

ARDS AND NORTH DOWN BOROUGH COUNCIL

26 January 2026

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 03 February 2026** commencing at **7.00pm**.

Yours faithfully

Michael Steele
Acting 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 02 December 2025
 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2024/0952/F	Demolition of existing dwelling and erection of 2 No. 3-bed and 4 No. 2-bed apartments 115 Station Road, Craigavon, Holywood
4.2	LA06/2023/1563/A	Replacement of two-sided fixed prismatic sign with electronic message display panels (retrospective) Cardy Gospel Hall, 1 Cardy Road East, Greyabbey
4.3	LA06/2025/0790/F	Single storey dwelling with shared access Site directly North of 31a Ballygowan Road, Comber
4.4	LA06/2024/0771/F	Change of use from agricultural building, commercial store and workshop to dwelling with extension and relocation of the access 60m to SE of 31A Loughries Road, Newtownards
4.5	LA06/2023/2221/F	Farm shop including 1No. container and lean to building, 1No. portacabin, hardstanding and parking area (retrospective). New access to serve both farm

		<p>traffic and farm shop traffic with the existing access to be closed up (proposed)</p> <p>60m south-east of 26 Inishargy Road, Kircubbin, Newtownards</p>
4.6	LA06/2025/0789/S54	<p>Greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works.</p> <p>Variation of Condition 13 of previously approved application LA06/2020/0940/F:</p> <p><i>From: Bridge: No other development hereby permitted shall be commenced operational until the road works indicated on Drawing No 27A bearing the date stamp 27/07/2021 have been fully completed in accordance with the approved plans.</i></p> <p><i>To: Bridge: No other development hereby permitted shall be operational until the road works indicated on drawing 60572431-SHT10-LD-3105 have been fully completed in accordance with the approved plans</i></p> <p>From Belvedere Road, Newtownards to the Somme Heritage Centre, 233 Bangor Road, Newtownards</p>
4.7	LA06/2025/0914/F	<p>Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (approval LA06/2024/0559/F)</p> <p>Approx. 46m northwest of 12 Queen's Parade, Marine Gardens, Queen's Parade, Bangor</p>
4.8	LA06/2025/0913/F	<p>Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (approval LA06/2024/0559/F)</p> <p>Public open space approximately 10m East of 1-6 Mount Pleasant, Bangor</p>

Reports for Approval

5. Request for Nominations to NILGA's Planning Learning and Engagement Programme (report attached)

Reports for Noting

6. Planning Appeals Update (report attached)
7. SPPS Edition 2 and draft Plan Strategy (report attached)
8. Quarterly Update on Tree Preservation Orders and Works Requests (report attached)

In Confidence

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)

ITEM 7.1**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 2 December 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine
McDowell
McIlveen
Smith

Councillors: Cathcart
Hennessy
Kendall

Smart
Wray

Officers: Director of Place and Prosperity (B Dorrian), Head of Planning and Building Control (A McCullough), Principal Planner (G Kerr), Senior Planners (J Hanna & A Todd) and Democratic Services Officer (S McCrea)

1. APOLOGIES

Apologies had been received from Councillors Harbinson, McCollum, McKee and Morgan.

2. DECLARATIONS OF INTEREST

No declaration of interest was made but Members were reminded of their ability to declare at any time throughout the meeting.

**3. MATTERS ARISING FROM THE PLANNING COMMITTEE
MINUTES OF 4 NOVEMBER 2025**

PREVIOUSLY CIRCULATED:- Copy of the above.

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

4. PLANNING APPLICATIONS

4.1 **LA06/2025/0623/F – 1-15 (ODDS SKIPPERSTONE PARK, 11-33 SKIPPERSTONE GARDENS, AND 100-122 (EVENS) BLOOMFIELD ROAD SOUTH, BANGOR**

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: An application in the Major category of development

Proposal: Demolition of existing dwellings, erection of supermarket, provision of access, car parking, landscaping, and associated site works (Relocation of existing Lidl supermarket from No 97 Bloomfield Road. Existing building to be retained but retail use to be extinguished).

Site Location: 1-15 (odds) Skipperstone Park, 11-33 (odds) Skipperstone Avenue, 1-6 Skipperstone Gardens, and 100-122 (evens) Bloomfield Road South, Bangor

Recommendation: Grant Planning Permission

The Principal Planner explained that the proposal was for the Demolition of existing dwellings, erection of a discount supermarket, provision of access, car parking, landscaping, removal of a bus lay-by, relocation of the bus shelter and relocation of the pedestrian footway between Bloomfield Road South and associated site works. The existing Lidl was to be relocated from No 97 Bloomfield Road to the west of Bloomfield Road South and South of Skipperstone Park. The retail use at the existing Lidl building at 97 Bloomfield Road was to be extinguished.

There were 13 objections from four addresses to the proposal received from when the application was submitted through to today – all submissions had been thoroughly assessed with relevant consultees being contacted where appropriate. Consultees were all content with the proposal and the recommendation was to grant planning approval subject to execution of the legal agreement.

Members were asked to note that there were speakers in opposition and in support this evening and representatives from DFI Roads were also in attendance for any queries.

The application site was located within the settlement limit on lands south of the Bloomfield Road roundabout west of Bloomfield Road South whilst the site where the supermarket was to be located was approximately 1.15 hectares with vacant residential properties on site. Single storey dwellings along Skipperstone Park and Skipperstone Avenue overlooked the site, with shared communal amenity areas to the rear of the properties.

There were grassed areas with trees between the dwellings and South Circular Road. To the east of the site, on the opposite side of Bloomfield Road South, there was an off-sales, public house and car wash.

The site was located on land shown as whiteland in the extant North Down and Ards Area Plan (NDAAP) and the draft Belfast Metropolitan Area Plan (BMAP).

Members were shown the site to the south outlined in red, including the roundabout works required and the site of the existing Lidl store as well as images of the surrounding areas.

The Design and Access Statement submitted with the application identified the constraints which currently limited expansion on the existing site and opportunities that would be provided by moving to the new site some of which included:

- A larger store with products stacked at lower density, making them more accessible to all, including the elderly and mobility impaired;
- Additional storage space ensuring deliveries were kept to a minimum thereby improving sustainability of the store;
- Set-back from Bloomfield Road South allowing sufficient room for access;
- The store roughly followed the existing building line along Bloomfield Road South with crisp modern appearance at a lower level so as not to be prominent;
- 147 car parking spaces, 2.7m wide, larger than standard (2.4m wide) to ensure good accessibility;
- Disabled spaces in close proximity to the proposed store entrance and other access feature such as dropped kerbs, level accesses and pedestrian crossings;
- 2no. electric vehicle charging spaces and 8no. cycle spaces;
- The provision of over 100 new trees and new hedging and shrubs;
- Roof-mounted PV panels to generate renewable energy.

Members were shown the proposed building and its location within the site and associated car parking. The design was contemporary, with a mono-pitched roof finished with metallic cladding and PV panels to the rear part of the roof. The height of the proposed building increased from approximately 5m at the rear to 7m at the front. The front, rear and southern gable were all finished with painted render to the walls, broken up with some windows. The northern boundary was proposed to be entirely glazed, with floor-to-roof glazed panels increasing in height from the rear to the front. The proposal included cutting into the site and lowering the ground level with tree and shrub planting around the boundaries and within the car park. The location of the proposed building was such that it maintained the existing building line of properties facing onto Bloomfield Road South.

A detailed landscaping scheme was submitted with the proposed development. The landscaping plan showed landscape buffers along the boundaries of the site comprising native species of hedges, trees and shrubs. The landscaping was conditioned which would ensure the site would soften the appearance of the built form and to help create an attractive urban environment.

Members were asked to note that there was already an existing retail use in an out-of-centre location in respect of the existing Lidl store. This proposal was to transfer this use to the opposite side of the roundabout with an proposed increase of 562sqm of convenience goods and an increase 183sqm of comparison floorspace in relation to the existing store. In total, there would be a gross internal floor area of 2,560sqm and a net sales area of 1,742sqm of which 1,463sqm was for the sale of convenience goods with 279sqm for the sale of comparison goods, as was shown in the slide image by way of a table.

Paragraph 6.283 of the SPPS required:

“All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need”

All required assessments as required by the SPPS were undertaken by the agent with the Planning Service appointing an independent retail consultant, Nexus, to assess the following areas as required by policy:

- the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the impact on city centre turnover overall for all centres within the catchment of the proposal;
- the impact of the proposal on existing committed and planned public and private sector investment and investor confidence in the town centre/s;
- the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;
- the impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities;
- Cumulative impact taking account of committed and planned development, including plan commitments within the city centre and wider area; and, a review of local economic impacts.

It was acknowledged the impact on Bangor City Centre was finely balanced. However, taking the review carried out by Nexus into consideration and having considered all available evidence, it was concluded that the proposal, either individually or in combination with other developments, was unlikely to have a significant adverse impact on Bangor City Centre.

With regard to traffic - a Travel Plan Framework, Transport Assessment (TA), a Transport Assessment Scoping Study and a Service Management Plan were submitted with some amendments being requested by DfI Roads during the assessment of the application.

Amended access/road layout drawings and supporting technical information were submitted, with DfI Roads advising that it had no objections to the proposed development. A number of objections had been received raising concern regarding road safety and the potential traffic impacts of the proposed development. During the processing of the application, DfI Roads was asked to consider all the information submitted by the objector along with the rebuttals provided by the Applicant's Agent. DfI Roads confirmed that it considered all information provided and still had no objections to the proposed application.

The proposal included the provision of 147 car parking spaces, including eight accessibility spaces, six child friendly spaces and two electric vehicle charging

points. This equated to one car parking space per 17.5sqm. Provision was also made for eight bicycle parking spaces. The Parking Standards stated one car parking space was required per 14sqm Gross Floor Area (GFA) for retail food stores. Therefore, a total of 183 car parking spaces would be required in accordance with the Parking Standards guidance.

The agent explained the reasoning behind this level of parking within the submitted Transport Assessment. Justification for the deficit, in terms of the Parking Standards, included the likelihood of shared trips and parking due to the proximity to Bloomfield Shopping Centre. The Transport Assessment also stated the proximity to residential properties, and a school meant that there was an expectation of a high percentage of pedestrian trips to the supermarket. DFI Roads had considered the application and provided no objection in terms of parking.

In summary, all material planning considerations had been thoroughly assessed during the processing of this proposal, with an independent consultant reviewing the supporting information and providing comment. All consultees were content and material objections raised had been addressed. It was agreed that the sequential test in the Nexus Report had passed and that the proposal would not have a significant adverse effect on Bangor City Centre or any other protected centre. The proposal was a £7.5m investment in a new store that would materially benefit local shoppers, would regenerate a vacant site, provide better welfare facilities for staff and provide 22 new jobs.

RECOMMENDED that that the planning application should be APPROVED with delegated powers to finalise any planning agreement.

The discussion centred on the planning implications of Lidl's relocation and the associated retail use restrictions. Councillor Cathcart asked what restrictions applied in relation to the agreement of one site opening and the other closing. The Officer explained that planning approval would be accompanied by extinguishment of the retail use at the existing site, similar to the arrangement in Newtownards when Lidl had moved locations, and while nothing prevented someone from submitting a planning application for a particular use, it would have to go through the proper process.

Councillor Cathcart referenced the proposed site which, at the time of writing, had derelict houses upon it and asked whether the addition of a new unit would increase the commercial element, given that the existing site could potentially be used for other purposes. The Officer reiterated that retail use would be extinguished, though applications could still be submitted. Councillor Cathcart then questioned the city centre assessment, noting that the Flagship Centre had been considered. The Officer stated that it was the agent's responsibility to bolster any information submitted, and they had chosen to take account of the Flagship Centre. The required test had shown no significant impact on the city centre. She emphasised that Planning Service could not dictate where development should occur; it was for the agent to demonstrate why a site was or was not suitable. She noted that the Flagship Centre had not been available at the time of assessment, and the Dunnes Store location to its rear was deemed to lack sufficient footfall. Lidl's redevelopment strategy generally sought more sustainable sites with improved car parking.

Councillor Cathcart challenged this, pointing out that car parking already existed at the Flagship Centre and questioned whether Nexus' report accepted the reasons put forward, particularly as lack of footfall seemed an unacceptable justification. He stressed that the SPPS required town and city centre locations to be prioritised for retail expansion. The Officer responded that, as speakers would be presenting shortly in favour of the application, they could explain further but reiterated that it was not for Planning Service to decide which site was better. Lidl had wanted to proceed with expansion, and the Flagship Centre had not been available at the time of the assessment. Nexus had reviewed the material twice and concluded that, taken as a whole, there would be no negative impact on Bangor City Centre, which the Planning Service accepted.

Councillor Cathcart was curious as to whether it would be reassessed based on current availability. The Head of Planning confirmed that there were to be plans for an alternative use forthcoming from another source for the Flagship Centre that could not be fully discussed at the time of the meeting, but that they would require community consultation before a planning application could be submitted.

Alderman McIlveen noted that Nexus had been engaged by the Council as an independent body, separate from the applicant, which had submitted its own retail assessment. While there had been some disagreements between the two assessments, both ultimately concluded that there was no alternative appropriate site available under the sequential test. The Principal Planner explained that Nexus had been thorough in reviewing the listed points, though it had not agreed with the applicant's quantitative assessment of need. Despite this, the conclusion reached was that there would be no negative impact on the city centre, given the site-specific location.

Alderman McIlveen asked whether the Council was satisfied with Nexus' work. The Principal Planner confirmed that they were, explaining that retail planning was a highly specialised field and that the Planning Service had wanted an independent body to fully assess the submitted information. Nexus was based in England and had provided clarification and additional detail on both qualitative and quantitative studies.

Alderman McIlveen requested that the sequential test process be explained to the Committee to ensure every Member was familiar with its process. The Principal Planner outlined that retail applications must demonstrate consideration of sites in sequence, beginning with city centre locations before moving to out-of-town or out-of-centre sites. She explained that assessments had been carried out for the city centre and other retail centres, with reasons provided as to why those sites were not suitable. The size of the proposed unit was a factor but given that the current retail unit was already located outside of the city centre, Nexus had nonetheless reviewed city centre options and was satisfied that the sequential test had been properly undertaken.

Alderman McAlpine raised a query regarding access and ingress, referring to pages 45-46 of the report, and asked for clarity on how the new roundabout would be used given the complexity of the existing roundabout layout. The Principal Planner

responded that, as noted in her speaking remarks, amendments had been requested to provide a left-in, left-out arrangement, which would be more beneficial and safe.

Mr Rice, a representative from the Department for Infrastructure (DfI)(Roads), advised that discussions had occurred with the DfI Network Planning Manager and Traffic Management Unit. It had been agreed, as the Principal Planner had stated, to have a left-turn in, left-turn out arrangement with the right-hand turn into the proposed area from the roundabout. This would avoid conflict between anyone exiting Lidl and turning right.

