statutory consultee will be required to respond within 21 calendar days, or any other date as agreed in writing, after which the Council may determine the application whether or not a response has been received. In the case of applications which are subject to an Environmental Impact Assessment (EIA) the Council will not make a determination until 28 days have passed.

Statutory consultees are those government bodies or other organisations with whom the Council must liaise, dependent upon the nature of the application. Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 defines the statutory consultees and outlines the various circumstances where consultation must be carried out. These specific criteria/thresholds for consultation should be referred to. The 'Statutory Consultees' are listed in **bold** below, along with main contact bodies:

Department for Communities

Department for Infrastructure – Roads and Rivers

The Health and Safety Executive for Northern Ireland

The Department for Regional Development (now Department for Infrastructure) or water undertaker as defined under Article 13 of the Water and Sewerage Services (NI) Order 2006 - Northern Ireland Water (NIW)

Licensed Aerodromes - Belfast International Airport & The George Best Belfast City Airport

Department of Agriculture, Environment and Rural Affairs

Department for the Economy

The Northern Ireland Housing Executive

It should be noted that the above is not intended to be a definitive list of consultees nor cover all circumstances under which a consultation with a statutory consultee may be carried out. Due to wide range of development proposals submitted to the Council, each application will be carefully considered, and consultations will be undertaken in line with statutory requirements. The need for consultations will vary between applications depending on the on the nature and scale of the proposal.

Non-statutory Consultation

Not all information required to process an application will be from statutory consultees. There will be instances where non-statutory consultees may need to be consulted on a case by case basis. For example, this could include other sections within the Council with responsibility for matters relating to environmental health, or trees or conservation. Such consultees may also include other external organisations and bodies.

Non-statutory consultees are not bound by the 21 calendar days for a response; however, they will be encouraged to respond to consultations in a similar timeframe and manner to allow decisions to be made in a timely manner.

Due to wide range of development proposals submitted to the Council, each application will be carefully considered, and consultations will be undertaken in line with statutory requirements. The need for consultation will vary between applications depending on the nature and scale of the proposal.

Further information on the consultation process is contained in the Department for Infrastructure's Development Management Practice Notice 18 'The Consultation Process and Duty to Respond' - <https://www.infrastructure-ni.gov.uk/articles/planning-practice-notes>.

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	02 September 2025
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning
Date of Report	13 August 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 6a - Appeal decision 2024/E0049

Appeal Decisions

- The following appeal was upheld and enforcement notice quashed on 29 July 2025:

PAC Ref	2024/E0049
Council Ref	LA06/2023/0607/CA
Appellant	Ms C Kelly
Subject of Appeal	Erection of Pigeon Loft
Location	12 Island View, Greyabbey

An appeal against an Enforcement Notice can be brought on any of the following grounds:

- that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- that those matters have not occurred;

Not Applicable

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- c) that those matters (if they occurred) do not constitute a breach of planning control;
- d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- e) that copies of the enforcement notice were not served as required by the relevant section of the Planning Act;
- f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- g) that any period specified in the notice falls short of what should reasonably be allowed.

The Council initially received a complaint about an unauthorised pigeon loft in May 2023 and attempted to engage with the owners. The Council had to serve an enforcement notice on 18 September 2024 which was appealed under grounds (a) (f) and (g).

In terms of Ground (a), under policy EXT 1 of the Addendum to PPS 7, the Council considered the pigeon loft offended criterion (b) in that insufficient information had been submitted to demonstrate that the proposal will not unduly affect surrounding residential amenity.

There was no evidence before the Council that showed that proper cleaning and maintenance was being carried out and therefore had the potential to adversely impact neighbouring amenity by noise, odour, flies and vermin.

The Commissioner found that as the loft is raised above ground level it protects against vermin and provides an ability for easy cleaning. At the time of the Commissioner's visit all of the pigeons were within the loft and there was no evidence detected of noise from the structure. The Commissioner concluded that given the distance and intervening features and fact that the number of birds could be controlled by a condition, noise does not unduly affect neighbouring amenity.

The owner outlined at the appeal that the loft is cleaned, disinfected and the floor scraped each day this is done daily to limit any potential odour and the presence of flies. The Commissioner noted that there was no evidence of flies or odours during his visit.

However, whilst the Commissioner noted that there were no complaints to the Environmental Health Department, who did not attend the appeal on the day, and concluded that the pigeon loft did not offend policy EXT1, he considered it necessary to impose a condition requiring the owner to submit a management plan for the pigeon loft to the Council for approval. This must include measures on the control of noise, odour, vermin, flies and the management of litter and waste as well as set out the maximum number of pigeons that can be housed at any one time. This was welcomed by the Council as this ensured a level of control over the management of the pigeon loft.

Not Applicable

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On this basis the appeal was successful and the Enforcement Notice quashed. There was therefore no requirement from the Commissioner to consider the administrative grounds (f) and (g).

Appeals lodged

No new appeals were lodged since the last council meeting.

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 attachments.



Enforcement Appeal Decision

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Appeal Reference:	2024/E0049
Appeal by:	Ms C Kelly
Appeal against:	An Enforcement Notice dated 18 th September 2024
Alleged Breach of Planning Control:	Erection of a pigeon loft
Location:	12 Island View Gardens, Greyabbey
Planning Authority:	Ards and North Down Borough Council
Authority's Reference:	LA06/2023/0607/CA
Procedure:	Informal hearing on 26 th June 2025 and Commissioner's site visit 28 th July 2025
Decision by:	Commissioner K Donaghey, dated 29 th July 2025

Grounds of Appeal

1. The appeal was brought on Ground (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011 (the Act). There is a deemed planning application by virtue of Section 145(5).

Ground (a) and the Deemed Planning Application

2. The main issue in this appeal is if the development impacts upon the amenity of the surrounding residents.
3. Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that, where in making any determination, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP wherein the appeal site lies. In the ADAP, the appeal site is located within the settlement limit of Greyabbey. The ADAP offers no proposals, policies or designations material to this appeal.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a local authority has adopted a Plan Strategy for their council area. It also retains certain existing planning policy statements (PPSs) and supplementary planning guidance. These include the Addendum to PPS 7: Residential Extensions and Alterations (APPS 7) and Creating Places: Achieving Quality in Residential Developments. There is no conflict between the SPPS and the retained policies. Therefore, the retained policies provide the relevant policy context for determining this appeal.

5. Policy EXT1 of APPS 7 states that planning permission will be granted for a proposal to extend or alter a residential property where four criteria are met. The Council argue that criterion (b) is offended by the appeal development as insufficient information has been submitted to demonstrate that the proposal will not unduly affect the amenity of surrounding residents.
6. Council advised that pigeon lofts have the potential to impact residential amenity by causing issues with noise, odour, flies and vermin. Proper management of such developments including regular cleaning and maintenance is imperative to minimise such impacts. The Council's objections to the pigeon loft can be divided into two parts. The Council argue that adequate evidence has not been submitted to demonstrate that the structure has been properly designed and built to allow for proper cleaning and the prevention of pests and odour. The Council also argue that no information has been provided to demonstrate that the pigeon loft is operated in a way that would prevent any impacts upon the amenity of surrounding residents.
7. The pigeon loft subject to the Notice is in the rear garden of a mid-terrace dwelling. The structure is essentially two connected timber sheds with two wire mesh elements protruding from the elevation which faces the dwelling. These parts act as a small aviary and provide entrance and exit to the loft for the birds. The surrounding area is predominantly residential. The loft is partially visible from a pedestrian alley adjacent to No. 10 Island View Gardens, though views are otherwise limited due to fencing and vegetation. The appellant asserts the loft is used solely for a non-commercial hobby.
8. The appeal building is around 3 metres in width by around 4 metres in length. It is a wooden single skin structure. The floor of the building is raised from its concrete base. The appellant advised that the loft is built in accordance with appropriate Royal Society for the Protection of Birds (RSPB) guidance. Whilst his guidance is from another jurisdiction (England and Wales), the appellant advised that there is no analogous guidance which is applicable to Northern Ireland. The appellant advised that considering this guidance, the loft has a maximum capacity of fifty birds.
9. The appellant advised that pigeon fanciers go to great lengths to ensure that the birds are kept clean and that their accommodation is kept free of pests and vermin as this can ultimately impact upon the performance of the birds. Pigeon racing is a competitive sport and appropriate measures to ensure that the birds perform well are normal practice. From my own observations, the pigeon loft is raised off the ground and built on a base of concrete. The physical construction of the pigeon loft is such that it can be easily cleaned. I consider that the structure has been built in such a manner that makes it possible to properly control waste and discourage vermin.
10. The residential properties at Island View Gardens are approximately 30 metres to the northwest of the pigeon loft. The loft is situated at the end of the appellant's garden with a bank of trees and hedging to the rear which separates the loft from the residential properties at Cuan Gardens which are around 15 metres to the southeast. Whilst the pigeon loft is not insulated, it is fully enclosed due to a self-closing entry system. At the time of my inspection, all of the birds were within the loft. Having visited the immediate area around the pigeon loft and the proximate residential properties, I could not detect any noise emanating from the structure at all. Given the distances and intervening features between the pigeon loft and the surrounding residential properties and considering that the number of pigeons within

the loft could be controlled by a appropriate condition, I do not consider that noise from the pigeon loft unduly affects the amenity of surrounding residents.

11. In terms of the actual management of the loft, the appellant advised that the birds are let out for exercise into the surrounding area for around two hours per day, an hour in the morning and an hour in the evening. Whilst the birds may perch on surrounding properties, their strict feeding regime ensures that they return to the loft promptly, to be fed. The birds are fed twice per day, and the food is strictly portioned. The appellant also advised that the feed is kept in a locked steel bin and after feeding any excess food is removed from the loft. This is to reduce the likelihood of flies and vermin being attracted to the loft.
12. The appellant advised that the loft is cleaned, disinfected and the floor scraped each day this is done daily to limit any potential odour and the presence of flies. On my visit the loft was clean and there was no evidence of flies or odour. The waste is stored in a steel bin with a tight-fitting lid. Once per week this waste is removed to a local farm where it is accepted as fertilizer. This process is informal and no written agreements regarding this removal process were presented. However, the appellant did advise that the waste is such that it could be disposed of by normal domestic collections, this outlined that the nature and quantum of waste is not such that it requires a separate disposal process.
13. At the hearing I was informed that there had been a single complaint to the Council's Environmental Health Department (EHD) regarding pigeon fouling on a residential property in the local area. This complaint was not substantiated, and no further action was taken by EHD. The appellant provided a list of signatures and addresses of 12 local residents confirming that they had no objections to the pigeon loft. A local Councillor also appeared at the hearing in support of the appeal development.
14. The Council's EHD did not appear at the hearing and offered no comment on how the particular management practices adopted by the appellant could limit the impact of the appeal development upon the amenity of surrounding residents. The Council's representative at the hearing accepted that these management practices could be conditioned through the agreement of a management plan for the pigeon loft. In my view the management practices at the pigeon loft are such that the amenity of surrounding residents is not unduly affected. I am satisfied that these good management practices such as a cap on the overall number of birds, proper cleaning regime, appropriate feeding and exercise practices and proper disposal of waste and litter can be adequately conditioned by a management plan for the pigeon loft in the event of an approval.
15. Again, I am of the view that the physical construction of the loft is such that it can be properly cleaned to discourage pests and vermin. Furthermore, I do not consider that the pigeon loft, subject to it being operated in line with the practices outlined above, would unduly affect the amenity of neighbouring residents. In consideration of the points above, the Council's deemed reason for refusal has not been sustained. Consequently, the appeal under Ground (a) is allowed subject to the condition attached below, and the Enforcement Notice is quashed. As the appeal has been successful under Ground (a), I need not consider the administrative grounds of appeal.

Condition

- 1) Within one month of permission being granted a management plan for the pigeon loft hereby approved shall be submitted to Ards and North Down Council for its written agreement. This plan should include measures on the control of noise, odour, vermin, flies and the management of litter and waste, it shall also demonstrate how the amenity of nearby sensitive receptors will be protected. It should also specify the maximum number of pigeons to be housed in the loft any one time. If agreed by the Council, the pigeon loft management plan shall be implemented in perpetuity thereafter, unless amendments are agreed in writing by the Council.

Decision

The decision is as follows:-

- The appeal on Ground (a) is allowed.
- The Enforcement Notice is quashed.

COMMISSIONER KENNETH DONAGHEY

2024/E0049

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List of Documents

Planning Authority:- “A1” Statement of case and appendices

Appellant:- “B1” Statement of case and appendices

List of Appearances

Council:- Mr Kirk McDowell – Ards and North Down Borough Council

Appellant:- Mr Normal Lewis – Appellant’s representative
Mr Eamon Lenaghan
Cllr Robert Adair

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	02 September 2025
Responsible Director	Director of Prosperity
Responsible Head of Service	Head of Planning
Date of Report	13 August 2025
File Reference	
Legislation	
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	DFI Planning Statistics April 2024 - March 2025
Attachments	Item 7a - DFI Statistical Bulletin 2024-25

The purpose of this report is to update Members on the publication by DFI of the annual finalised results of Northern Ireland planning statistics April 2024 – March 2025 issued.

The bulletin is attached, and the press release and detailed tables can be viewed on the Department's website here: <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2024-march-2025>

The report advises that there have been some key events in recent years that will have impacted on planning activity and processing performance including the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022; this should be borne in mind when making comparisons with other time periods.

Not Applicable

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Applications in the Major category of development

The following table details the performance for Ards and North Down against the statutory performance indicators.

Majors	Received	Decided	Approved	Withdrawn	Average Processing Time (target 30 wks)
Quarter 1	2	1	1	0	80.6
Quarter 2	1	1	1	0	90.5
Quarter 3	1	2	2	0	30.7
Quarter 4	0	1	1	0	304.3
Total	4	5	5	0	107.4

The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

Update on major applications

Majors - Quarter 1

Planning ref LA06/2022/1076/F was for 63 dwellings, open space, landscaping, parking and access was approved on 8 May 2024 located at 50 Main Street and lands to the rear of Nos 38-48 Main Street, Carrowdore. The proposal sought approval for Phase 2 at the site. Phase 1 was granted under planning ref LA06/2022/0881/F for 25No. Dwellings open space, landscaping, parking and all other associated site and access works, on 10 November 2023 with the principle of development on the site granted under planning ref: X/2009/0470/F.

Majors - Quarter 2

LA06/2022/1072/F was for a new proposed post primary school, car park, bus drop off area and playing pitches with floodlighting at the former Redburn Primary School site on the Old Holywood Road, Holywood

The application, submitted in October 2022 required extensive consultations with many consultees requesting submission of further detailed information in order to be able to provide substantive responses – all which required further re-advertisement neighbour notified in addition to assessing submitted objections to the proposal.

DFI Roads initially had concerns with the proposal which were not resolved until the final consultation response on the application on 20 June 2024. The application was presented to Planning Committee on 02 July 2024 with a recommendation of approval.

Not Applicable

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Majors - Quarter 3

Recorded in the statistics for Quarter 3 are two applications determined with an average processing time of 30.7 weeks against the statutory performance target of 30 weeks.

The two applications relate to the Section 54 applications:

LA06/2023/2248/F - variation of condition to accommodate the wildlife corridor associated with the residential development at Beverley Heights on Bangor Road, Newtownards with a processing time of 42 weeks; and

LA06/2024/0559/F – variation of phasing conditions and new drainage solution at Queen’s Parade (planning ref LA06/2024/0559/F) was processed in 19.5 weeks.