Alderman McDowell asked for clarification on the definition of "white land," noting that pensioners' bungalows, though vacant now, had existed on the proposed site. He questioned whether residential developments in towns were deemed as white land if it was possible for anything to be built there and expressed concern that it seemed wasteful to lose those houses given the significant housing shortages in the Borough.

The Head of Planning explained that, technically, the site would be considered brownfield, but "white land," referred to land not designated or zoned for any specific use. She stated that it was not protected for housing, nor allocated for any purpose in the draft BMAP, adding that the Council had no control over the site being purchased and the bungalows being demolished thereafter, as it was not within a designated area of townscape character or a conservation area. Consequently, the site could be cleared without the need for planning permission.

Speaking against the application, Mr Andy Stephens entered the Chamber alongside his colleague, Mr Simon Warke (via Zoom) and was invited to speak for five minutes on the matter.

Mr Stephens highlighted a series of objections and concerns regarding the application. It was explained that the proposal had initially been withdrawn from a previous Committee schedule due to a detailed transport objection and an inadequate description that failed to include works to public infrastructure. Although the applicant later remedied this, Mr Stephens argued that it vindicated the objectors' point and raised concerns about the haste with which the application was being determined.

On transport and traffic, Mr Stephens criticised DfI Roads for failing to engage with the detailed submission made by SW Consultancy on 6 October 2025, noting that its response on 10 November 2025 simply stated it had nothing further to add. This was described as unacceptable given the evidence presented and the defects in the applicant's Transport Assessment. The addendum report was said to have erroneously claimed that DfI Roads had reviewed the technical objections, with no such review available on the Planning Portal. Further rebuttal points raised on 18 November 2025 had not been consulted upon. Mr Stephens referenced case law, including *Clare McCann v Armagh City, Banbridge and Craigavon Borough Council* (2022), to stress the duty of Planning Officers and Committee Members to interrogate all evidence rather than accept consultees' advice uncritically. A recent High Court decision in England was also cited to reinforce the requirement to properly consider material considerations.

Mr Stephens warned that Members were exposed on this issue as DfI Roads did not attend Planning Committees. Parking provision was said to remain below standard, with cumulative impacts from other applications at the Bloomfield District Centre not properly considered.

Concerns were raised about the speed of determination, with reference to FOI/EIR information suggesting pre-determination and bias in favour of the applicant, reinforced by their purchase of an out-of-centre site in January 2023.

Mr Stephens also argued there had been a failure to comply with Section 42 of the 2011 Act, which required notification of interested parties. Clear Channel was identified as such a party due to a previous bus shelter application, yet this had been overlooked despite repeated objections and an amended description in November 2025.

On retail impact, need and sequential assessment, Mr Stephens described Lidl as a deep discounter with smaller product lines, serving predominantly basket shopping. He argued that Nexus and Planning Officers had failed to properly interrogate the applicant's claim that the existing store was trading 30% above company sales density, noting that his site visits did not support indicators of overtrading such as congestion, queues, or lack of parking. The sequential test was said to be flawed, with sites such as Springhill and Clandeboye either wrongly assessed or ignored.

Mr Stephens dismissed the purported economic benefits as immaterial, since they could be delivered at a sequentially preferable site or through expansion of the existing store. He added that the dereliction of the site was of the applicant's own making, as it had been purchased from social housing use and could have been redeveloped for that purpose.

Mr Stephens reserved the right to make further written objections in response to any addendums to the Case Officer's report, explaining that complaints dated 18 November 2025 had been ignored and he cited established case law on administrative fairness to support this position.

Councillor Cathcart understood the concerns of Retail NI whom Mr Stephens was representing. He recalled Mr Stephens' mention of the city centre being vulnerable and so queried why Mr Stephens had spent time discussing Clandeboye and Springhill which were out-of-town retail centres. Mr Stephens said he had originally raised the Flagship Shopping Centre location in his objections and included floor plans but neither of these were included in the applicant's submissions of alternative sites. Mr Stephens advised it was the duty of applicants, not objectors to undertake such work which was the first oversight. Mr Stephens raised concerns about issues such as visual prominence and the presence of trolleys and stated that even if the Flagship Centre was discounted in the sequential assessment, the next step should have been to consider other existing areas within centres. He highlighted that District Centres had not been included in the assessment, noting that the Nexus report had failed to consider them despite having done so in Antrim and Newtownabbey. He pointed out that Springhill was an established District Centre with five available units located together and argued that, with some flexibility, the applicant could have

accommodated the store there. He also referred to Clandeboye, where a site existed that, when taking SPPS into account, should also have been assessed. This had not been identified by Council or Nexus. If the Flagship Centre were not an option, there were two other areas in the sequential test that could have been selected.

Councillor Kendall asked about the DfI Roads' assessment and the traffic issues arising from the site being adjacent to a busy area. Mr Stephens explained that traffic congestion at the roundabout was a daily occurrence, with queues forming throughout the day. He criticised the applicant's Transport Assessment for relying on data from Castlereagh Road Lidl store, which he argued bore no resemblance to the traffic conditions at Bloomfield Road. He noted that the roundabout was a protected route already congested during peak hours, and moving the Lidl store across would concentrate traffic on one side. He added that no assessment had been carried out on the cumulative effect, and there had been little engagement from DfI Roads on these points.

Alderman McIlveen raised the issue of prematurity, asking whether Mr Stephens was suggesting that no decisions should be made until the consultation process for the draft Plan Strategy was completed, and adopted which could take at least two years. Mr Stephens advised that he was not suggesting a blanket delay, but referred to SPPS paragraphs 5.72 and 5.73, which required careful consideration of out-of-centre developments. He questioned why there was a rush to grant permission for a new site when vacant retail buildings already existed at Springhill and Clandeboye.

In response, Alderman McIlveen noted that the principle of prematurity only applied when a Plan was at a very advanced stage, which was not yet the case. Mr Stephens maintained that the issue was engaged, pointing to policies already in place and a retail study released by Nexus in October which he had yet to read. He argued that refusal on grounds of prematurity could be justified, stressing that granting permission for an out-of-centre site would set a baseline for future retail assessments.

Alderman McIlveen explained that the existing Lidl store at the roundabout was being relocated, with what would be its old use extinguished, and questioned whether this should be taken into account given that both the applicant and an independent expert had concluded the sequential test was met. Mr Stephens advised that the report did not refer to all sequential sites, and that the original store had been approved in 2000 under different policy circumstances. Current SPPS policy required consideration of alternative sites given Bangor's vacancy levels, and that the new site was clearly out-of-centre rather than a District Centre like Springhill or Bloomfield. He disputed the applicant's claim of 30% overtrading, citing his own observations of car parking, till tests, and customer flow, and noted that Nexus had identified Bangor centre as being vulnerable by 2%.

When Alderman McIlveen pointed out that Nexus was independent, Mr Stephens acknowledged that was the case but referenced that it had been engaged by the Council which could mar its independent status. Mr Stephens cited correspondence he had obtained through FOI requests that suggested alternative sites had been overlooked. Alderman McIlveen noted that Lidl's traffic already existed at the roundabout, albeit on the other side. Mr Stephens responded that he had taken

extensive photographs showing the area could not cope with current traffic levels, and warned of the cumulative impact of the proposed relocation.

Mr Stephens returned to the public gallery as was Mr Warke to the digital gallery. Mr Stewart Beattie KC, Ms Emma Greenlees and Mr Dermot Monaghan were invited to join the chamber, speaking in support of the recommendation.

Mr Beattie KC advised that he had four points to cover, the first of which regarded a point of law in a late submission on 02 December at 1300hrs, followed by the sequential test, need and transport. On the legal point, it was noted that a query had been raised regarding Clear Channel not being served notification. As an advertising company rather than a person, it was argued that the legislation did not apply in the same way. Dfl and Translink had been on notice and had already met, with further meetings scheduled.

In relation to the sequential test, it was explained that the town centre-first approach did not include District Centres within its scope. Planning Officers had confirmed that the primary retail core, edge-of-centre, and out-of-centre sites were the relevant categories, and that Clandeboye was not considered a District Centre even under the draft BMAP. Regarding the suggestion of Dunnes Stores as a location, Nexus had not identified footfall as an issue but had acknowledged in its report that surface-level car parking and street frontage were significant factors. The suggestion that access via a tunnel to a first-floor flyover car park not being acceptable was considered a valid point.

Regarding retail need, Mr Beattie KC explained that there was sharp disagreement with Nexus' quantitative assessment, but both Nexus and other independent analysis had found evidence of overtrading. He recalled that Alderman McIlveen had asked previously whether moving the store across the road was a material consideration. Mr Beattie KC confirmed that it was. The issue of prematurity was raised, but it was argued that refusing development at this stage on that basis was entirely not justified, as the Plan was not at an advanced stage.

Concerns were expressed about the cumulative impact not being fully assessed in relation to transport. It was stated that the site would be considered on its merits, whether for housing or retail, and that the applicant would need to demonstrate that roads issues were acceptable. While it was suggested that Dfl Roads had not assessed the matter, it was confirmed that it had been consulted on several occasions and had concluded it had nothing further to add. Its methodology and comparison with Castlereagh were considered appropriate, and as a matter of law, consultees' views were entitled to be attributed weight.

Alderman McIlveen observed that much of the decision rested on the sequential test and asked which sites had been considered. Mr Beattie KC explained that the methodology and a ten-minute catchment area had been independently assessed, with the bedrock methodology itself subject to review. He noted that the Flagship Shopping Centre had been examined along with other areas, including Springhill Shopping Centre, which had been addressed in May 2025. His own assessment was that Springhill was not a relevant consideration, and he invited his colleague Mr Monaghan (planning agent) to expand further.

Mr Monaghan referred to the SPPS, which set out the sequential test covering the primary retail core, town centre, edge-of-centre, and out-of-centre locations. In this case, the catchment was Bangor city centre, with the existing store on Bloomfield Road. Given that presence, he explained it was appropriate to confine the search to city centre and edge-of-centre sites, with District Centres not included. He stated that all development opportunity sites in the draft BMAP had been reviewed: four sites were identified, three of which were too small, while site BR44 had already been developed for alternative uses and was therefore unsuitable. Within Bangor city centre, the TK Maxx ground floor unit (Main Street) was considered too small. At the edge of Bangor, the SPPS referred to a default distance threshold of 300 metres from the town centre boundary, but no suitable or viable sites were found. Nexus had agreed that the search parameters were reasonable. Mr Monaghan added that the Dunnes Store location had also been considered but was set back from the building with no visual presence from the road and was therefore not deemed suitable.

Councillor Cathcart questioned why a surface-level car park was preferred over the multistorey facility at the Flagship Centre. Mr Monaghan explained that food shopping involved purchasing many items, and customers wanted to return quickly to their cars to load them. He noted that other food stores, including the current Lidl, had adjacent flat car parks, and Lidl's own car park had only a 2% gradient, avoiding the difficulty of pushing trolleys across steep areas.

Councillor Cathcart pointed out that the Flagship Centre had a lift and suggested that if the Dunnes location was extended into the Argos unit, the store would have a presence on the High Street. Mr Monaghan responded that Dunnes was located at the back of the Flagship Centre, with no visibility from the road network or adjacency to a car park. He contrasted this with the existing Lidl store, which had strong visual presence, visibility, and a flat surface car park. He argued that the current site by comparison was better, but Lidl was overtrading, and relocating to the Flagship would not be as effective or reasonable.

Mr Beattie KC added that the existence of the current Lidl across the road from the proposed site was a material consideration that should carry weight. He explained that assessments had been carried out separately by his client's retail consultant and by Nexus. They had not been aware of discussions about proposed development at the Flagship Centre until that evening's meeting, which he considered should also be given weight.

Councillor Cathcart asked why the new, larger site was considered good for Bangor when there was no clarity about what would happen to the existing site. Mr Beattie KC replied that the critical factor was ensuring the retail use at the existing site was extinguished, removing any risk of duplication. He stressed that any future application for the site would have to be considered through policy frameworks and would remain under the Planning Committee's control. He noted that Officers had described the site as brownfield, previously used, and that whatever proposal came forward would be determined by the Council. On retail impact, he highlighted that Nexus had assessed the effect on Bangor city centre as 0.9%, compared to the applicant's figure of 2%, and that both had confirmed there would be no significant

impact. He defended Nexus' independence and expertise, stating that its findings had been tested to ensure objectivity.

Mr Monaghan concluded by reaffirming that Nexus had confirmed under SPPS that the proposal would not affect the city centre, agreeing with their finding of a 0.9% impact and no adverse effect.

Councillor Kendall raised a concern about the apparent contradiction between the need for car parking and the reasons given for the Flagship Centre being inappropriate. She noted that a large food store such as Lidl would inevitably have customers arriving by car with significant amounts of shopping, which seemed to undermine the justification for a car park deficit. Mr Monaghan explained that the proposed site did not have a deficit, as 147 spaces were planned, which was larger than the existing provision and considered adequate to meet demand.

Ms Greenlees (Transport Consultant) explained that traffic surveys had been carried out at different stores, specifically the larger formats during weekdays and Saturdays to calculate maximum demand per square metre. She stated that while Parking Standards guidance had not been updated and still suggested one space per 14 square metres, the surveys showed a maximum of one space per 23 square metres. For a store of this size, the standard requirement would be 183 spaces, but in practice this was more than necessary. She said the proposal of 147 spaces was realistic, allowing for seasonal peaks, with maximum demand estimated at 111 spaces.

Mr Beattie KC emphasised that the balance of judgement, including DfI Roads' input, was whether the assumptions were robust and valid. He acknowledged that there was a risk of inconsistency but stressed that statutory consultees' views were extremely important. DfI Roads had reviewed the process twice and considered it sufficiently robust.

Councillor Smart asked about the consideration of Springhill and Clandeboye. Mr Beattie KC explained that Springhill was designated as a District Centre in the draft BMAP, which many continued to ascribe weight to. He noted that while DfI Planning had indicated publicly that it might still be adopted, it had not been. Springhill had been considered but was unsuitable due to covenants and other limitations. Clandeboye, however, was not considered as it was not a draft District Centre and therefore not part of the sequential test. He added that it was outside the centre and did not apply.

Alderman Graham asked about the importance of visibility for Lidl's marketing strategy and whether Lidl intended to own and design the site themselves. Mr Beattie KC confirmed that Lidl placed strong emphasis on visibility and frontage presence, which they considered a significant factor when selecting sites. He acknowledged that this was their perspective, but Nexus, as independent assessors, had also recognised visibility and surface-level car parking as material factors to be weighed when considering alternative sites. He argued that Lidl's current site was better than that of the Flagship Centre whilst the proposed site offered better street frontage and was therefore preferable. He added that Lidl planned to invest £7.6 million in the development, with their own store design already discussed and

approved by Officers. The store would follow Lidl's standard floor plate size, with materials subject to discussion, and Lidl would own the site outright.

With no further questions from Members, Mr Beattie KC, Mr Monaghan and Ms Greenlees returned to the public gallery.