Majors - Quarter 4

Planning ref LA06/2019/0308/F was the application for the extension of the existing Comber Greenway approved on 10 Jan 2025. Members will recall that this long running application was affected by the central portion of the original application being affected by restrictions of the dual carriage and concerns by DFI Roads. To progress the application, the proposal was amended to remove the central portion of the lands affected in order to enable the remainder of the lands to be considered for the Greenway with the ‘final’ portion to be submitted for determination under a fresh application once issues had been resolved with the statutory consultee. This is reflected the 304.3 weeks processing time for determination.

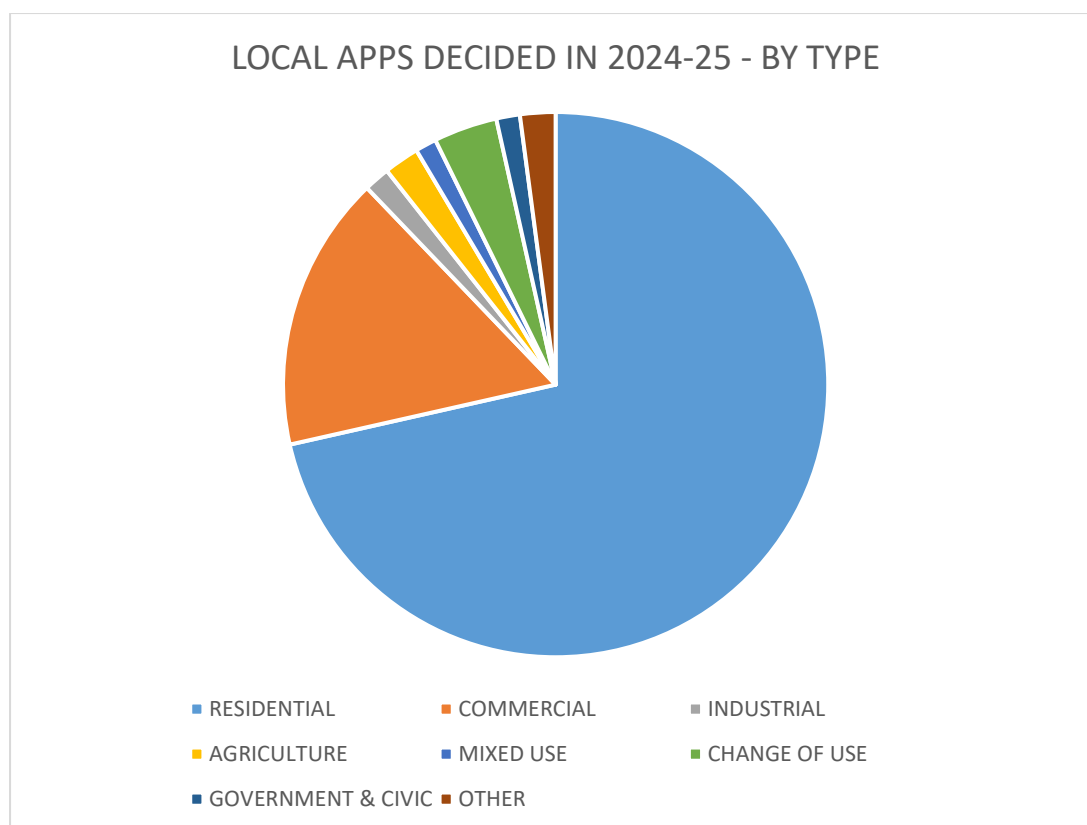
Applications in the Local category of development

Locals	Received	Decided	Approved	Average Processing Time (target 15 wks)
Quarter 1	181	164	161	34.65
Quarter 2	173	210	203	30.05
Quarter 3	153	170	161	37.49
Quarter 4	182	171	163	35.56
Total	689	715	688	34.18

These figures do **not** include those applications received which were subsequently returned as Invalid. Of the application received during this time period, the development types were as follows:

Not Applicable

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Householder Development

Of the 715 local applications determined above, 332 applications fell within the 'householder development' category of development, i.e. applications for alternations to an existing dwelling such as extensions, conservatories, loft conversions, or outbuildings within the boundary of a dwelling. Planning Service operates an internal target of 65% of householder development proposals being processed within 8 weeks.

In 2024-2025, 132 of the 332 applications were determined within 8 weeks (39.8%) whilst of the 332 householder applications received from 01Apr '24 - 31Mar '25 a total of 230 were determined within the statutory target of 15 weeks (69.3%).

Additional Activity

In addition to the above planning applications, it is important to draw attention to additional work carried out within the Development Management Section which is not reported upon. Additional activity details the "non-application" workload of the Planning Service, and includes Discharge of conditions, Certificates of Lawfulness (Proposed & Existing), Tree Preservation Orders (TPOs)/ Consents to Fell Trees in Conservation Area, Pre-Application Discussions (PADs), Proposals of Application Notice (PANs) and Non-Material Changes. Preparation of Statements of Case for appeals and attendance at hearings is not detailed.

Not Applicable

Type	Received 01/04/24 – 31/03/2025	Determined - by 31/03/2025
Discharge of Condition	98	59
Certificate of Lawfulness	63	47
Non-Material Change	49	43
Pre-Application Discussion	23	N/A
Proposal of Application Notice	5	N/A
TPO	71	58

For PADs and PANS, only the received cases are included in the table as it is not considered appropriate to report on decided/withdrawn cases or processing times for these types of activity.

RECOMMENDATION

It is recommended that Council notes the content of this report and attachment.



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn

Bonneagair 247

Department für

Infrastructure

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NORTHERN IRELAND PLANNING STATISTICS

Annual Statistical Bulletin 2024/25

April 2024 to March 2025



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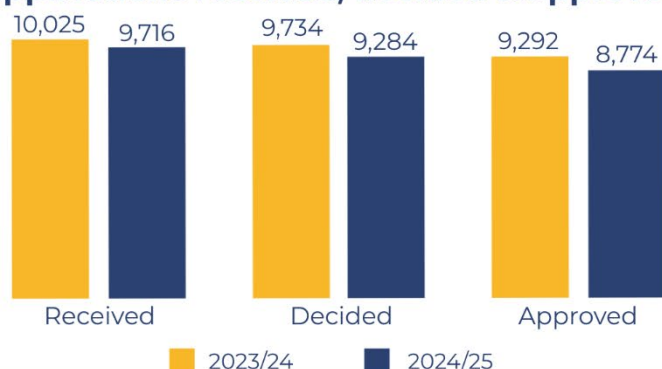
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Key points

- There were 9,716 planning applications received in Northern Ireland (NI) during 2024/25; a 3% decrease from the previous year. This comprised of 9,554 local, 161 major and one regionally significant application.
- A total of 9,284 planning applications were decided during 2024/25; a decrease of 5% from the previous year. Decisions were issued on 9,112 local and 172 major applications during 2024/25.
- The average processing time for local applications brought to a decision or withdrawal during 2024/25 was 19.0 weeks across all councils. This exceeds the 15 week target and represents a decrease of 1.8 weeks from the previous year. Three of the 11 councils met the 15 week target in 2024/25.
- The average processing time for major applications brought to a decision or withdrawal during 2024/25 was 39.6 weeks across all councils; this is the lowest annual processing time since the transfer of planning powers. While exceeding the 30 week target, this represents a decrease of 6.9 weeks compared with the previous year. Five of the 11 councils met the 30 week target in 2024/25.
- Across councils 70.7% of enforcement cases were concluded within 39 weeks during 2024/25, meeting the 70% target. This represents a decrease from the rate recorded in 2023/24 (76.4%). Individually, six of the 11 councils met the 70% target in 2024/25; seven councils met the target in the previous year.

Overall planning applications

Applications received, decided & approved



Comparing 2024/25 with 2023/24:

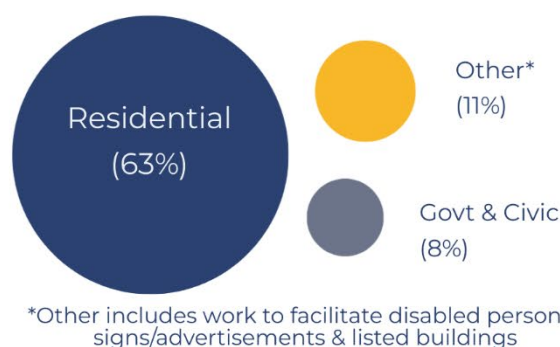


Applications received

A total of 9,716 planning applications were received during 2024/25:



3 largest development types



Planning statutory targets - 2023/24 & 2024/25

Average processing times (weeks) - major



Average processing times (weeks) - local



% of enforcement cases concluded within 39 weeks



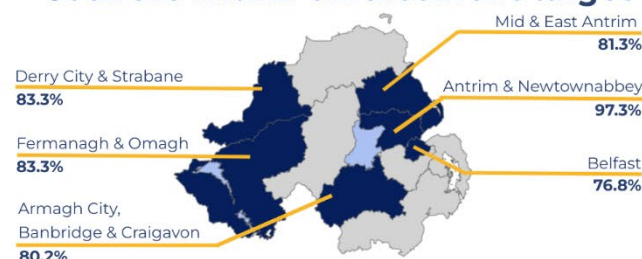
Councils within major target



Councils within local target



Councils within enforcement target



Northern Ireland Planning Statistics: Annual Statistical Bulletin 2024/25

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure for 2024/25.

Figures for 2024/25 are now final and will not be subject to further scheduled revision.

The records of all planning applications from 1 April 2024 to 31 March 2025 were transferred in April 2025 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portal. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, a final extract was taken in May 2025.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

Future releases

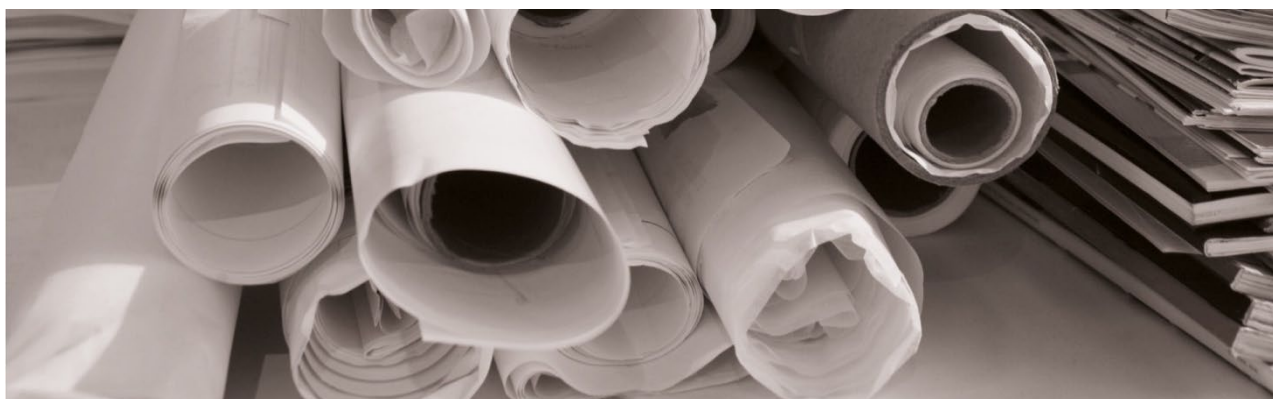
The next report will be a quarterly report covering the period 1 April to 30 June 2025. This quarterly report is planned for release in September 2025. The next annual report covering 2025/26 is planned for release in July 2025. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods.

Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



Chapter 1: Overall Northern Ireland planning activity

Planning activity has continued to decline in 2024/25 with the volume of planning applications received and processed (i.e. decided or withdrawn) being the lowest since the series began in 2002/03. The number of enforcement cases opened in 2024/25 was the lowest annual figure since 2014/15; it was similar for the number of cases closed with 2024/25 being the lowest annual figure recorded since 2015/16.

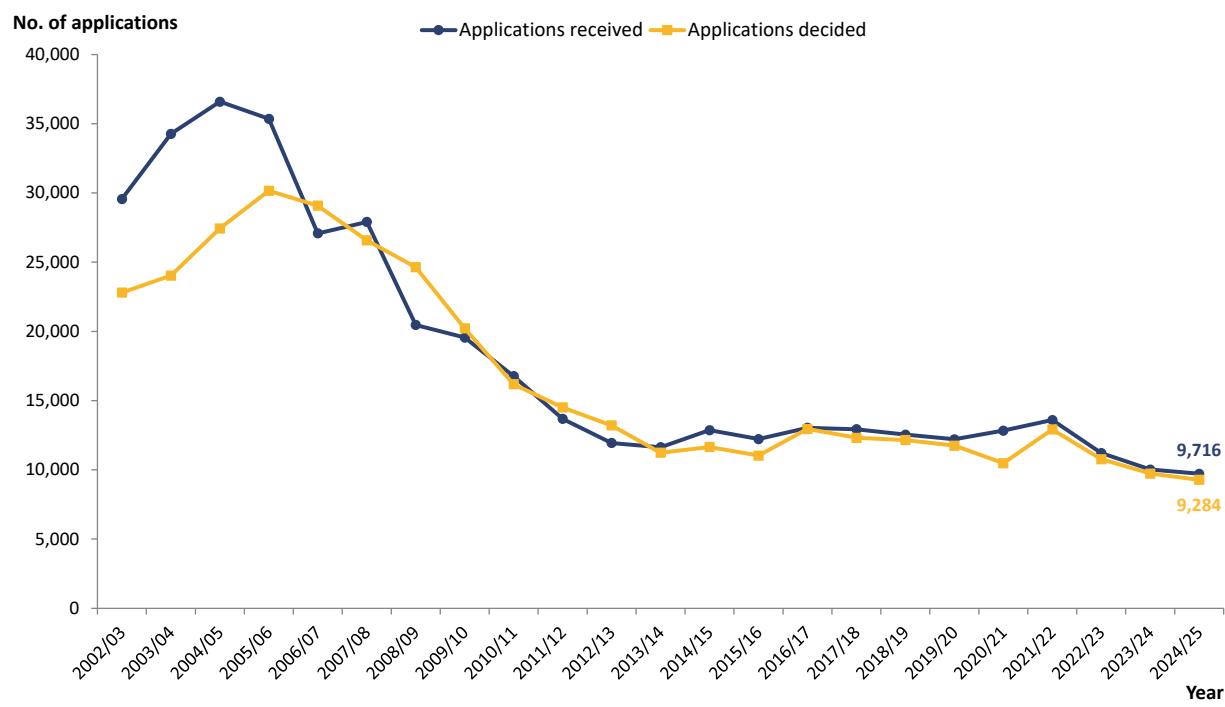
There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in 2024/25 was 9,716; a decrease of 3.1% from the previous year (10,025) and the lowest annual figure on record, (Figure 1.1). [Refer to Tables 1.1, 1.2.](#)

Almost three-quarters of the planning applications received in 2024/25 were for full planning permission (73.4%); a decrease on the proportion reported for 2023/24 (74.5%). [Refer to Tables 5.6.](#)