Alderman McIlveen asked whether Clandeboye and Springhill were relevant sites that should have been considered in the sequential test, noting Mr Stephens' earlier comments. The Principal Planner confirmed that she was satisfied with the information submitted and that a satisfactory sequential test had been carried out, which had been independently verified.

Alderman Graham raised concerns about traffic, observing that congestion at peak times in the area was already severe, and asked whether the road system could cope with additional retail space on the opposing side of the road. Mr Rice explained that the matter had been discussed extensively with the Traffic Section and the Network Planning Manager on several occasions. He reported that the Traffic Section was content with the assessment. While acknowledging that congestion did occur at times, he stated that this was similar to other locations across the Borough and that the Department did not believe the proposal would cause any significant difference. He added that traffic generation figures for both the existing store and the proposed site had been reviewed and that the Roads authority was satisfied with them.

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

Alderman Smith reflected on the debate, acknowledging the points raised by objectors but concluded that both Nexus and the applicant could not all be wrong. He stated that while he understood the concerns, the independent assessment had demonstrated that the impact would be minimal and that there were limited alternative sites. On that basis, he was content to support the application.

Alderman McIlveen agreed that the matter had been well discussed and felt that the points raised were outweighed by the independent assessment and the traffic assessments carried out and reviewed. He noted that although there had been divergence of opinion on the sequential test, the applicant's representatives had addressed the issues raised. He accepted that there would be some impact on Bangor city centre but emphasised that the reports showed this would be small. He also gave weight to the fact that the existing Lidl site was very close to the proposed new location.

Councillor Cathcart accepted the principle of Lidl operating at its current site but maintained that the new proposal represented an out-of-town development. He expressed concern that there was no clarity about the future of the existing site and highlighted the significant vacancies already present in the city centre. He acknowledged that Lidl would not move into the Flagship Centre but stressed that town and city centre sites should be prioritised. As other options had not been fully ruled out, he stated that he had no option but to oppose the recommendation and proposal.

Councillor Kendall agreed with Councillor Cathcart, noting the difficulty in weighing up the issues. She accepted that Officers had taken DfI Roads' opinion into account but argued that comparisons with Castlereagh's Montgomery Road location were not like-for-like. She questioned whether moving Lidl to another out-of-centre site would impair viability more than at present. She also raised concerns about insufficient parking spaces, particularly given increasing car use, and said this should be given weight. She disagreed with the loss of Policy OS1 public value open space and felt the intensification of road use was significant. For these reasons, she could not support the proposal.

Alderman Graham stated that he was content to support the application, though he admitted to mixed feelings. He believed the impact on the town and city centre would be minimal, given the already depleted footfall. He acknowledged that out-of-centre shopping had harmed town centre retail but felt that this trend was already established. He argued that if retailers were prepared to invest significant sums of money, their market research should be respected, and provided the proposal complied with planning policies, it should be accepted.

The proposal was put to the meeting and declared CARRIED with 7 voting FOR, 3 voting AGAINST, 1 ABSTAINED and 5 ABSENT.

FOR (7)
Aldermen
 Graham
 McAlpine
 McIlveen
 Smith

AGAINST (3)
Aldermen
 McDowell

ABSTAINED (1)
Aldermen

ABSENT (5)
Aldermen

Councillors
 Hennessy
 Smart
 Wray

Councillor
 Cathcart
 Kendall

Councillors
 McClean

Councillor
 Harbinson
 Kerr
 McCollum
 McKee
 Morgan

RESOLVED, on the proposal of Alderman Smith, seconded by Alderman McIlveen, that the recommendation be adopted.

4.2 LA06/2019/0888/F – LANDS AT TULLYNAGARDY AVENUE TO WEST OF 46-54 TULLYNAGARDY LANE 30M SOUTH OF TULLYNAGARDY ROAD NORTH OF 21-25 VALENCIA WAY NORTH AND 17A-21 GALLAWAY, NEWTOWARDS

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Newtownards

Committee Interest: Development in the Major category of development

Proposal: Residential development comprising the erection of 62 No. dwellings (mix of detached and semi-detached) with access via Tullynagardy Avenue, associated site works and landscaping.

Site Location: Lands off Tullynagardy Avenue to the West of Nos. 46-54

Tullynagardy Lane, 30m south of Tullynagardy Road and North of Nos. 21-25

Valencia Way North and 17a-21 Galla Way, Newtownards

Recommendation: Grant Planning Permission

The Principal Planner explained that Item 4.2 was before Members as it was an application in the major category of development and which also had a number of objections contrary to the Officer's recommendation.

In total, 22 objections from 13 separate addresses had been received since the application was first submitted in 2019 with five of these received following publication and notification of the last set of amended plans and information.

Members were asked to note that this application had gone through alteration in layout and design with a reduction in the number of objections submitted as a result of these alterations.

All representations made had been fully addressed and detailed in the Case Officer Report. The recommendation was to grant planning permission

The application site comprised of two agricultural fields of approximately 3.2 hectares at the western side of the overall designation. There were also a significant number of mature trees within the northern end of the site, the majority of which were subject of a Tree Preservation Order. The topography of the site sloped with the highest part of the site at the northern end. The ground fell steadily across the first field in a south easterly direction by approximately 10m.

In the second field, the ground rose steadily in a south easterly direction by approximately 7m towards a peak in the centre of the eastern boundary of the field and then fell again quite steeply in a south westerly direction towards the south-western corner of the site by approximately 16m. The site had good natural boundaries on all sides, consisting of mature hedgerows and trees.

Entry to the site was via an access to the apartment development at Tullynagardy Green. Access to the proposed housing development would be through the existing residential development already constructed via Tullynagardy Avenue off the Tullynagardy Road.

The site lay within the settlement limit of Newtownards on lands zoned for housing under Proposal NS 27 in the Ards and Down Area Plan 2015. The site also lay within Designation LLPA 2 – a Local Landscape Policy Area 'Lieutenant Hill, slopes and properties on Belfast Road'.

Within the Plan there were a number of Key Design Considerations for the zoning relating to upgrading of junctions, footways, right hand turning lane etc., the majority of which had been already complied with through a previous permission granted on 1 March 2012 under planning ref X/2010/0054/F for 106 dwellings of detached, semi-

detached, townhouses and apartments with open space landscaping, access and right turn lane on Crawfordsburn Road which meant the housing zoning had already been substantially developed with the application site representing the last area of the zoning to be developed.

The overall layout of the development respected the characteristics of the site and its setting. All housing fronted the roads and open space within the development with 'double fronted,' design houses positioned as feature buildings on corner sites.

The development would link with the existing dwellings through to the Tullynagardy Road via a vehicular and pedestrian access from Tullynagardy Avenue and also a pedestrian access from Tullynagardy Grove providing a good level of permeability at both ends of the site.

The development would be accessed off Tullynagardy Avenue with the exception of two dwellings which would be accessed off Tullynagardy Grove.

A car parking schedule was submitted with the application which demonstrated compliance with the standards set out in the Creating Places guidelines. A minimum of two in-curtilage spaces had been provided for each dwelling. In addition, there were 45 on-street visitor parking spaces provided.

DFI Roads had been consulted on the application and, having reviewed both the submitted Transport Assessment and Junction Assessment, raised no concerns in terms of impact on road safety or traffic progression subject to standard conditions. All roads within the development were to be adopted.

The retention of existing trees and hedges within and along the boundaries of the site including an additional landscaped buffer along the western boundary of the site would also help to mitigate the visual impact of the development on this elevated site.

Due to the elevated nature of the site, it was acknowledged that the development would have the potential to be visible from longer distance views within the surrounding area, one of which was from the Hardford Link area as had been shown on the slide. When reviewing the proposal, Officers requested the scheme to reduce the finished floor level and overall height of some of the proposed dwellings to lessen the potential for the development to appear overly prominent.

The next slides showed how the scheme was amended. Streetscapes one and two were the identified areas of the site that were considered to have the biggest visual impact from wider areas whilst the next slide provided views of the original height of proposed dwellings. These were followed by slides that showed the amended proposal with reduced height and the original height outlined in red.

Examples of some of the proposed house types were shown. The proposed dwellings represented a similar scale and massing to existing adjacent dwellings.

There would be approximately eight house-types within the scheme, each plot would offer varied palettes of materials, alongside variations to the form and massing of dwellings to produce a scheme that offered a bespoke approach to dwelling design per plot.

The design, scale and massing of the proposed housing was very similar to that already developed on the previously approved section of the zoning while also respecting its setting within the LLPA. The proposed house types were reflective and complimentary to existing development in scale, proportions, massing and appearance of the dwellings which respected the established character of the area.

The proposal would not result in any unacceptable adverse impact on amenity by way of loss of light, loss of privacy or an overshadowing/overbearing impact due to the proposed separation distances and landscaped buffers proposed between all of the existing and proposed dwellings.

The development had been designed to respect the topography of the site with the height of dwellings at the edge of the proposed development since reduced to mitigate any potential prominence. Taking account of the undulating nature of the site, the layout had been designed so that the dwellings would step down to the south and west in line with the natural topography of the site. Private amenity space was in excess of recommendations set out in Creating Places with a variety of plot sizes provided.

The majority of trees surrounding site would be retained and integrated into the development. A significant number of the trees within the northern section of the site were protected by a Tree Preservation Order. A tree survey and the Arboricultural Impact Assessment submitted detailed that four trees within the site should be removed due to poor condition along with five additional trees lying within the site to accommodate the development – with there being a total of 80 existing trees within the application site, the removal of only nine trees in total (four of which were dying or dead), their removal is considered to be acceptable. The Council's Tree Officer was consulted on the proposal and as a result conditions were recommended for inclusion in any decision notice.

All development including utility apparatus, was located outside of the root protection areas of existing trees to be retained, with protective fencing to be erected prior to commencement of development with a negative condition to be attached to any decision for additional detailing relating to the construction of fences and other structures within the root protection area of trees to be retained. The methodology would include details of foundation depths and mitigation measures to ensure that there would be no contamination of the soil and what measures would be taken if they were encountered.

Public open space was required for a development of this size which had been assessed and was considered as being acceptable in meeting requirements set out in Creating Places Guidelines and also met policy requirements contained within Policy OS 2 of PPS 8. There were a number of pockets of communal open space proposed throughout the site. In total, these provided an area of approximately just over 4000sqm. As the site was 3.2 hectares, this open space provision would exceed the required 10% (3200sqm).

The following slides showed the three areas of open space provisions; the northern portion of the site which would tie in with existing open space to the east which was

part of the existing housing development. The next portion was in the central portion of the site and a larger area of open space was located to the southern end with the ground levels to be raised and levelled to make the area accessible.

In conclusion, having assessed all material planning considerations as detailed in the Case Officer Report and in the presentation, all concerns raised by objectors had been fully considered and were dealt with in detail in the Report with the agent working with Planning Officers to reach an acceptable scheme with amendments to dwellings to respect the levels on the site.

RECOMMENDED that Council grants planning permission.

Alderman McDowell questioned whether the proposed location for a playground was the best choice and asked what would happen to the two badger sets. The Principal Planner explained that developments of this size required open space. It was not a large playpark and separation distances between existing and proposed development had been considered with no negative impact being anticipated. She reported that works had already taken place with the badgers, which had been relocated, and noted regular badger activity across the site. There was a single, active social group as evidenced by well used trails whilst steps were being taken to move them as construction progressed. Badger protection fencing needed to be installed, and as the location of the main set had been confirmed, the necessary exclusion licences would be granted. She added that all measures were set out in the submitted badger management plan, that there was no evidence of heavy or habitual resourcing, and that no setts would be lost to the development. It was therefore considered unlikely that the badgers would be harmed or disturbed during construction.

Alderman McDowell further remarked that playgrounds often became a source of antisocial behaviour during the summer months, noting that phone calls were frequently received about such issues. He expressed concern that a small piece of land could give rise to similar problems.

Mr Philip Stinson and Mr Stephen Villiers were invited to join the chamber speaking in support of the application.

Mr Stinson welcomed the opportunity to discuss planning in relation to the second phase of the development. He stated that the quality of homes would be carried through as per the first phase of the development and explained that work had been undertaken with Officers to minimise the impact on surrounding properties. This included amendments to design and height, which had resulted in a development that did not compromise residential amenity for existing dwellings and provided a good living environment. He added that he had worked closely with the Tree Officer to ensure integration and that new planting was proposed, which would further enhance the quality of the scheme.

Councillor Smart noted that playparks could present their own issues and asked whether there was any plan for maintenance and management post-construction. Mr Stinson responded that a balance had to be struck in locating the playpark to serve both existing and proposed dwellings. He confirmed that open space would be

managed as part of the plan and that consideration was being given to appointing a company to oversee its upkeep.

Alderman McAlpine asked who would pay for the ongoing maintenance. Mr Stinson explained that the responsibility would lie with the developer and was likely to be funded through an ongoing service charge. He stated that the applicant would set up and maintain the arrangements, which were proposed through the application.

Alderman McDowell referred to page 40 of the documentation and raised questions about surface water and drainage. He highlighted a blue line on the left side of the site and asked whether this was being connected to the existing sewage system or the surface water system. He also mentioned that there had been the existence of a pond and that there had been reference to contamination on the site and expressed concern that water would eventually find its way to Kiltonga. He stressed the importance of water management to ensure contaminated water did not reach the Kiltonga area. Mr Stinson confirmed that the system would be connected into the sewage and pipe facility to ensure there would be no fouling of watercourses. Alderman McDowell further raised concerns about the development bounding existing houses and the potential for overflow to cause problems for adjoining residents. Mr Stinson assured Members that measures would be taken to alleviate any potential risk of such issues occurring.

With no further questions, Mr Stinson and Mr Villiers returned to the public gallery.

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

Alderman Smith stated that the development was of good quality and confirmed that issues relating to trees and site access had been addressed. He indicated that he was content with the proposals.

Alderman McIlveen noted that the area was zoned for development and the principle of development had been established. He explained that concerns raised in the original application regarding visual impact had been dealt with and, as the scheme was an extension of a pre-existing development, he did not see any issues that would justify opposition.

Councillor Kendall advised that she could not support the application on the basis of PPS 2 – Natural Heritage. She argued that there would be harm to badgers and, while she acknowledged the proposed mitigations, she did not agree with them. She could not see how temporarily moving a sett could avoid impacting badgers, emphasising that they were a protected species and reaffirmed her stance was to oppose the application.

The proposal was put to the meeting and declared CARRIED with 8 voting FOR, 2 voting AGAINST, 1 ABSTAINED and 5 ABSENT.

**FOR (8)
Aldermen**

**AGAINST (2)
Aldermen**

**ABSTAINED (1)
Aldermen**

**ABSENT (5)
Aldermen**

Graham
McAlpine
McIlveen
Smith

McDowell

Councillor
Kendall

Councillor
McClean

Councillor
Harbinson
Kerr
McCollum
McKee
Morgan

Councillors
Cathcart
Hennessy
Smart
Wray

RESOLVED, on the proposal of Alderman Smith, seconded by Alderman McIlveen, that the recommendation be adopted.

RECESS

The meeting entered into recess at 20:58 and recommenced at 21:14.

4.3 LA06/2022/0262/F – APPROXIMATELY 200M SE OF 110 KEMPE STONES ROAD, NEWTOWNARDS

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Newtownards

Committee Interest: Called in from Delegated List

Proposal: Retention of private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associate landscaping and planting (Retrospective)

Site Location: Approximately 200m SE of 110 Kempe Stones Road, Newtownards (with existing access to Greengraves Road)

Recommendation: Refuse Planning Permission

The Senior Planning Officer (J Hanna) explained that Item 4.3 was a full application that sought the retention of a private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associated landscaping and planting. The application had been called in from the delegated list for consideration for Committee. The recommendation of Officers was to refuse planning permission. No objections had been received in relation to the application and statutory consultees were all content with the proposal.

The site was located to the south of the Kempe Stones Road with an access off an existing laneway which joined the Greengraves Road. The site was located within the countryside as per the Ards and Down Area Plan 2015. The surrounding area was predominantly agricultural with the nearest residential receptor located at 110 Kemp Stones Road approximately 200m to the north west.

As could be seen in the site layout plan, the development hugged the western edge of the pond with the amenity area to the north and a large grassed area and wildlife

hide to the southeastern end. Adjacent to this was a bridge which connected to the larger island within the pond.

Using orthophotography, it was shown that the pond had been in existence for some time, with the land on which the development is situated appearing to be part of a larger field. Enforcement action had been ongoing relating to the development on-site since August 2020 with the current application being a result of this. Members were shown slides that evidenced the amenity building which was erected in 2021 as well images of the features under consideration in the application.

Members were asked to note that there were some additional elements to the development which were not under consideration within the current application but fell under the ongoing enforcement investigation which would be highlighted to Members throughout the presentation.

Images from Kempe Stones Road showed that the development was largely obscured and would not be perceptible to most passing traffic and another image was shown of the approach from the Greengraves Road. The access lane to the site ran through the trees and there were no views of the development due to its siting within the topography. Officers were content that the development integrated within the landscape and, with adequate separation distance, there was not an adverse effect on residential amenity.

The access into the site was on an informal track through trees with fencing at the site. The main area was enclosed by a metal fence forming a compound with planting in front of it while the entrance to the compound was through a pergola attached to the wildlife hide.

Members were provided with views of the floorplans and elevations of the hide and pergola. The hide itself was a metal container with timber cladding on two sides and there was also a platform area encroaching on the pond. This had not been indicated on any of the provided plans and did not form part of the application. Members were asked to note that on a site visit, the hide appeared to be used for storage, holding items such as a lawnmower.

The bridge element of the application was shown with associated fencing alongside it and gates to restrict the access. A further slide provided another view of the bridge onto the central island with picnic tables for use.

Images were shown of the floorplans and elevations of the amenity building. It was a sizeable building at 204sqm. The two store areas that could be seen were in fact shipping containers contained within the structure. There was an external covered porch and a large central area. Officers were of the view that this was the main element of development on site and the other aspects were ancillary to its use. With regard to the main compound, there was an amenity building within and other elements nearby and with the appearance of a large garden area.

An image was presented to Members that showed an extensive seating area in front of the amenity building. This was not included within the application.

Views were shown in the opposite direction from the compound. There was a steel framed swing set and another shelter building to the right. These were not included within the application. A further shelter structure was situated in the corner of the compound which again did not form part of the application.

Returning to the amenity building, an image showed the side of the building fronting the pond and it was noted that there was additional seating and storage. The next image indicated the development at the corner of this side where there was again what appeared to be a seating area while there was also a platform which extended outward to the pond.

In the area to the rear of the building, one of the containers could be seen which made up the storage space along with additional fencing. A view of the extent of the covered porch area was shown to Members and, in the final slide, a view of the internal space of the building was shown. Supporting information provided with the application indicated that the building was intended to be used as a shelter with some basic facilities such as toilets, viewing gallery, exercise equipment etc. It was quite a large space with a large number of sofas and a bar to the rear. It would appear that it was mainly in use as an entertaining area.

Officers were recommending refusal as the proposal was contrary to the SPPS and CTY 1 of PPS21 in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.

Members were shown details from the SPPS in regards to the countryside. This was a material consideration of the application and aimed to protect the countryside from inappropriate development to facilitate sustainable development.

Policy CTY1 was material and set out a range of types of development which, in principle, were considered to be acceptable in the countryside. In considering the policy, the first question that needed to be asked was what development was being proposed.

As had been shown in imagery and, given the scale of the amenity building, this was a large area which appeared primarily to be used as one would use their back garden. Normally such uses were associated with the curtilage of a dwelling house. In this instance however, the applicant did not live on-site and this was not in association with any dwelling. In this respect, it did not meet an instance where development would be acceptable.

As Officers had considered this as more akin to a domestic back garden, it did not engage any of the other instances. This was not the end of the consideration however, as the policy did allow for other types of development provided that there were overriding reasons why that development was essential and could not be located within a settlement. No evidence had been submitted to demonstrate that the development was essential and subsequently the proposal failed to comply with CTY1.

In consideration of the application, the applicant had put forward the argument that the proposal should be considered under the instance for outdoor sport and

recreational use in accordance with PPS8. Policy OS3 of PPS8 would be relevant in this case and was shown to Members. The justification and amplification of OS3 provided examples of types of development which were considered under the policy. These included golf courses, driving ranges, equestrian uses, noisy sports and temporary recreational uses such as clay pigeon shooting. Again, the question had to be asked, what was the development being considered. Officers were of the opinion that the use of the development was as a private amenity space and did not fit within the scope of Policy OS3.

Further justification of the development was put forward, arguing that more intensive developments such as glamping schemes or fishing would be approved. An example of an amenity building granted under LA06/2020/0014/F at Movilla Road for an angling club was cited, arguing that it *“would be neither rational, logical, nor policy compliant to refuse a modest recreational proposal which is only for personal enjoyment when other more intensive uses of the facilities would most likely be acceptable under other rural policies”*

Officers had noted that this more intensive use had resulted in the creation of 147sqm of floorspace in comparison to this proposal creating 219sqm. It was important to note that each application was judged on its own merits. Other types of development allowed under CTY 1 contributed to the aims of managing the countryside in a sustainable manner in different ways.

It was also argued that there would be no precedent set by the development. It was worth noting that the Planning Committee had to be consistent in its approach to decision making and blurring lines between private amenity space and outdoor recreation would have implications in potentially setting a precedent.

In summary, it was considered that the proposal did not accord with the SPPS or Policy CTY1 and was recommended for refusal for the stated reason within the report.

RECOMMENDED that Council refuses the planning application.

Alderman McIlveen referred to Policy OS3 under PPS8 and queried why it had been ruled out, asking if it were that the site was considered private amenity rather than recreational use. The Officer confirmed that, when Officers had visited, the space appeared more akin to the use of a back garden. He explained that it was a large entertaining area capable of accommodating many people. Although the application suggested the area had been intended for enjoyment of natural wildlife, Officers had judged it to resemble a private garden rather than an outdoor recreational facility. He noted that under Policy OS3, the definition of outdoor recreational use was a matter of judgement, but in this case the presence of a 204sqm building on the site, which was the primary function around which all activity related, meant the space was not necessarily outdoor recreation. The Officer further addressed Criterion 6, which required ancillary buildings to be of a high standard. He observed that the enjoyment of a pond necessitating two shipping containers and a 204sqm building ultimately reinforced the view that the site was a private amenity space rather than outdoor recreation such as horse riding or hiking.

Alderman McIlveen queried whether a wildlife hide pagoda could be considered part of outdoor pursuits. The Officer acknowledged that, in principle, a wildlife hide could be regarded as such. However, in this case the facts showed otherwise: the site was sizeable, but the hide formed only a small part of it and was not being used as a hide. Instead, it contained boxes and a lawnmower, and functioned as storage. He explained that the large building dominated the site and was used as an entertainment area, with all activity relating back to it. While wildlife hides were typically located away from developments to encourage wildlife, here the amenity building and the hide were situated only about 30 metres apart, which Officers considered to be an unusual arrangement.

Mr David Donaldson was invited to the Chamber, speaking in support of the application.

Mr Donaldson advised that the application had been submitted nearly four years earlier. Unfortunately, the applicant was abroad for that evening's meeting and a request to postpone consideration until February's Committee had been declined.

The proposal involved the creation of a wildlife retreat, constructed from recycled materials during the Covid period, intended for the applicant, family, and friends to enjoy. The retreat was located on low-lying land, screened from public view, and accompanied by the planting of 5,000 trees on a former landfill site.

It was argued that the development fell within PPS 8 provisions for open space, sport, and recreation. The policy was positively worded and permitted outdoor recreational use. The Committee report had accepted that there would be no adverse effect on nature, no loss of farmland, no impact on residential amenity or farming operations, and no impact on the road network. Officers had acknowledged that the wildlife hide could be considered recreational but had concluded that the overall site functioned as a garden area and therefore did not fall within policy.

Mr Donaldson disputed this interpretation, emphasising that recreation was broadly defined. Reference was made to the Cambridge Dictionary definition of recreation as "a way to enjoy oneself when not working," and to the SPPS introductory text, which described opportunities to participate in sport or outdoor activity and to have contact with nature. It was argued that the development delivered precisely this, promoting active and healthy lifestyles, conservation of biodiversity, and passive enjoyment of natural areas. Open space, including inland bodies of water, was cited as part of the policy framework.

Mr Donaldson contended that the development was clearly recreational, particularly given its location with a wildlife point. He questioned the logic of refusing a modest facility when more intensive uses were permitted under PPS8, citing examples such as Movilla fishery with a dwelling building and noted that the applicant's site could potentially support fishing, stabling, or glamping pods, all of which would fall under the policy. He stressed that the proposal caused no harm, was not a household development, and, if Members remained in doubt, the applicant would welcome a site visit.

Councillor Wray asked what Mr Donaldson's view was regarding the shelter being perceived as the main element of the application. Mr Donaldson did reference the building as sizeable but explained that it consisted of three shipping containers arranged in a U-shape, with a roof over the central area. He noted that the structure had been clad with timber to integrate with its surroundings and described it as a sustainable development. The shelter provided indoor space for the applicant and family during poor weather and outdoor space during better conditions. The outdoor area was associated with the woodland and pond. These features had attracted wildlife such as Irish black bees and swans on the lake. The development had been geared around enjoyment of the lake and walks, while also providing space for barbecues and seating areas, created for the applicant and his extended family.

Councillor Cathcart remarked that photographs of the indoor space suggested it was extensive and not merely a shelter, noting that it even contained a bar. He raised concerns that the development appeared to be a private amenity space and questioned whether it might set a precedent, particularly in light of references to glamping and similar uses. Mr Donaldson explained that the wildlife pond had been the stimulus for the project, alongside woodland planting, and that the shelter had further enhanced the site to provide covered facilities for the applicant and family to use during summer days. He stated that the indoor space was not particularly large, being confined to the area within the U-shaped containers. He added that the site contained a significant amount of sporting equipment used by the family for exercise and enjoyment, as well as walks and activities around the lake.

Alderman Smith expressed concern about the definition of recreation, noting that it could encompass so many different things, even a bowling alley. He questioned the purpose of the development, acknowledging Mr Donaldson's explanation but pointing out that the amenity site measured 12 by 17 metres, equivalent to the size of the Council Chamber they stood in, and therefore represented a sizeable footprint. He warned that Officers had interpreted the development as not constituting outdoor recreation and that similar projects could create a precedent if permitted, as anyone could purchase land in the countryside and undertake such works. Mr Donaldson reiterated that the purpose of the development was to enable the applicant to enjoy the natural asset of wildlife. He highlighted the woodland track to the pond and the planting of 5,000 trees to facilitate that enjoyment and explained that the building had not been constructed as a conventional 200sqm structure but had been created in a sustainable manner to provide facilities for family enjoyment of wildlife and walks. He argued that, had the lake not existed, Alderman Smith's point would be valid, but in this case, the definition of recreation was wide. He made a distinction between Alderman Smith's reference to a bowling alley, which would not be considered as outdoor recreation, and fishing, which would be, noting that there were numerous examples of developments using containers that had been approved. He suggested that, hypothetically, if the site were presented as an amenity around a fishing lake, it would become a fishing habitat and the associated facilities would be acceptable.

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

Proposed by Councillor Kendall, seconded by Councillor Cathcart, that the recommendation be adopted, that planning permission be refused.

Councillor Kendall stated that she had read the justification and amplification under policy and had taken under consideration its key points on contribution to the rural economy, promotion of tourism, and provision for the local population. She expressed the view that the Officer's interpretation; that the proposal was not permissible due to being a personal, private space, was correct under policy. She acknowledged that Mr Donaldson had suggested that, if the use were different, it might be considered otherwise, but she noted that this was not the matter before Members and therefore accepted the Officer's position.

Alderman McIlveen disagreed, arguing that the justification acknowledged the contributions such developments could make, but did not require them as a fundamental necessity, pointing out that the key aspect was the countryside being available for recreation. If the proposal constituted a recreational pursuit, then the wording of the policy supported such facilities. He pointed out that the policy did not specify any exclusion of private recreational use and therefore did not accept that this aspect should be ruled out.

The proposal was put to the meeting and declared CARRIED with 8 voting FOR, 2 voting AGAINST, 1 ABSTAINED and 5 ABSENT.

FOR (8)
Aldermen
 McAlpine
 McDowell
 Smith

AGAINST (2)
Aldermen
 Graham
 McIlveen

ABSTAINED (1)
Aldermen

ABSENT (5)
Aldermen

Councillors
 Cathcart
 Hennessy
 Kendall
 Smart
 Wray

Councillor

Councillors
 McClean

Councillor
 Harbison
 Kerr
 McCollum
 McKee
 Morgan

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Cathcart, that the recommendation be adopted.

4.4 LA06/2025/0564/F – 16 THE BRAE, GROOMSPORT

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor East and Donaghadee

Committee Interest: Called in from delegated list

Proposal: Extension to rear raised terrace (retrospective) with new steps

Site Location: 16 The Brae, Groomsport, BT19 6JQ

Recommendation: Grant Planning Permission

The Senior Planning Officer (A Todd) explained that Item 4.4 had been recommended for approval and was being presented this evening as it had been

called in by a Member of the Planning Committee requesting further consideration of the impact of the development on the privacy of the adjacent dwelling at No. 14 The Brae.

The site was located within a well-established residential area of Groomsport. The Brae rose steeply from west to east and was characterised predominantly by single storey and split level dwellings which respected the rising topography.