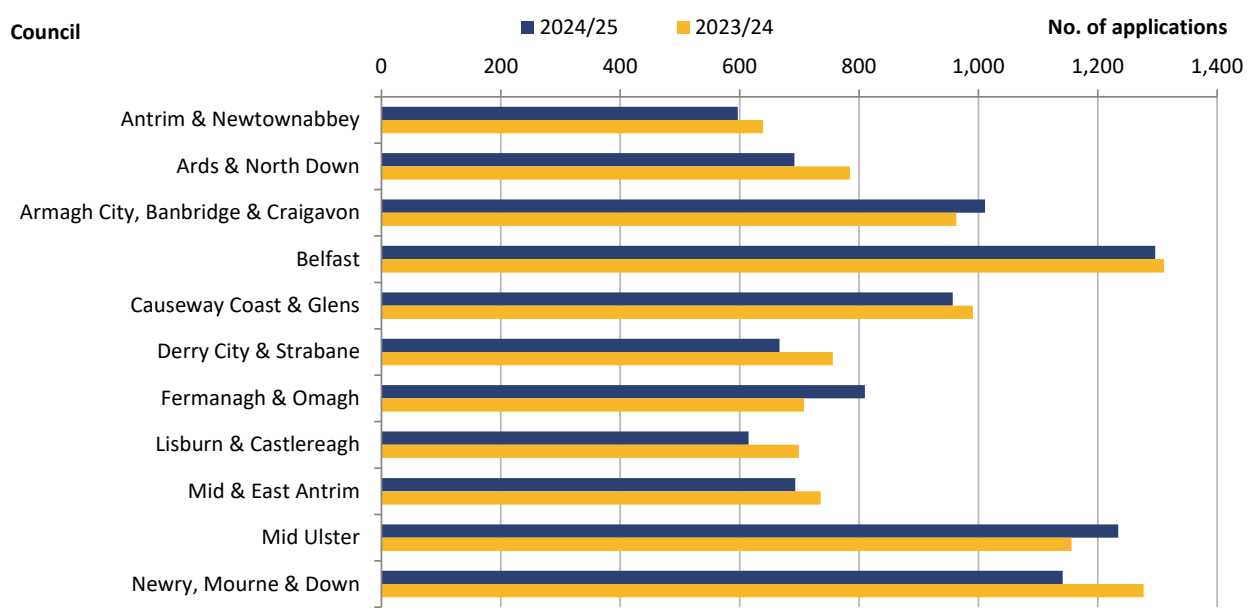
Fig 1.1 NI planning applications, annually, 2002/03 to 2024/25



Eight councils reported a decrease in the number of planning applications received in 2024/25 compared with the previous year, with the greatest percentage decrease reported in Lisburn and Castlereagh (-12.0%). Three councils reported an increase over the year with Fermanagh and Omagh (14.4%) reporting the largest increase.

During 2024/25, the number of planning applications received varied across councils, ranging from 1,296 in Belfast (accounting for 13.3% of all applications received across NI) to 597 in Antrim and Newtownabbey (6.1% of all applications received). See Figure 1.2.

Fig 1.2 Applications received by council, 2023/24 & 2024/25



Applications decided

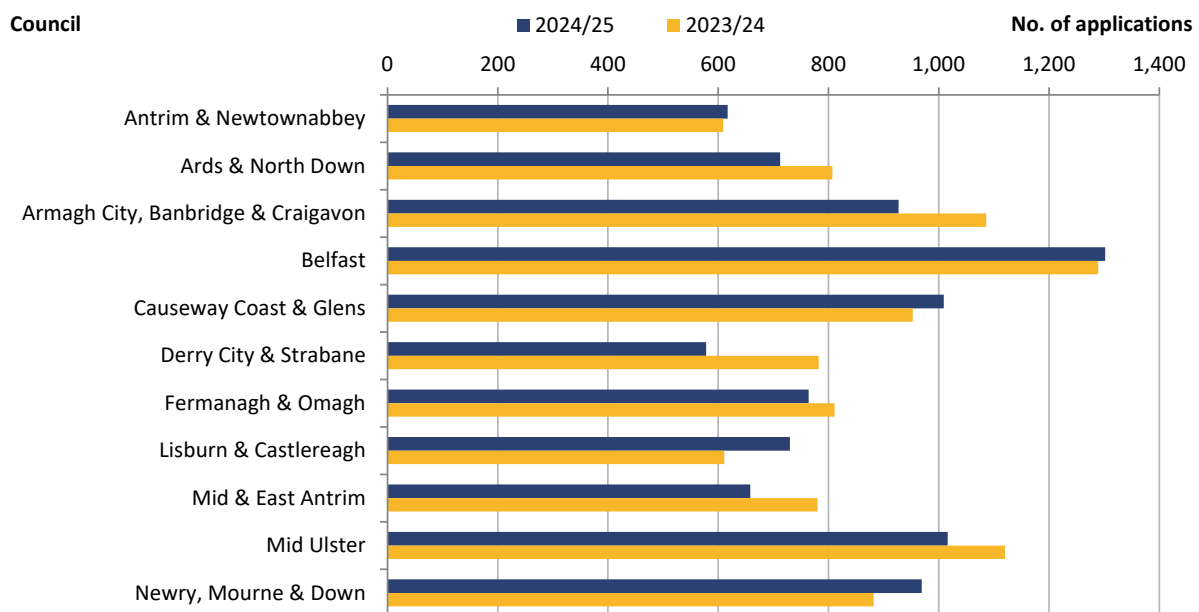
The number of planning decisions issued by councils and the Department in 2024/25 was 9,284; a decrease of 4.6% from the previous year (9,734) and the lowest annual figure on record. See Figure 1.1 and [Tables 1.1, 1.2](#).

Almost three quarters of planning decisions in 2024/25 (74.8%) were for full planning permission; the same as the proportion recorded for 2023/24. [Refer to Tables 5.6](#).

Across councils the number of decisions issued during 2024/25 ranged from 1,302 in Belfast (accounting for 14.0% of all decisions across NI) to 578 in Derry City and Strabane (6.2% of all decisions).

Six of the 11 councils reported a decrease in the number of applications decided in 2024/25 when compared with the previous year, with the greatest decrease recorded in Derry City and Strabane (-26.1%). Five councils reported an increase over the year, with Lisburn and Castlereagh reporting the largest increase (19.5%). See Figure 1.3 and [Table 1.2](#).

Fig 1.3 Applications decided by council, 2023/24 & 2024/25



In 2024/25, 630 applications were withdrawn, a 10.7% increase over the year from the 569 applications withdrawn in 2023/24.

Approval rates

The overall Northern Ireland approval rate for all planning applications was 94.5% in 2024/25. This was down when compared to the rate in 2023/24 (95.5%). [Refer to Table 1.1](#).

Approval rates varied across councils during 2024/25, from 98.2% in Mid Ulster to 89.8% in Newry, Mourne and Down. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2](#).

Live applications

There were 7,514 live applications in the planning system across NI at the end of March 2025, a decrease over the year from the end of March 2024 (7,869), and the lowest end of March live count since 2019/20 (6,350).

Three out of every ten live applications at the end of March 2025 were over one year old (32.1%); an increase from the proportion reported at the end of March 2024 (30.3%), and the highest end of March rate since reporting began in 2010/11. [Refer to Table 1.3.](#)

Departmental activity

There were three applications received by the Department in 2024/25, down from the seven received during 2023/24. Two applications were decided during the year, compared with four decided in the previous year. One departmental application was withdrawn in 2024/25, the first application to be withdrawn since Q1 2022/23.

At the end of March 2025 there were 22 live Departmental applications; 19 out of the 22 were in the planning system for over a year.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the five RSD applications live in the planning system at the end of March 2025, two have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining three awaiting ministerial recommendation, the 30 week period has been exceeded for two of them.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (6,149; 63.3%) of applications received in 2024/25, followed by 'Other' (1,088; 11.2%) and 'Government and Civic' (774; 8.0%).

The top three development types decided in 2024/25 were 'Residential' (5,896), 'Other' (1,099) and 'Government and Civic' (729). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

There were 97 renewable energy applications received in 2024/25; a decrease from the previous year (126). Eighty-six renewable energy applications were decided during 2024/25; similar to the number decided in 2023/24 (87).

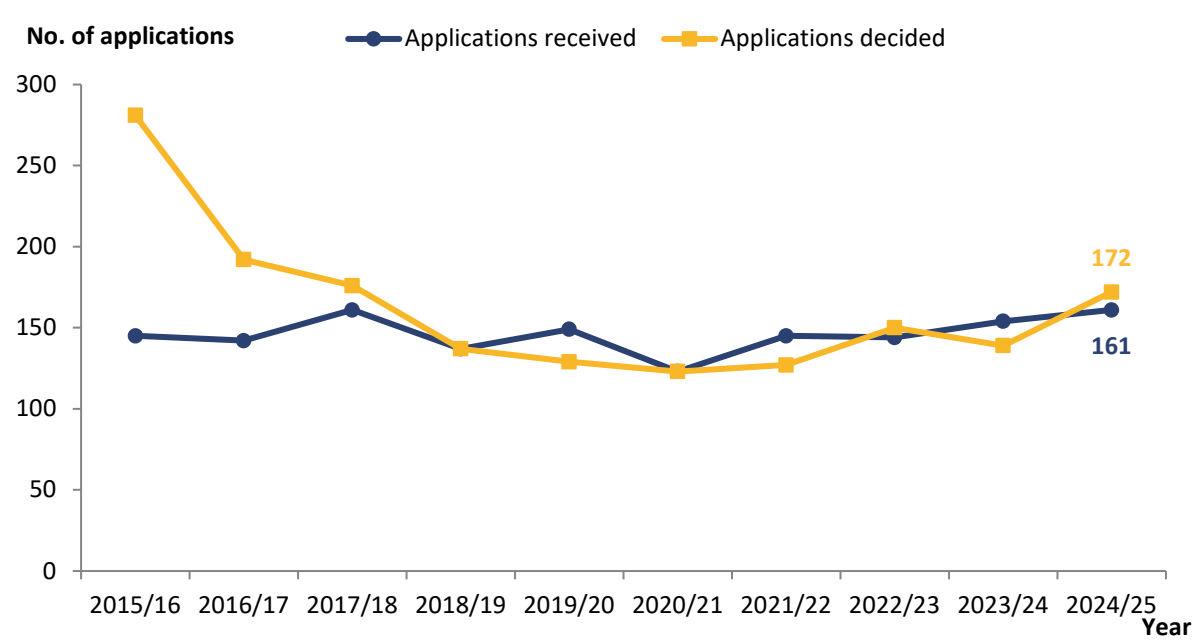


Chapter 2:

Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 161 major planning applications were received in NI during 2024/25, up from the number received in the previous year (154). [Refer to Table 3.1.](#)


Fig 3.1 Major development applications, annually, 2015/16 to 2024/25



During 2024/25, 172 major planning applications were decided; up from the 139 decided in the previous year (Figure 3.1).

The approval rate for major applications decided upon during 2024/25 was 97.7%. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target



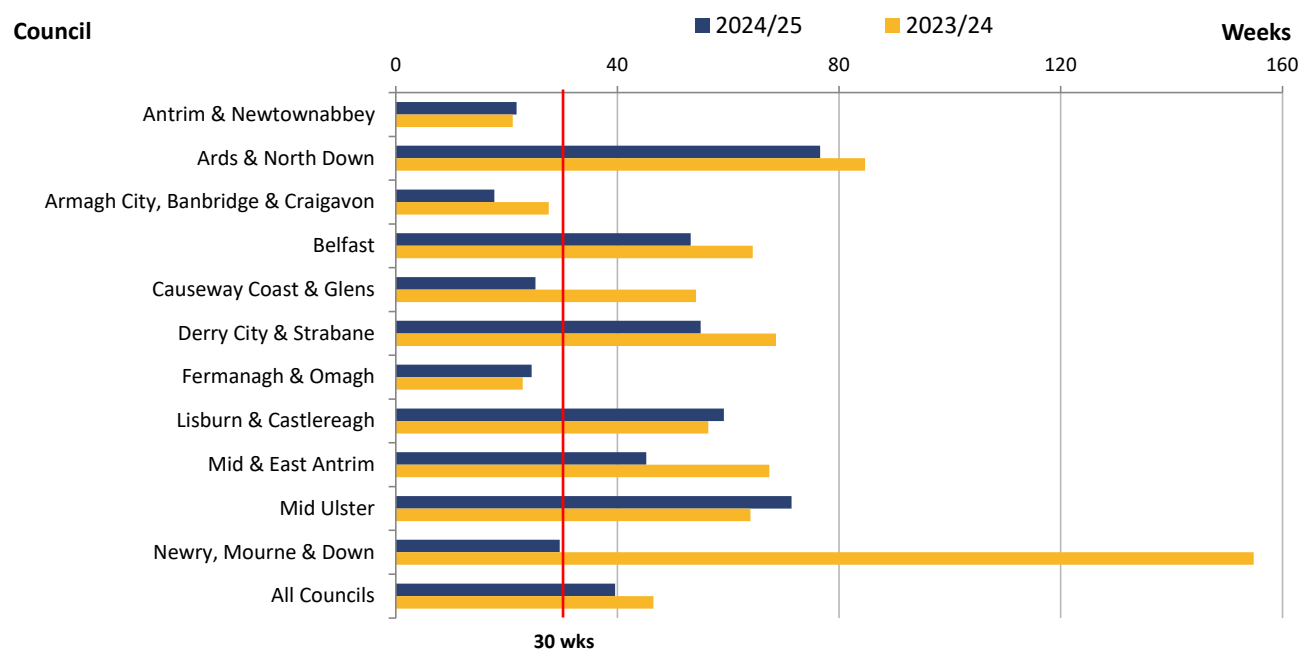
It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks

Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during 2024/25 was 39.6 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 6.9 weeks when compared with 2023/24 (46.5 weeks).

The processing time in 2024/25 (39.6 weeks) for major planning applications is the lowest annual processing time recorded across the series since reporting started in 2015/16.

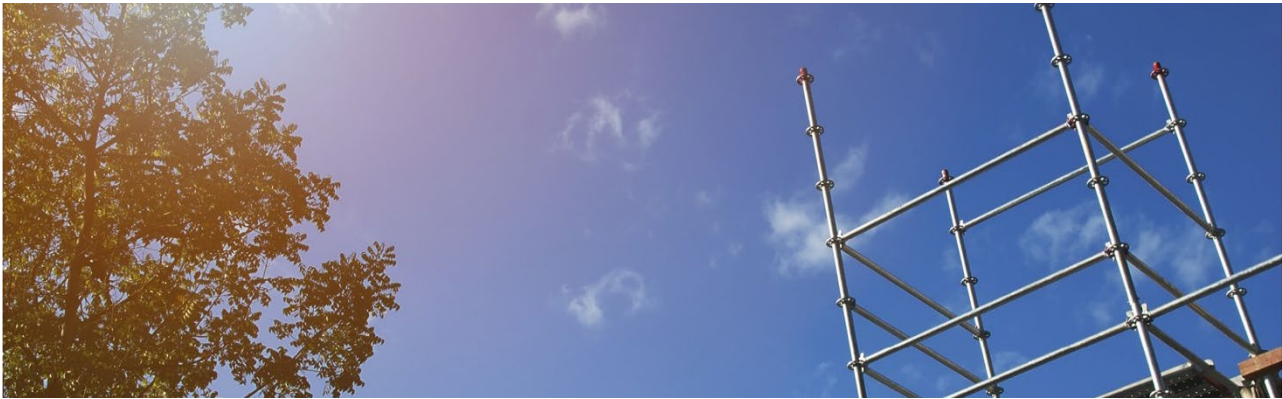
In total, 172 major planning applications were decided by councils and 11 were withdrawn during 2024/25, the figures for 2023/24 were 136 decided and eight withdrawn.