The property at No. 16, was single-storey, occupying almost the full width of the plot. To the rear was a small garden area with a sunroom and the recently constructed, unauthorised terrace. The proposal sought retrospective permission to extend the original raised terrace located off the conservatory at the rear of the dwelling. Members were shown an image of the original site layout and a photograph of the original raised terrace and steps. While the existing sunroom and the original raised terrace did not have the benefit of planning permission, both had been in situ for a considerable time since at least 2014 according to orthophotography records and were therefore immune from enforcement action.

The next slide showed the proposed extended terrace and steps. The extension was considered to be small in scale adding an additional 0.9m in length to the original 1.5m deep terrace. A higher 1.2m obscure screen was also proposed to replace the original 0.9m high fence around the terrace which would provide improved screening to the neighbouring property at No. 14 when the terrace was being used as a seating area. Four letters of objection had however been received from the occupant of No. 14 The Brae in relation to the proposal with the main concern being loss of privacy to rear facing rooms and the rear garden area.

By way of the background to this application, the Planning Service had received a complaint in December 2024 in relation to the construction of a terrace extension at the property. Following investigation by the Council's Planning Enforcement Team, a retrospective application for the extension was submitted in February of this year under reference LA06/2025/0095/F. Members were shown images which outlined the extent of the retrospective terrace proposed under this application and as constructed on site. This application was recommended for refusal by the Planning Service on the grounds of an unacceptable loss of privacy and the potential for an unacceptable level of noise and disturbance to No. 14 given the scale of the terrace and then was subsequently withdrawn by the applicant.

The current application under consideration was submitted in June of this year and proposed a scaled back version of the previous proposal. Should this current proposal for a smaller extension be approved, the additional unauthorised terrace area on site would need to be removed, and it had therefore been recommended that this was secured by way of a planning condition requiring removal of the unauthorised area within eight weeks of the date of any permission.

The size of the terrace extension proposed under the current application had been reduced significantly from 2.7m in depth to 0.9m as shown on the comparative floor plans, constituting only a small increase to the original 1.5m deep terrace. Policy EXT1 of the Addendum to PPS7 required that proposals should not unduly affect the privacy or amenity of neighbouring residents, however the policy also recognised

that except in the most isolated rural locations, few households could claim not to be overlooked to some degree. The test was therefore not that there should be no overlooking at all between properties but that the extent of overlooking should not be of an unacceptable degree. This required the application of judgement taking account of relevant material planning considerations including the existing extent of overlooking experienced and the potential overlooking from development which could be constructed under Permitted Development (PD) rights.

The original terrace would have been large enough to accommodate a couple of chairs for sitting out. The small extended area would allow a small table and possibly a couple of extra chairs to be located on the terrace which would not be considered to result in any significantly greater impact by way of overlooking or noise and disturbance. A 1.2m high obscure screen was proposed which would be high enough to prevent views towards No. 14 when the terrace was being used as a seating area. This was considered to be a betterment, providing a greater degree of screening than the original 0.9m high fence which would have still allowed direct views towards No. 14 from a seated position. Any planning approval would be subject to a condition requiring erection of this screen within eight weeks of the date of decision as well as the works to remove the remaining unauthorised terrace area.

Photographs taken on site by the Case Officer were shown to Members of the view from the terrace towards No. 14. The first photograph was taken from the position of the original terrace adjoining the conservatory and the second photograph from 0.9m beyond this in the position of the proposed extended area of terrace. These photos clearly demonstrated that the difference between the two viewpoints towards No. 14 was negligible and as such, it was considered that the proposed extended area would result in no significantly greater impact by way of overlooking towards the rear of No. 14.

Further photographs taken from the rear garden of No. 14 prior to construction of the extended terrace clearly demonstrated the extent of original views towards the rear of No. 14 from the conservatory, terrace and steps. It was not considered that the small 0.9m extension to the original terrace would result in any greater degree of overlooking than this original long established arrangement which must be taken as the baseline for consideration of the current proposal.

The current views from the rear windows of No. 14 towards No. 16 were presented in the slides. At present, the larger unauthorised terrace extension was visible from each of these windows, however these views were from an oblique angle rather than directly facing these windows. The proposed, reduced terrace with obscure screen would be set 1.8m back from the unauthorised terrace which would further reduce the extent of views towards these windows. The reduction in the overall scale would also reduce the potential for the terrace to be used as an outdoor entertainment space, reducing the number of people that could be accommodated and the potential for an unacceptable level of noise and disturbance.

When assessing the impact of development proposals on adjacent properties, one of the material considerations that must be taken into account was the extent of potential development that could be erected under PD rights without the requirement for planning permission. In this instance, the applicant would be able to erect a larger

fully glazed conservatory within only 2m of the party boundary as delineated in blue in imagery. It was considered that this larger conservatory in much closer proximity to the party boundary would be likely to result in a greater impact on the privacy of the rear windows and amenity space of No. 14 than the existing conservatory and proposed extended terrace positioned approximately 5m away from the party boundary.

In summary, the Planning Service had carefully considered the impact of the extended terrace area proposed under the current application. While the previous proposal for the larger terrace was considered to be unacceptable given its scale and potential to accommodate a much larger number of people, it was not considered that the current proposal for a small extension of 0.9m would result in any significantly greater impact on the privacy or amenity of No. 14. This smaller area would be just large enough to accommodate a small table and chairs and proposed an obscure screen which would prevent overlooking when the terrace is being used as a seating area. Most importantly, when considered against the potential impact of development that could be erected by the applicant under PD rights, it was not considered that the current proposal would result in any significantly greater impact. Taking account of all these material factors, it is recommended on balance, that planning permission should be granted subject to the conditions set out in the planning report.

RECOMMENDED that planning permission be granted.

Councillor Cathcart queried PD rights allowing the extension of a conservatory. The Officer explained that an extension to the rear would be measured from the original elevation of the dwelling. She confirmed that it would be possible to remove the existing conservatory and construct a larger one, provided it was within two metres of the party boundary.

Mr Colin Taylor, speaking against the application, was invited to the Chamber to speak on the matter.

Mr Taylor stated that both he and his wife were opposed to the proposal on the grounds of invasion of privacy, explaining that it overlooked their entire back garden. He recalled that on the second site visit, an Officer had waved across from the application site which exemplified the privacy levels. He had been surprised and disappointed that the second proposal was recommended for approval and argued that, regardless of the size of the decking, the same principles should apply. He noted that while the original structure had been deemed immune, its lawfulness was questionable, and he criticised the merits of using something already wrong as a legitimate baseline. He referred to the original report, which had stated that the proposal would make a bad situation worse, and asserted that approval of the latest proposal would do exactly that.

Mr Taylor explained that the limited size of the original structure realistically meant it could only be used for garden access, and if this were not the case, then any extension would not have been necessary. He highlighted the back return of the property and its windows, stating that ideally, he would like to see a return to the

status quo, though he acknowledged this seemed unlikely. Despite this, Mr Taylor and his wife wanted to be reasonable and reach a fair resolution.

He acknowledged that the fence had been raised to 2m but argued that this had no real impact, as it would need to be at least 4m high to be effective, which would be impractical and unsightly. Instead, he proposed that the westerly side be fitted with 1.8m obscured glass panels, facing both their garden and that of their neighbours, who had also objected on grounds of invasion of privacy. The proposed 1.2m panel offered no privacy for anyone. In support of this, he referred to the statement in the original report, which had suggested that a 1.8m screen on the terrace and obscuring the side of the conservatory would mitigate overlooking. In conclusion, Mr Taylor believed that their proposed compromise would not resolve the issue entirely but would prevent it from being exacerbated, while still allowing neighbours to retain their terrace and views.

Councillor Cathcart noted that, as the existing structure was immune from enforcement, the debate concerned a 0.9m extension. He asked whether, notwithstanding Mr Taylor's preference for higher screening, he was content with the 0.9m extension. Mr Taylor confirmed that he would be fine with this.

Councillor Hennessy asked whether Mr Taylor accepted that a degree of overlooking always occurred between houses, and Mr Taylor agreed. Councillor Hennessy then asked for clarification on whether the large conservatory resulted in overlooking, to which Mr Taylor also agreed. When asked to what degree the extension would make matters worse, Mr Taylor stated that it would extend the overlooking aspect. Councillor Hennessy further queried whether the 2m fence erected by neighbours had any real impact. Mr Taylor explained that the fence had originally been five feet high and, even when raised to 2m, the base of the deck remained higher than the fence and that when standing on the deck, occupants were still above the fence line, meaning it made no difference to the overlooking issue.

With no further questions, Mr Taylor returned to the gallery.

Mr Paul Lavery, speaking in support of the application, attended via Zoom and was asked to speak on the matter.

Mr Taylor advised that he was a Chartered Surveyor by profession, affirmed that he and the applicant had worked with Planning Officers to achieve a solution that was acceptable for the site and consistent with policy requirements. He stated that his client's intention was to complete the process with the Planning Office as soon as possible and within the timeframes set out in the conditions of the recommended approval.

As Members had no questions, Mr Taylor returned to the digital public gallery.

Councillor Cathcart raised the issue of obscure glazing, asking why the proposal specified a height of 1.2m rather than 1.8m. The Officer explained that the 1.2m height had been put forward by the agent and would be sufficient to prevent anyone sitting from viewing over it. She noted that it was a matter of what was reasonable to

insist upon, given the extent of views already available from the fully glazed conservatory and the potential views that could arise under PD rights.

Councillor Cathcart queried the size of the proposal and the reference to sitting positions. The Officer responded that if standing, one would normally see over a 1.2m screen, whereas 1.8m was above the average eye level of 1.7m and was therefore the usual requirement. She emphasised that the assessment had to take into account the existing situation and how the proposal compared to what could be achieved under PD rights.

Councillor Cathcart felt that the proposal would overlook into the kitchen and, as it was a balcony, it could be used for recreational purposes rather than being limited to sitting. The Officer acknowledged that people could stand there, but considered it more likely to be used as a sitting-out area. She questioned whether the impact of someone standing on the balcony would be greater than that of someone standing in the conservatory or in a larger structure that could be built under PD rights. She concluded that it was a matter of judgement, but on balance, Officers recommended approval after considering all factors.

Alderman McIlveen asked whether the Committee could impose a condition requiring 1.8m panels, given that only 1.2m had been proposed. The Head of Planning clarified that the Committee could not change the proposal itself, but as Officers were already recommending a reduction, a condition could be attached requiring a higher screen.

Councillor Kendall sought clarification on something being built under PD rights that would be worse than the current proposal. The Officer confirmed that this was correct, explaining that the blue line on the plans indicated roughly what could be built. She stated that a single-storey extension could project 4m beyond the original wall, no higher than 4m, and within 2m of the boundary. If within that distance, the eaves would have to be 3m, but there would be no restriction on windows. The Officer emphasised that, given the nature and topography of the site, overlooking would always occur, even with a large rear window providing direct views into the garden. She concluded that the key consideration was whether the proposal would make the situation significantly worse to the extent of causing sufficient harm to warrant refusal. In Officers' judgement, it would not, though she acknowledged it was ultimately a matter of judgement. Councillor Kendall asked about the height of glass and the Officer confirmed that the obscured glass on the balcony was 0.9m.

Proposed by Councillor Cathcart, seconded by Alderman McIlveen, that planning permission be granted with conditioning for the 0.9m obscured glass to be replaced with 1.8m obscured glass.

Councillor Cathcart suggested his proposal would move toward a compromise on the issue of overlooking. He stated that he would be concerned if it were his own home and believed it was within the scope of the Committee to require obscure screening. He added that he would have preferred to see the conservatory itself obscured but acknowledged that this was not enforceable. Councillor Cathcart surmised that, had the conservatory been subject to a planning application, Officers would likely have recommended obscure glazing at the outset. Given the nature of the site and its

views into a neighbour's kitchen, he considered that a condition requiring higher, obscure panelling would be a reasonable step.

Alderman McIlveen recognised the potential impact and expressed concern about the adverse effect on private amenity space. He described the neighbour's willingness to accept a 1.8m screen as a generous compromise and stated that he was happy to second this proposal. He added that, having heard the discussion, he would not have supported granting planning permission without such an amendment.

Councillor Hennessy stated that he could appreciate the elevated position of the site, which already resulted in significant overlooking. He noted that some amendments had been made to reduce the scale of the proposal but argued that a 1.8m screen on a small terrace would be out of place and unreasonable. He reminded Members that, even if a conservatory were permitted, it could be constructed with any type of glazing. He concluded that, as the site was already overlooked and the proposal had been reduced slightly, the situation was not ideal for neighbours but he did not agree with the amended proposal.

Councillor Smart expressed understanding of the attempt to find a compromise but agreed with Councillor Hennessy that there was little point in imposing further conditions. He sympathised with all parties but observed that the topography of the site was the underlying cause of the situation. He remarked that the existing conservatory was fully glazed, and it seemed peculiar to permit visibility through one window but not another.

Alderman McDowell agreed with the previous speakers, stating that a 1.8m obscured glass screen would look out of place and would not provide an attractive solution to the problem. He confirmed that he could not support the proposal.

Alderman Graham also appreciated the attempt to reach a compromise but noted that a 1.8m screen, equivalent to 70 inches, would only be surmounted by a very tall person. He suggested that people were more likely to sit on the terrace than stand for long periods. While he understood the effort to find a solution, Alderman Graham stated that he would not be content with it.

The proposal was put to the meeting and declared FAILED with 3 voting FOR, 5 voting AGAINST, 3 ABSTAINED and 5 ABSENT.

FOR (3)
Aldermen
 McAlpine
 McIlveen

AGAINST (5)
Aldermen
 McDowell
 Smith

ABSTAINED (3)
Aldermen
 Graham

ABSENT (5)
Aldermen

Councillors
 Cathcart

Councillor
 Hennessy
 Smart
 Wray

Councillors
 Kendall
 McClean

Councillor
 Harbinson
 Kerr
 McCollum
 McKee
 Morgan

Proposed by Councillor Smart, seconded by Councillor Hennessy, that the original recommendation be adopted.

Alderman McIlveen stated that the proposal did not fall within PD rights, noting that if it had, an application would not have been required. He explained that the measurements went beyond what was allowable under PD rights. He recalled the comment made by others of obscure glass in one part not being appropriate when combined with clear glazing elsewhere, which he felt created contradictions. He concluded that he did not agree with the proposal and maintained that it represented an excessive level of interference with private amenity space.

The proposal was put to the meeting and declared CARRIED with 5 voting FOR, 4 voting AGAINST, 2 ABSTAINED and 5 ABSENT.

FOR (5)
Aldermen
 McDowell
 Smith

AGAINST (4)
Aldermen
 McAlpine
 McIlveen

ABSTAINED (2)
Aldermen
 Graham

ABSENT (5)
Aldermen

Councillors
 Hennessy
 Smart
 Wray

Councillor
 Cathcart
 Kendall

Councillors
 McClean

Councillor
 Harbison
 Kerr
 McCollum
 McKee
 Morgan

RESOLVED, on the proposal of Councillor Smart, seconded by Councillor Hennessy, that the recommendation be adopted.