Fig 3.2 Major development average processing times by council, 2023/24 & 2024/25



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

[Refer to Table 3.2 for further information.](#)

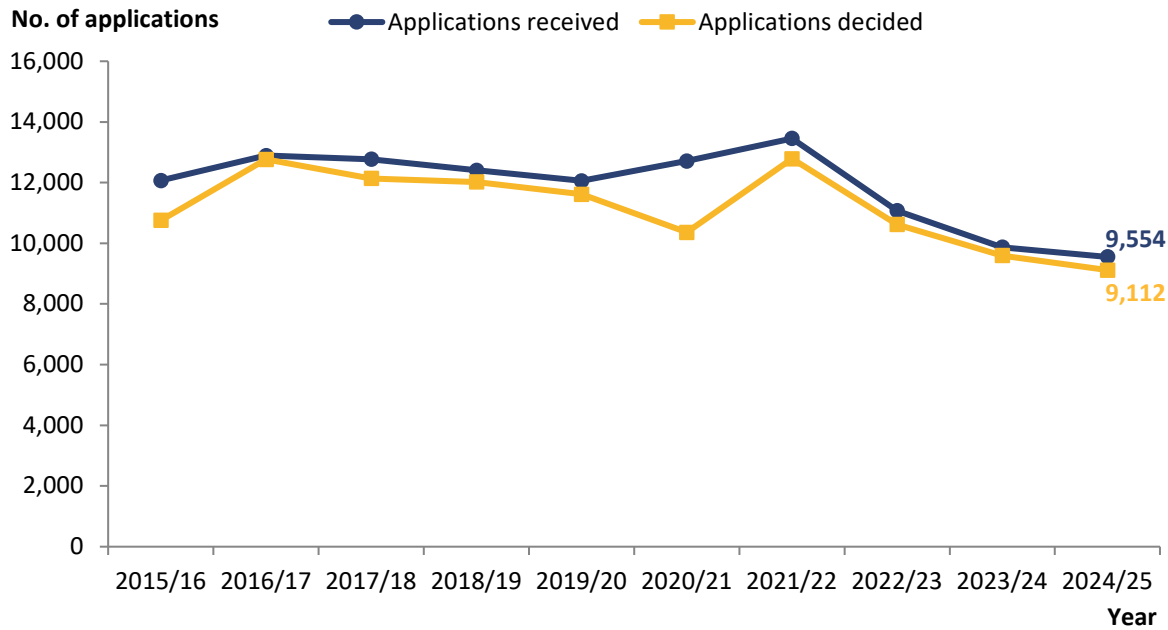


Chapter 3:

Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during 2024/25 was 9,554; a decrease of 3.2% on the previous year (9,870). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, annually, 2015/16 to 2024/25



The number of local applications decided in 2024/25 was 9,112; down by 5.0% on the previous year (9,595); [refer to Table 4.1.](#) The overall approval rate for local applications was 94.4% in 2024/25; down from the rate reported in 2023/24 (95.4%).

Local planning applications statutory target

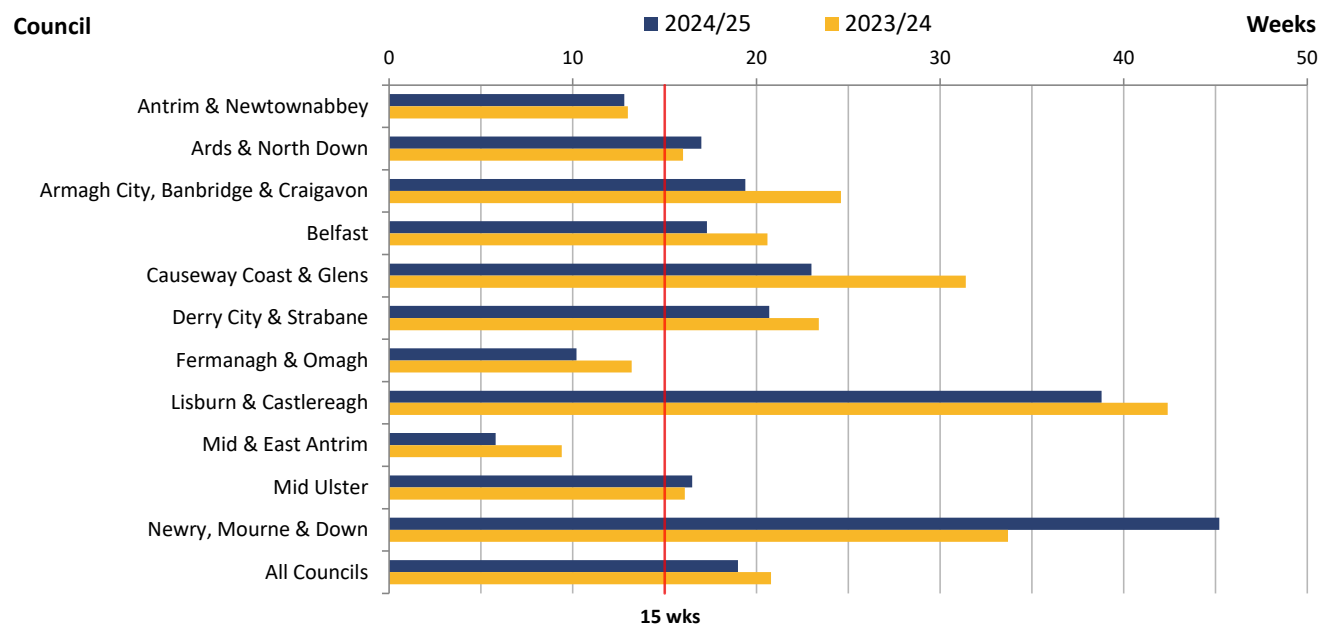


It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

The average processing time for local applications brought to a decision or withdrawal during 2024/25 was 19.0 weeks. While this exceeds the statutory target of 15 weeks, it represents a decrease of 1.8 weeks from the average processing time reported for 2023/24 (20.8 weeks).

Three of the 11 councils met the 15 week target in 2024/25; these were Mid and East Antrim (5.8 weeks), Fermanagh and Omagh (10.2 weeks) and Antrim and Newtownabbey (12.8 weeks). See Figure 4.1. [Refer to Table 4.2.](#)

Fig 4.2 Local development average processing times by council, 2023/24 & 2024/25

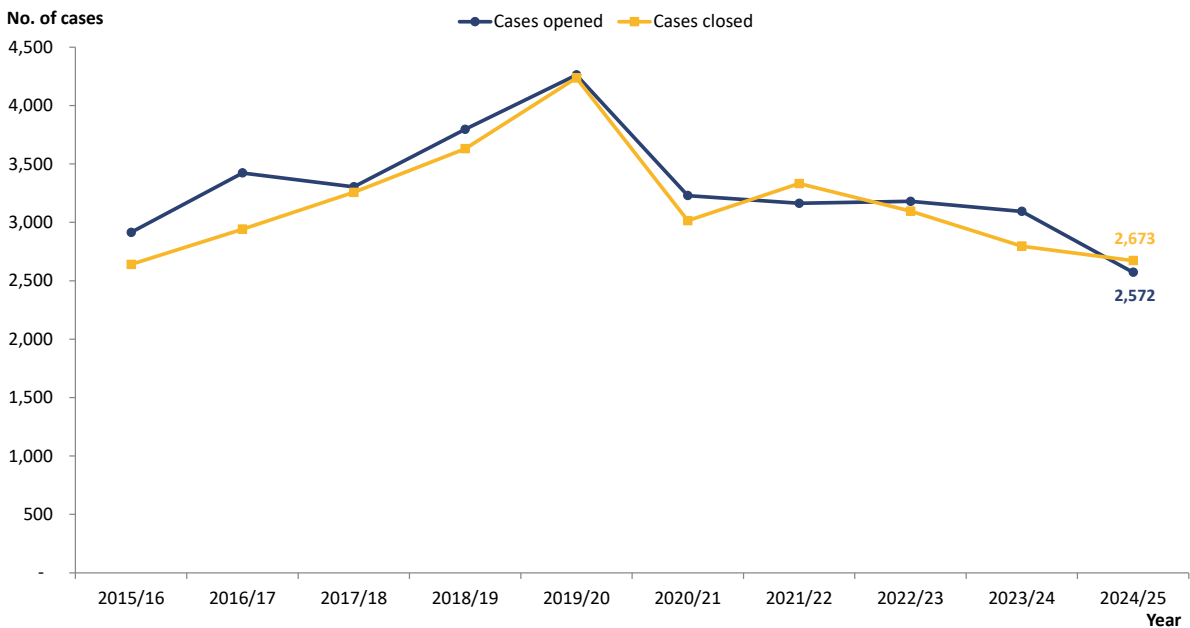




Chapter 4: Enforcement activity


The number of enforcement cases opened in NI during 2024/25 was 2,572; down by 16.9% over the year (3,094). The number of cases closed during 2024/25 was 2,673; down by 4.4% over the year from 2,796 (Figure 6.1). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, annually, 2015/16 to 2024/25



The number of enforcement cases over two years old stood at 1,586 at the end of March 2025, accounting for 40.8% of all live cases, and is the highest proportion of cases over two years since the series began. This compared with 36.6% of live cases at the end of March 2024. [Refer to Table 6.4.](#)

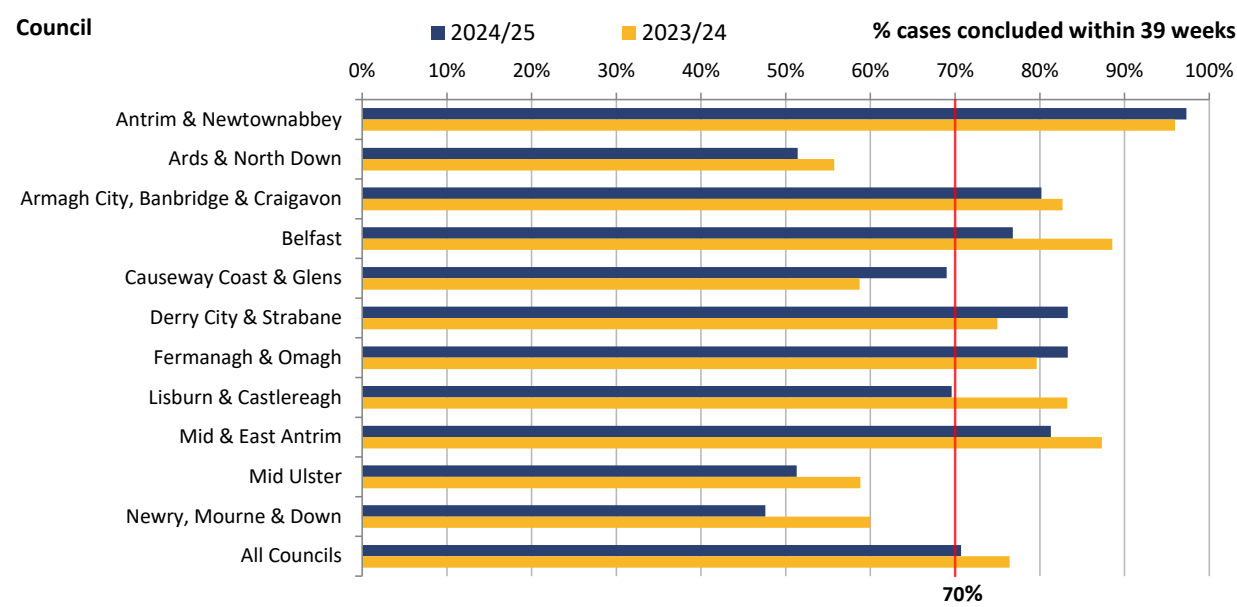
Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 70.7% of enforcement cases were concluded within 39 weeks during 2024/25 meeting the statutory target of 70%. This represents a decrease from the rate reported for the same period last year (76.4%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, 2023/24 and 2024/25



Six of the 11 councils met the statutory target in 2024/25, one less than previous year.

Antrim and Newtownabbey recorded the highest percentage of cases processed within 39 weeks, with 97.3% processed within target during 2024/25, up from 96.0% recorded in 2023/24. See Figure 6.2 and [Refer to Table 6.2.](#)



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Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled '[accredited official statistics](#)'¹.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing regulation@statistics.gov.uk or via the OSR website.

¹ National Statistics are [accredited official statistics](#).

Unclassified

ITEM 8

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	02 September 2025
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning
Date of Report	14 August 2025
File Reference	n/a
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Tree Preservation Orders and Works
Attachments	N/A

Background

This report represents the quarterly update to Planning Committee regarding detail relating to Tree Preservation Orders served and applications for consent to carry out works to protected trees. This update provides information from 13 May 2025 (date of previous report) to 13 August 2025.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that the Council notes the content of this report.

Not Applicable

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Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
Confirmed	16/5/2025	Lands at Nos 1, 2, 2a, 3, 4, 6 and 6 The Grange and Nos 1-7 Carnesure Mews, Comber
Confirmed	12/8/2025	Lands at 26 Old Cultra Road, Hollywood
Confirmed	14/8/2025	Lands at 2a Whinney Hill and 4 Three Acres, Hollywood

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	6	0
Address	1) 1 Cultra Avenue, Hollywood	
	2) 39 Millers Park Avenue, Newtownards	
	3) 118 Bangor Road, Hollywood	
	4) 3c Killinchy Road, Comber	
	5) 5 Martello Gate, Hollywood	
	6) Killard Development, Newtownards	
Conservation Area	0	0

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Works to Trees

Tree Preservation Order Protection

- 1 Cultra Avenue**– felling of two trees
 - These works were required for safety reasons given the poor health and condition of both trees and their close proximity to the Bangor Road and residential properties.
 - Replacement planting was conditioned with 2 no. standard native trees at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season.
- 39 Millers Park Avenue, Newtownards** – felling of one tree and the carrying out of works to one tree.
 - The tree to be felled was in an exposed location and given the weight in the upper canopy it would be susceptible to windthrow. There are not

Not Applicable

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many options to reduce this type of tree and given its close proximity to residential properties, felling was consented for safety reasons.

- Works to the second tree were required for management and maintenance reasons.
 - Replacement planting was not considered appropriate for the tree to be felled given the restricted nature of the site.
3. **118 Bangor Road, Holywood** – felling of one tree
 - The tree was in poor form and condition and was located in very close proximity to the neighbouring property. Evidence was provided to substantiate that the tree has caused blockages to the adjacent drains and therefore felling was consented for safety reasons.
 - Replacement planting was not considered necessary in this case as the tree to be removed provided very little to no public visual amenity.
 4. **3c Killinchy Road, Comber**– felling of one tree
 - The tree had a sweep in its stem, a restricted root structure and it had outgrown its position.
 - Replacement planting was conditioned with 1 no. standard native tree at a height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season.
 5. **5 Martello Gate, Holywood** – felling of three trees
 - One tree to be felled had a significant loss of vigour, a poor crown and encroached into overhead lines. There was also suspected root damage given its location on a raised verge. Given this location, a heavy reduction would be required to clear overhead lines which would result in little to no foliage. Felling was consented for safety reasons.
 - The second tree to be felled had bacterial canker and a low included union with inclusion. The tree was in poor condition and removal was necessary for safety reasons.
 - The third tree to be felled had larch dieback, a very small crown and very little foliage, removal was required for safety reasons.
 - Replacement planting was conditioned with 2 no. standard birch trees and 1 no. standard rowan tree at height of 3-3.5m to be located within the curtilage of the property and carried out during the next available planting season.
 6. **Killard Development, Newtownards**– felling of two trees and carrying out of works to 43 trees and three tree groups
 - One tree to be felled showed a significant loss of vigour and removal was required for safety reasons.
 - The second tree to be felled showed a significant loss of vigour and had a very poor crown and removal was required for safety reasons.
 - Replanting was conditioned with 2 no. standard native trees at a height of 3-3.5m to be located within the curtilage of the Killard Development and carried out during the next available planting season.