4.5 LA06/2025/0544/F – LOWRY'S WOOD, DONAGHADEE ROAD, GROOMSPORT

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor East and Donaghadee

Committee Interest: Land in which Council has an interest

Proposal: Replacement field gate and upgrade of mown grass trails to compacted gravel trails, with trail infrastructure including signage, wayfinding and seating.

Site Location: Lowry's Wood, Donaghadee Road, Groomsport

Recommendation: Grant Planning Permission

The Officer (A Todd) explained that Item 4.5 had been recommended for approval and was being presented to Planning Committee as it was located on land in which Council had an interest.

The site consisted of a small, wooded area on the southern side of the Donaghadee Road just under a mile outside the settlement limit of Groomsport. It was surrounded

by agricultural land, Portavoe Reservoir to the south and several dwellings to the north and east.

The woodland was managed by the National Trust, had grassed trails around the perimeter and was currently accessible from the Donaghadee Road via a metal field gate. Some of the existing paths within the site as well as existing access and National Trust signage were shown to Members.

The agent was commissioned by the Council to conduct a feasibility study into the development of a community trail at the Wood as part of a community trail development program funded by the DAERA Environment Fund Strategic Strand. These community trails were intended to help deliver on the new Outdoor Recreation Indicator in the Programme for Government Wellbeing Framework by increasing the percentage of households in NI with accessible natural space within 400 metres.

Members were shown the proposed layout of the paths and location of the various benches, way finders and information panels proposed. The paths would primarily follow the existing trails on the site and would be laid with a compacted gravel surface providing a more accessible trail that could be used by the local community all year round.

Plans for the proposed seating and picnic benches, the proposed information panel, way finders and timber access gate were shown on screen. With the proposal involving works to existing open space, the application had been assessed against the policies contained within the SPPS and Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation. Ease of access to open space for everyone was recognised within the Regional Development Strategy alongside a commitment to safeguard and enhance existing outdoor recreational space within the countryside which this proposal would support.

Policy OS3 of PPS8 set out a presumption in favour of proposals for outdoor recreational use in the countryside subject to compliance with various criteria. These had been considered in detail in the Case Officer's Report, and the Planning Service was content that the proposal would comply with all of the listed criteria. These included visual impact on the character of the area, impact on natural and built heritage, impact on residential amenity and traffic impact. The proposed works were considered to be minor in nature, enhancing an existing open space facility. Statutory bodies consulted on the application included NIEA Natural Heritage and DFI Rivers. An Ecological Survey was submitted with the application and considered by NIEA who had confirmed it was content that there was unlikely to be a significant impact on protected or priority species and habitats as a result of the proposal.

DFI Rivers had advised that reservoir inundation maps indicated that the site was in a potential area of inundation emanating from the Portavoe Reservoir with the overall hazard rating considered high. While Policy FLD 5 of PPS 15 stated that there would be a presumption against any development located in areas where it was indicated that there was the potential for an unacceptable combination of depth and velocity, only a small area in the south eastern corner of the site lay within the predicted inundation area as was shown on the slides. The Planning Service also considered that determining weight should be afforded to the established outdoor recreational

use already at this site with the proposal enhancing the existing facility rather than proposing any extension or significant intensification of use. Therefore on balance it was considered that the proposal was acceptable in this regard and would not result in any increased safety risk at this location.

In summary, the Planning Service was satisfied that the proposals for the enhancement of the existing facility were in compliance with the relevant planning policies and will contribute positively to the offering of outdoor recreational facilities in this part of the Borough. No objections from any third parties had been received and it was recommended that full planning permission should be granted.

RECOMMENDED that planning permission be granted.

RESOLVED, on the proposal of Councillor Hennessy, seconded by Councillor Smart, that the recommendation be adopted.

4.6 LA06/2025/0104/F – PARKING BAYS TO FRONT 22 FRANCES STREET, NEWTOWNARDS

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Newtownards

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Parking bays to front 22 Frances Street, Newtownards

Recommendation: Grant Planning Permission

The Planning Manager explained that LA06/2025/0104/F was a full application that sought the permanent retention of a parklet. The application was before Committee as the Council was the applicant.

No objections had been received in relation to the application. Environmental Health was content with the proposal however DfI Roads had offered objection. This related to the granting of a licence and sat outside the remit of planning. No issues regarding road safety were raised.

The site was located to the front of 22 Frances Street, Newtownards, and had been in place following a grant of temporary permission in September 2022. It sat within the town centre as designated under the Ards and Down Area Plan 2015 and was in an area characterised by its commercial use. The parklet itself was located on parking bays in front of the Ulster Bank. There were no residential receptors in proximity of the development and it was considered that there would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measured 11m x 2m. The parklet had a low profile in the context of the street and blended into its set back position from the road. It had been constructed so that it was level with the existing footpath.

HED was consulted in respect to the nearby Town Hall however, was content the Town Hall had a sufficient presence in situation and scale to be unaffected by the proposal.

There were no direct policy provisions for such development, however the SPPS acknowledged it was important that planning supported the role of town centres and contributed to their success. While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre.

The proposal would result in the loss of two parking spaces, however the development had been in place for a period of time and there had not been a significant adverse impact while there was provision of parking elsewhere within the town centre. The proposal should not prejudice road safety or the flow of traffic.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

Alderman McIlveen noted that the parklets had been in place for some time, explaining that their main purpose had been to provide outdoor space during Covid, but that they had been approved after the pandemic. He questioned how often they were used, observing that two parking spaces had been lost as a result. The Officer stated that there were no measurements or figures available on usage but reported that, during a site visit, he had observed the parklet being used early in the morning in the rain. He acknowledged that he was unsure of usage levels at different times of day but confirmed that the parklets were being used as street furniture.

Alderman McIlveen recalled the installation of tables and chairs, including chess boards in Conway Square since the parklet was introduced and asked if this had been weighed against keeping the parklet in place. The Officer confirmed this and emphasised that such spaces were important, particularly for people with limited mobility. He referred to research suggesting that opportunities to stop regularly increased accessibility. He acknowledged the loss of parking spaces but argued that the provision of parklets was a positive step in building vibrant town centres.

Alderman McIlveen asked whether any assessment had been made of whether the parklet was in the right location or whether a better site could have been chosen. The Officer advised that nothing had been put before the Planning Service in this regard. Alderman McIlveen recalled that permission had been granted for a parklet further up the street at the same time as other permissions, but that it had not been erected. The Officer confirmed that another parklet had been installed further down the street toward the bakery.

Alderman McIlveen expressed doubt about whether the current location was appropriate, given the loss of two spaces in the middle of the town. Alderman McDowell responded that such questions about whether parklets should be located

elsewhere were matters for the Place and Prosperity Committee. He argued that it was unfair to raise issues that had not been discussed with the relevant information provided. He concluded that the present discussion was about whether the parklet should be granted planning permission again, and that questions of location should be addressed in the appropriate forum.

The proposal was put to the meeting and declared PASSED with 6 voting FOR, 3 voting AGAINST, 1 ABSTAINED and 6 ABSENT.

FOR (6)	AGAINST (3)	ABSTAINED (1)	ABSENT (6)
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Aldermen

McAlpine
McDowell
Smith

AGAINST (3)

Aldermen
Graham
McIlveen

ABSTAINED (1)

Aldermen

ABSENT (6)

Aldermen

Councillors

Hennessy
Smart
Wray

Councillor

Cathcart

Councillors

McClean

Councillor

Harbison
Kendall
Kerr
McCollum
McKee
Morgan

RESOLVED, on the proposal of Alderman McDowell, seconded by Councillor Wray, that the recommendation be adopted.

[Councillor Kendall left the meeting at 22:33]

4.7 LA06/2025/0102/F – PARKING BAYS TO FRONT OF 44A-46 HIGH STREET, NEWTOWNARDS

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Newtownards

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Parking bays to front of 44a-46 High Street, Newtownards

Recommendation: Grant Planning Permission

The Senior Planning Officer (J Hanna) explained that LA06/2025/0102/F was a full application that sought the permanent retention of a parklet. The application was before Committee as the Council was the applicant.

Two objections had been received in relation to the application. These raised issues were with regard to drainage infrastructure, loss of parking and the merit of parklets. Environmental Health was content with the proposal, however, DfI Roads had offered objection. This related to the granting of a licence and sat outside of the remit of planning. No issues regarding road safety were raised.

The site was located to the front of 44a-46 High Street, Newtownards, and had been in place following grant of temporary permission in September 2022. It sat within the town centre as designated under the Ards and Down Area Plan 2015 and was in an area characterised by its commercial use. The parklet itself was located on parking bays in front of the UPS office. There were no residential receptors in proximity of the development and it was considered that there would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measured 11m x 2m. The parklet had a low profile in the context of the street and blended into its set back position from the road. It had been constructed so that it was level with the existing footpath.

An issue was raised regarding potential for localised flooding and drainage around the parklet. Officers had conferred with the relevant section within Council and were aware of the issue. They had confirmed that the installation of a new drain had already been added to DfI's programme of works. In this respect, it was not considered to require a condition.

There were no direct policy provisions for such development however the SPPS acknowledged it was important that Planning supported the role of town centres and contributed to their success. While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre. The proposal would result in the loss of three parking spaces however the development had been in place for a period of time and there had not been a significant adverse impact while there was provision of parking elsewhere within the town centre. The proposal should not prejudice road safety or the flow of traffic.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

Proposed by Alderman McIlveen, seconded by Councillor Smart, that the recommendation be adopted with the addition of condition requiring drainage works.

Alderman McIlveen explained that drainage had been a constant problem, having been reported to the Department for Infrastructure on several occasions with repeated promises of action that had not yet been undertaken. He acknowledged the indication that works would be carried out but stated that he preferred a condition to be imposed. He highlighted that, during heavy rainfall, the construction over the gully redirected water toward nearby shops, and he stressed that this issue needed to be addressed.

Councillor Smart agreed, noting that there had been many promises regarding drainage and encouraging that the matter be conditioned to ensure resolution.

RESOLVED, on the proposal of Alderman McIlveen, seconded by Councillor Smart, that the recommendation be adopted with the addition of condition requiring drainage works.

4.8 LA06/2025/0101/F – PARKING BAYS TO FRONT OF 63-65 HIGH STREET, BANGOR

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Parking bays to front of 63-65 High Street, Bangor

Recommendation: Grant Planning Permission

The Senior Planning Officer explained that LA06/2025/0101/F was a full application that sought the permanent retention of a parklet. The application was before Committee as the Council was the applicant.

No objections had been received in relation to the application. Environmental Health was content with the proposal however DfI Roads had offered objection. This related to the granting of a licence and sat outside of the remit of Planning. No issues regarding road safety were raised.

The site was located to the front of 63-65 High Street, Bangor, and had been in place following grant of temporary permission in September 2022. It sat within the town centre as designated under the North Down and Ards Area Plan and was in an area characterised by its commercial use. There were some residential receptors in proximity of the development nearby, however it was considered that there would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measured 11m x 2m. The parklet had a low profile in the context of the street and blended into its set back position from the road. It had been constructed so that it was level with the existing footpath.

The site was within the proposed Bangor Central ATC. The proposed development however was not considered to have any material impact on the key features of the ATC.

There were no direct policy provisions for such development, however the SPPS acknowledged it was important that planning supported the role of town centres and contributed to their success. While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre. The proposal would result in the loss of two parking spaces, however the development had been in place for a period of time and there had not been a significant adverse impact while there was

provision of parking elsewhere within the town centre. The proposal should not prejudice road safety or the flow of traffic.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

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

Councillor Cathcart was content with the locating of parklets in the area but asked that it be noted for the matter of maintenance to be raised given the current state of parklets.

RESOLVED, on the proposal of Councillor Cathcart, seconded by Councillor Hennessy, that the recommendation be adopted.

4.9 LA06/2025/0100/F – PAVED AREA TO FRONT OF 78-80 MAIN STREET, BANGOR

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Paved area to front of 78-80 Main Street, Bangor

Recommendation: Grant Planning Permission

The Senior Planning Officer explained that LA06/2025/0100/F was a full application seeking the permanent retention of a parklet. The application was before Committee as the Council was the applicant.

No objections had been received in relation to the application. Environmental Health was content with the proposal, however DfI Roads had offered objection. This related to the granting of a licence and sat outside of the remit of planning. No issues regarding road safety were raised.

The site was located to the front of 78-80 Main Street, Bangor, and had been in place following grant of temporary permission in September 2022. It sat within the town centre as designated under the North Down and Ards Area Plan and was in an area characterised by its commercial use. There were no residential receptors in proximity of the development nearby, and there would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measured 7m x 3m. The parklet had a low profile in the context of the street and blended into its set back position from the road. It had been constructed so that it was level with the existing footpath.

The site was within the proposed Bangor Central ATC. The proposed development however was not considered to have any material impact on the key features of the ATC.

There were no direct policy provisions for such development, however the SPPS acknowledged it was important that planning supported the role of town centres and contributed to their success. While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre. The proposal was located on the pavement so would not impact on the flow of traffic.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

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

Again, Councillor Cathcart was content with the locating of parklets but asked that the issue of their maintenance be raised. This particular parklet was better situated as, being on the pavement, there were no loss of parking spaces.

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

4.10 LA06/2025/0099/F – PARKING BAYS TO FRONT OF 117-119 HIGH STREET, BANGOR

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Bangor Central

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Parking bays to front of 117-119 High Street, Bangor

Recommendation: Grant Planning Permission

The Senior Planning Officer explained that LA06/2025/0099/F was a full application that sought the permanent retention of a parklet. The application was before Committee as the Council was the applicant.

No objections had been received in relation to the application. Environmental Health was content with the proposal, however DfI Roads had offered objection. This related to the granting of a licence and sat outside of the remit of Planning. No issues regarding road safety were raised.

The site was located to the front of 117-119 High Street, Bangor, and had been in place following grant of temporary permission in September 2022. It sat within the

town centre as designated under the North Down and Ards Area Plan and was in an area characterised by its commercial use. There were some residential receptors in proximity of the development nearby, however it was considered that would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measures 11m x 2m. The parklet had a low profile in the context of the street and blended into its set back position from the road. It had been constructed so that it was level with the existing footpath.

The site was within the proposed Bangor Central ATC. The proposed development was not considered to have any material impact on the key features of the ATC. There were no direct policy provisions for such development, however the SPPS acknowledged it was important that Planning supported the role of town centres and contributed to their success.

While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre. The proposal would result in the loss of two parking spaces, however the development had been in place for a period of time and there had not been a significant adverse impact while there was provision of parking elsewhere within the town centre. The proposal should not prejudice road safety or the flow of traffic.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

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

4.11 LA06/2025/0105/F – PAVED AREA TO FRONT OF ST MARY'S PAROCHIAL HALL, 24 THE SQUARE, COMBER

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Comber

Committee Interest: Council Application

Proposal: Permanent retention of parklet (consisting of public seating and planting)

Site Location: Paved area to the front of St Mary's Parochial Hall, 24 The Square, Comber

Recommendation: Grant Planning Permission

The Senior Planning Officer explained that LA06/2025/0105/F was a full application that sought the permanent retention of a parklet. The application was before committee as the Council was the applicant.

No objections had been received in relation to the application. Environmental Health was content with the proposal, however DfI Roads had offered objection. This related to the granting of a licence for the parklet and sat outside of the remit of planning. No issues regarding road safety were raised.

The site was located to the front of St Mary's Parochial Hall in the Square, Comber, and had been in place following grant of temporary permission in September 2022. It sat within the town centre as designated by the Ards and Down Area Plan 2015 and was in an area characterised by its commercial use. The parklet itself was located on the public footpath outside the Parochial Hall. There were no residential receptors in proximity of the development and it was considered that there would not be an adverse impact on residential amenity.

The parklets provided seating and were finished in a timber cladding and planters around the edge. It measured 7m x 3m. The parklet had a low profile in the context of the street and blends into its set back position from the road.

There were no direct policy provisions for such development, however the SPPS acknowledged it was important that planning supported the role of town centres and contributed to their success. While a parklet would not ordinarily be considered a main town centre use, the proposal was in broad compliance with the SPPS given its location, would not prejudice the objectives of the SPPS and would be supplementary to the role and function of the town centre. The proposal had been in place for a period of time and there had not been a significant adverse impacts.

In summary, the Planning Service was satisfied that the proposal met the relevant planning policy requirements contained within the SPPS. Therefore, on this basis it was recommended that permission should be approved.

RECOMMENDED that planning permission be granted.

Alderman McIlveen recalled that the matter had previously been discussed during the Covid period, when questions had been raised about responsibility for cleaning and maintenance. He referred to the example in Comber, noting that it had not been maintained well, with cracks evident, and asked whether there was any suggestion that such structures would be upgraded or whether the current existing one would simply be permitted to remain in situ. The Officer confirmed that, for the structure already in place, there was no proposal for upgrading, and that maintenance responsibilities fell to the Council.

Alderman McIlveen asked whether there had been any reports of antisocial behaviour associated with the development. The Officer advised that Planning Service had not received such reports, acknowledging that many developments carried that risk but explained that responsibility for ensuring such spaces were not misused lay with the PSNI. He added that the site benefitted from its location on the square, with active surveillance from surrounding businesses, which he hoped would discourage antisocial activity.

Alderman McIlveen referred to reports of damage, including graffiti, at the Comber site and expressed surprise that this had not been investigated. He suggested that such issues would be a material consideration if a proposal were likely to attract antisocial behaviour. The Officer reiterated that Planning Service had not received these reports. Alderman McIlveen asked whether Environmental Health had raised any concerns. The Officer confirmed that Environmental Health had not objected.

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

The proposal was put to the meeting and declared PASSED with 8 voting FOR, 2 voting AGAINST, 1 ABSTAINED and 5 ABSENT.

FOR (8)	AGAINST (2)	ABSTAINED (1)	ABSENT (5)
Aldermen	Aldermen	Aldermen	Aldermen
McAlpine	Graham		
McDowell	McIlveen		
Smith			

Councillors	Councillor	Councillors	Councillor
Cathcart		McClean	Harbison
Hennessy			Kerr
Kendall			McCollum
Smart			McKee
Wray			Morgan

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor Wray, that the recommendation be adopted.

[Please note, Item 4.11 had been heard between Items 4.4 and 4.5 which is why Councillor Kendall was in attendance and able to propose and vote on the item.]

5. DFI CONSULTATION ON SUSTAINABLE URBAN DRAINAGE SYSTEMS

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing to the Council a publication by the Department for Infrastructure (DFI) entitled: Sustainable Drainage Systems (SuDS) in New Housing Developments.

The consultation sought views on the development of policy relating to the future regulation and use of SuDS in new housing developments in Northern Ireland.

It also aimed to explain the main considerations, as well as gathering essential information and opinions on key policy areas, potential implementation challenges, and opportunities to promote the wider uptake of SuDS.

The consultation document was available for comment and response for a period of 12 weeks from 22 September 2025 to 19 December 2025.

Background

Members would have been aware of the issue of new surface water connections to combined sewer networks being restricted by Northern Ireland Water since 2016 and only being permitted in exceptional circumstances.

Typically, separate storm drainage systems for new housing involved rainwater being collected in gullies and pipes and carried to the nearest sewer or river. There were, however, still many locations where storm sewers connected downstream into older combined sewer networks. That meant that much of the rainwater collected was ultimately being mixed with foul sewage and was having to be pumped and treated and could cause sewage spills and pollution when the combined sewers were overwhelmed.

Developers could achieve a reduction in discharge rate by incorporating underground storage such as tank sewers (oversized pipes) or concrete or geocellular tanks at the end of the piped network to attenuate and store rainwater temporarily before releasing it to the receiving river or storm sewer at the approved discharge rate. Those Structural Sustainable Urban Drainage Systems (SuDS) were commonly referred to as 'Hard SuDS', and new legislation was introduced in 2016 to allow them to be incorporated into the public sewerage network.

The primary legislation enacted in 2016 allowed for 'the use of landscaping, natural features or any other kind of arrangement' to manage surface water in new developments. Those were collectively known as nature-based SuDS (or Soft SuDS) and included natural features that managed water on the surface including raingardens, swales and detention basins.

Purpose of the Consultation

DFI's 'Water, Flooding and Sustainable Drainage' consultation of March 2022 included a consideration of future powers to specify design and maintenance requirements for SuDS and whether the guidance should be in the form of regulatory legislation or non-statutory guidance. The Council's May 2022 response to that consultation was attached to this report.

Unlike Structural SuDS, there were currently no formal arrangements for approval or for agreeing the ownership and management responsibility of nature-based SuDS.

Delivery of those nature-based projects had been perceived as challenging for the developers involved and had carried considerable risk, given the current absence of an approval body and regulated maintenance regime.

The Report at Item 5c was a research paper presented to the NI Assembly dated October 2025 and explored the operation and performance of SuDS through a desk-based review of academic, industry and governmental literature.

The focus of the current consultation was on developing and implementing new policies and regulatory arrangements to ensure nature-based SuDS were provided in new housing developments in the future.

The consultation posed the following questions:

1. Do you agree that nature-based SuDS should be a requirement in all new housing developments?
2. Do you agree that the SuDS Management Train approach should be the preferred drainage solution for new developments?
3. Do you agree that new regional guidance on the design and maintenance standards of nature-based SuDS is required?
4. Which organisation should be responsible for approving the design and construction of nature-based SuDS proposals?
5. How should the costs of administering any new nature-based SuDS Approval Body be met?
6. Which organisation should be responsible for the future maintenance of nature-based SuDS features in new housing developments?
7. Who should pay for the future maintenance cost of nature-based SuDS features in new housing developments?

Members would have been aware of the LDP's approach towards SuDS as set out at Policy FLD 6 of the recently published draft Plan Strategy.

A draft response was attached for Members' approval further to input from Planning and Building Control officers.

RECOMMENDED that the Council approves the draft response to DFI.

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

Councillor Smart asked for clarification on the consultation response regarding the new drainage body and requested an update on what had been meant by this. The Head of Planning explained that she was seeking an independent body with expertise in construction, management, and maintenance of drainage systems.

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

6. STREET NAMING – THE DIARY, CLOUGHEY

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that the Council granted planning permission under LA06/2019/0634/F for a residential development of 34no. dwellings (in substitution of previous approval X/2007/1259/F) in September 2021 on lands at the junction of The Square and Portaferry Road, Cloughey. Construction was due to start.

The developer had requested the name, 'The Dairy,' due to the history of the site once being a working dairy farm. The developer's family would have bottled milk on the site for delivery in Cloughey and the surrounding area for decades and their family continued producing milk on the farm until 2008.

The name, 'The Dairy,' was in keeping with the guidelines of the street naming policy. The statutory basis for the street naming function was contained within Article 11 of The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995.



RECOMMENDED that the Council approves the name as detailed for this development.

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

7. PLANNING APPEALS UPDATE

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing:

Appeal Decisions and New Appeals

There had been no PAC decisions issued for any ANDBC appeals since the last report.

No new appeals in relation to ANDBC cases had been received since the last report. Details of appeal decisions, new appeals and scheduled hearings could be viewed at www.pacni.gov.uk.

RECOMMENDED that the Council notes the report.

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

8. PERFORMANCE REPORTING APRIL – SEPTEMBER 2025

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that Members would have been aware that the Council was required, under the Local Government Act 2014, to have arrangements in place to secure continuous improvement in the exercise of its functions. To fulfil that requirement the Council had in place a Performance Management Policy and Handbook. The Performance Management Handbook outlined the approach to Performance Planning and Management process as:

- Community Plan – published every 10-15 years
- Corporate Plan – published every 4 years (Corporate Plan 2024-2028)
- Performance Improvement Plan (PIP) – published annually in September
- Service Plan – developed annually (approved annually in March)

The Council's Service Plans outlined how each respective Service would contribute to the achievement of the Corporate objectives including, but not limited to, any relevant actions identified in the PIP.

Reporting Approach

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

Reference	Period	Reporting Month
Half Year (H1)	April – September	December
Half Year (H2)	October – March	June

The report for April to September 2025 (H1) was attached.

Corporate Plan 2024-2028

In line with the Corporate Plan 2024-2028, the service had contributed to the outcomes as follows:

Outcome 1

An engaged Borough with citizens and businesses who had opportunities to influence the delivery of services, plans and investment

Outcome 3

A thriving and sustainable economy

Outcome 4

A vibrant, attractive, sustainable Borough for citizens, visitors, businesses and investors

Outcome 6

Opportunities for people to be active and healthy

Outcome 7

Ards and North Down Borough Council is a high performing organisation

Key achievements:

- Members of the public and stakeholders could contribute to planning decisions through submission of representations
- The Planning Service processed 375 applications in the local category of development with an average processing time of 15.4 weeks
- One application in the major category of development was approved in 89.4 weeks as follows:

LA06/2023/2314/F Proposed Park and Ride Facility including tarmacked parking area (452 spaces), landscaping, boundary fencing, cycle shelter building, relocation of existing playpark within the site and associated development.

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

Processing time was affected by insufficient information being initially submitted to address DFI Roads requirements; an update to the Generic Quantitative Risk Assessment and soil waste classification was submitted seven months into the process which required to be reconsulted upon, and the Habitats Regulation Assessment was only completed by the Council by the Shared Environmental Service in December 2024 further to additional information being required from the applicant.

Emerging issues:

As part of the commitment to continuous improvement the annual Service Plan was reviewed on a monthly basis. The Service Risk register had also been reviewed to identify emerging issues and agree any actions required detailed below:

- Not meeting statutory performance indicators for planning applications;
- Enforcement performance indicator falling below 70% of cases being concluded within 39 weeks
- Shared Environmental Service no longer accepting work outside of statutory consultation on planning applications – potential impact on LDP in terms of Sustainability Assessment

Action to be taken/undertaken:

- Introduction of Validation Checklist – staff to be trained, planning agents to be made aware and public website/guidance updated accordingly for introduction from January 2026
- Restructure of Development Management Service Unit into specific teams to respond to particular categories of applications:
 - Majors & Investment Projects
 - Applications contributing to non-domestic rate base
 - Grant funding dependent
- Liaison with LDP teams in other Councils to determine appropriate response to Sustainability Appraisal at Focussed Changes stage of LDP – and appropriate budget being bid for through Estimates Process
- Active focus on reducing number of legacy enforcement cases which had had resultant impact on performance indicator. Cases linked to retrospective planning applications had also impacted on conclusion times. Due to a long running vacancy, caseloads per officer had been higher than sustainable to ensure effective case processing.

RECOMMENDED that the Council notes this report.

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

9. PLANNING SERVICE BUDGETARY REPORT

PREVIOUSLY CIRCULATED:- Report from the Director of Place and Prosperity detailing that the Planning Service's Budgetary Control Report covered the 6-month period 1 April 2025 to 30 September 2025. The net cost of the Service was showing an underspend of £111.7k (11.7%) – box A on page 2.

Explanation of Variance

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

Report	Type	Variance	Page
Report 2	Payroll Expenditure	£171.0k favourable	2
Report 3	Goods & Services Expenditure	£2.4k favourable	2
Report 4	Income	£61.7k adverse	2

Explanation of Variance

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

Type	Variance £'000	Comment
Payroll	(171.0)	There were vacancies within the Service for the first 6 months but these have now been filled.
Goods & Services	(2.4)	Range of small underspends.
Income	61.7	Mainly Planning application fees.

REPORT 1		BUDGETARY CONTROL REPORT				
		Period 6 - September 2025				
		Year to Date Actual	Year to Date Budget	Variance	Annual Budget	Variance
		£	£	£	£	%
Planning Service						
5302 Planning Service		846,349	958,000	(111,651)	2,122,600	(11.7)
Total		846,349	958,000	A (111,651)	2,122,600	(11.7)
REPORT 2		PAYROLL REPORT				
		£	£	£	£	%
Planning Service - Payroll						
5302 Planning Service		1,139,009	1,310,000	(170,991)	2,619,300	(13.1)
Total		1,139,009	1,310,000	(170,991)	2,619,300	(13.1)
REPORT 3		GOODS & SERVICES REPORT				
		£	£	£	£	%
Planning Service - Goods & Services						
5302 Planning Service		160,642	163,000	(2,358)	492,400	(1.4)
Total		160,642	163,000	(2,358)	492,400	(1.4)
REPORT 4		INCOME REPORT				
		£	£	£	£	%
Planning Service - Income						
5302 Planning Service		(453,302)	(515,000)	61,698	(989,100)	12.0
Totals		(453,302)	(515,000)	61,698	(989,100)	12.0

RECOMMENDED that the Council notes this report.

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

Alderman McIlveen stated that the report showed as adverse in relation to planning fees and asked whether an upturn was anticipated, or what considerations had been made in terms of budget assessment and whether this might stifle growth. The Head of Planning explained that the budget had been set based on earlier, more successful, years when application fees had been forthcoming. She noted that the Service would manage the situation going forward in terms of achievable targets. She added that if some large applications were received, the budget position would return to surplus, and confirmed that the Planning Department would be pressing the Department for Infrastructure for another uplift in planning fees, with the hope of being in a better position in future.

Alderman McIlveen asked whether there were planning applications in the pipeline or others being lined up. The Head of Planning confirmed that there were, including some majors anticipated.

[Alderman McDowell left the meeting at 22:58.]

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

10. DFI CORRESPONDENCE RE PLANNING IMPROVEMENT PROGRAMME – UPDATE OF DEVELOPMENT PLAN PRACTICE NOTES

PREVIOUSLY CIRCULATED:- Correspondence from DFI.

RECOMMENDED that the letter be noted.

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

TERMINATION OF MEETING

The meeting terminated at 22:59.

Item 4.1

56

Item 4.1 Addendum post 07 October PC Meeting

Item 4.1a Extract from Minutes of 07 October PC Meeting

Item 4.1b Original Case Officer Report

Item 4.1c 1st Addendum to Case Officer Report

Item 4.1d Submitted Reasons for Refusal

Item 4.1e Extract of Minutes of 05 March 2024 PC Meeting

Item 4.1

57

Addendum to Case Officer Report

LA06/2024/0952/F: Demolition of existing dwelling and erection of 2no. 3bed and 4no. 2 bed apartments

115 Station Road, Holywood

Officer Recommendation: Approve Planning Permission

Contents	Page
Purpose of Addendum	1
The Minded to Refuse Resolution	2
Consideration of Further Information	2
The Code of Conduct	2
Consideration of the PAC Decision	4
Non-Family Sized Apartments and Open Space Provision	4
Right of Way	6
Reversing / Manouevring	8
Shorefront Section	10
Proposed Refusal Reasons	12

This Addendum is prepared, further to the Planning Committee's consideration of the planning application above, to:

- **Clearly set out the draft reasons for refusal** formulated by the proposing Member, ensuring they are expressed in precise planning terms and linked to relevant policy provisions.
- **Incorporate any new material information received** since the earlier meeting, including any updated consultee responses, representations, or technical reports, where such information is relevant and capable of influencing the outcome of the decision. This ensures Members have access to all material considerations that could reasonably affect the planning balance, consistent with public law principles and case law on procedural fairness.
- **Address and correct any inaccuracies or ambiguities** identified in the original Case Officer Report or during the prior meeting, providing clarification to avoid misunderstanding or reliance on incorrect information.
- **Note that Members must undertake a full planning balancing exercise**, weighing all material considerations—including the original report and addendums, this addendum, and any new evidence before reaching a final decision.

Item 4.1

58

Minded to Refuse

1. This planning application was before the Planning Committee meeting of 07 October 2025, at which it was resolved, on the proposal of Councillor McCollum, seconded by Alderman Graham, that Members be 'minded to refuse' the application.
2. This resolution must be understood in the context of the Planning Committee's own procedural framework. The Protocol for the Operation of the Planning Committee ("the Protocol") sets out what happens when Members vote to overturn an officer recommendation by way of a "minded to approve or refuse" motion.
3. Taken together, the resolution and the Protocol clarify that a "minded to" motion is not a final determination. Rather, it triggers a deferral process designed to allow Members to reflect, receive further information, and ensure that any ultimate decision is robust and legally defensible. The purpose of this mechanism is to safeguard decision-making by requiring clear reasoning and enabling officers to prepare draft reasons for refusal or conditions for approval before the next meeting at which the case will be presented. Accordingly, the October resolution does not bind Members, and the Committee remains free to change its position at its February meeting after considering all relevant material.

Consideration of Further Information

4. Further to the October meeting, Mr Morley ('the Applicant') submitted a significant volume of correspondence raising concerns regards the procedure undertaken that evening, and rebutting various points made.
5. Some of the issues raised are not considered relevant to be included within this Addendum but have been responded to by either the Director or Head of Planning accordingly, outwith the Committee process.
6. This Addendum is accordingly prepared to assist Members in carrying out a full planning balancing exercise before reaching a final decision.

Code of Conduct

7. The Local Government Act (Northern Ireland) 2014 introduced a mandatory Northern Ireland Local Government Code of Conduct for Councillors ("the Code"). It imposes a requirement for councillors to observe the Code; and establishes mechanisms for the investigation and adjudication of written complaints that a councillor has failed or may have failed to comply with the Code.
8. Paragraph 8.1 of the Code sets out the rules for decision making:

"When participating in meetings or reaching decisions regarding the business of your council, you must:

Item 4.1

59

- (a) do so objectively, on the basis of the merits of the circumstances involved, and in the public interest;
- (b) have regard to any relevant advice provided by your council's officers, in particular, by the chief executive, the chief financial officer (where appropriate) or the council's legal advisers;
- (c) take into account only relevant and material considerations and discount any irrelevant or immaterial considerations;
- (d) give reasons for your decisions, when required to do so, in the interests of fairness, openness and accountability and in accordance with any statutory requirements;
- (e) act in accordance with any relevant statutory criteria;
- (f) act fairly and be seen to act fairly;
- (g) ensure that all parties involved in the process are given a fair hearing (insofar as your role in the decision making process allows);
- (h) not prejudice or demonstrate bias, or be seen to prejudice or demonstrate bias, in respect of any decision;
- (i) not organise support for, or opposition against, a particular recommendation on the matter being considered;
- (j) not lobby other councillors on the matter being considered;
- (k) not comply with political group decisions on the matter being considered, where these differ from your own views; and
- (l) not act as an advocate to promote a particular recommendation in relation to the matter being considered."

9. Part 9 of the Code applies specifically to planning matters which should be read in conjunction with the Principles and Rules of the Code. This section sets out rules to ensure fairness, transparency, and impartiality.
10. Paragraph 9.9 of the Code addresses decisions taken contrary to officer recommendation and states

"If you propose, second or support a decision contrary to an officer's recommendation, you must only do so on the basis of sound planning considerations which must fairly and reasonably relate to the application concerned. These considerations include planning policy, landscaping, impact on the neighbourhood, planning history, etc."

Item 4.1

60

Planning Appeals Commission Decision 2021/A0227

11. As set out in the within the Case Officer's Report which was before Members at its meeting of 07 October 2025, the planning history of the site was detailed and included the decision of the Commission to grant planning permission on 31 January 2024 for: "*Demolition of existing dwelling and erection of 4no. 2-bed apartments*"
12. There was some debate at the October meeting as to what weight should be attributed to this material consideration, including issues relating to precedent and density.
13. The appeal decision is a material consideration in determining the application, but the weight given to it depends on several factors. As noted, materiality is a matter of law, but the weight to be applied to any consideration is a matter of planning judgement. Although the previous appeal decision must be taken into account, it does not bind the Committee. Each application must be assessed on its own merits against the development plan and other material considerations.
14. The appeal decision was referred to in the Case Officer Report (COR), the addendum to the COR and during the presentation to the Planning Committee. There were questions raised in relation to the PAC decision throughout the Committee meeting and clarification was provided by the presenting planning officer and the Head of Planning.
15. Further to a query raised after the proposal of 'Minded to Refuse' was passed, Alderman Graham regarding the detail of the PAC report, the Head of Planning sent an email the following day to the Members enclosing a copy of the planning history, the COR, the decision notice refusing permission, the PAC decision and COR to Planning Committee in March 2024 referring Members to the PAC decision. It is noted that the extract from the minutes of that March 2024 meeting was not included, and thus is appended accordingly as Item 4.1e.
16. It is therefore considered that there should now be no ambiguity regarding the content of PAC Report.

Non-Family Sized Apartments and Open Space Provision

17. During questioning of the speaker who appeared on behalf of the Objectors, the term 'non-family sized apartments' was utilised in the context of referring to the previous proposal for apartments, allowed on appeal, and the current proposal before Members.
18. Non-family sized apartments are defined as residential units that do not meet the minimum space standards for family-sized housing. Typically, a family-sized apartment is one that has three or more bedrooms.
19. The scheme approved on appeal consisted of 4no. 2-bed apartments.

Item 4.1

61

20. The current application proposes reconfiguration of internal structure to provide 2No. 3-bed apartments and 4 No. 2-bed apartments – that is an addition of 2no. 3-bed apartments on the top floor above the other 4no. 2-bed apartments.
21. The Creating Places Guidance document states at para 5.18 that private open space for apartments may be provided in the form of privately maintained communal gardens, and para 5.20 continues that in the case of apartment or flat developments, or 1 and 2 bedoomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10m² per unit to around 30m² per unit (therefore minimum 60m² to maximum 180m²). The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.
22. On page 10 of the COR, it is noted that the amenity space proposed to the rear of the site, alongside inclusion of private balconies (81.4m²) was considered appropriate against the guidance in Creating Places, also highlighting the site's immediate proximity to the North Down Coastal Path and beach providing convenient access to high-quality recreational space, further enhancing the amenity offering for future residents.
23. The speaker for the Objectors considered that this was an inappropriate level of amenity space in the context that the proposal introduced 2no. 3-bed apartments and that amenity space should have been attributed at the top range of space recommended in the guidance, i.e. 180m²
24. Concern was raised by the Applicant that there was an inconsistency in approach to open space provision, making reference to LA06/2023/1984/F as approved at the Planning Committee meeting of 02 September 2025 for "*Demolition of building and erection of 4 storey building comprising ground floor office and 5 apartments above*" at King House, 37-39 High Street, Holywood. The proposed apartments consisted of a mix of studio and 2-bed apartments.
25. The COR for that application detailed that an average of 5.8m² had been provided per unit in the form of balconies. It should be noted however, that this was a town centre location and the provision of small balconies was considered appropriate in the context of the small nature of the units proposed.
26. An 'Amenity Space Quality Statement' has been submitted by the Applicant and uploaded to the Planning Portal. It includes references to other planning applications approved for apartment development in Holywood, Greenisland, and Newtownabbey.
27. The consideration of the application of the Creating Place guidance is dependent on the context of development and the overall design concept.

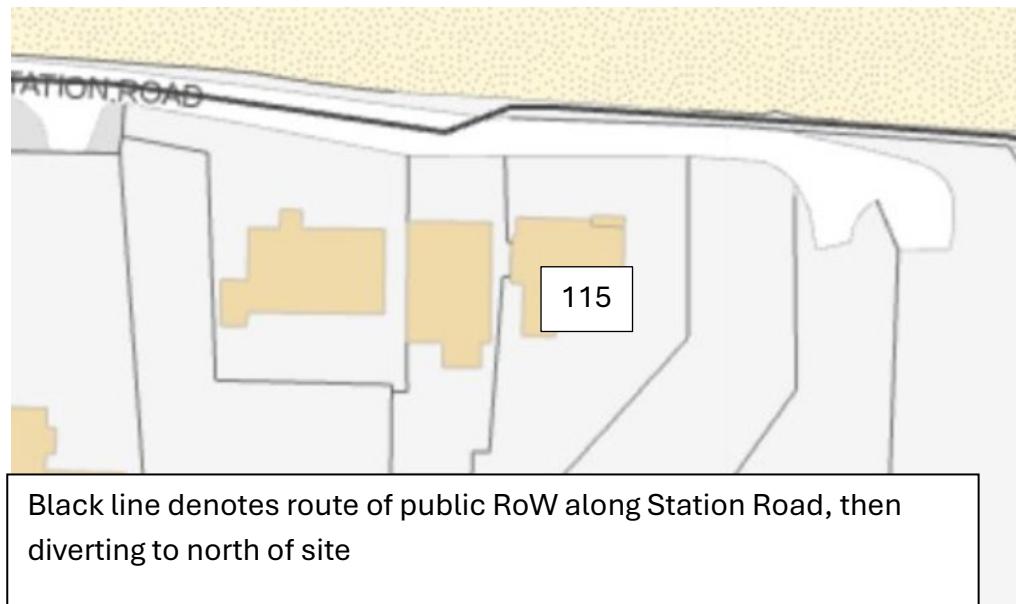
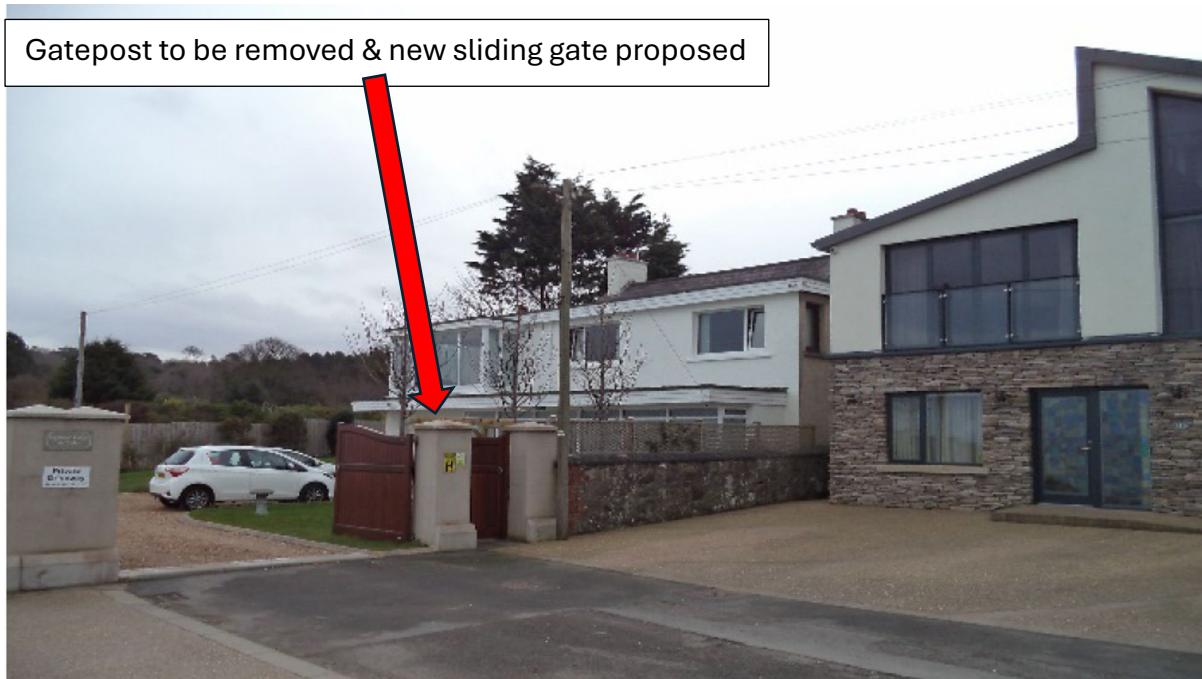
Item 4.1

62

Right of Way – Public versus Private

28. There appeared to be confusion on the part of some Members at the October Committee meeting regarding where the asserted public right of way (RoW) stopped in relation to the site. For clarity additional slides were shown, as detailed overleaf, to demonstrate that the RoW along Station Road ended at the gates to the application site, at which point, it detours to the immediate north of the site along the seafront. Additional text added in this Addendum to show gatepost to be removed to permit new sliding gate.

Gates posts demarcating end of Station Road before entering private driveway



Item 4.1

63



The above orthophotography demonstrates more clearly the point at which the RoW leaves Station Road and continues along Shore Front. (Application site shown in red)



The orthophotography above perhaps shows why the Planning Appeals Commissioner at para 37 of the PAC decision report considered that the site formed an "end of lane" location.

Item 4.1

64



Yellow arrow: denotes end of public RoW along Station Road

Red line: denotes boundary of Application site and where Public RoW ends

Red arrow: denotes point where public RoW leaves Station Road onto Shore front



Reversing/Manouevring

29. Submitted alongside the application was a Swept Path Analysis, which was shown within the slide presentation. During the discussion, several transport-related matters were raised by Members and the third party objectors. The applicant has submitted a Technical Note ("the TN"), to clarify matters (in red) as raised below:

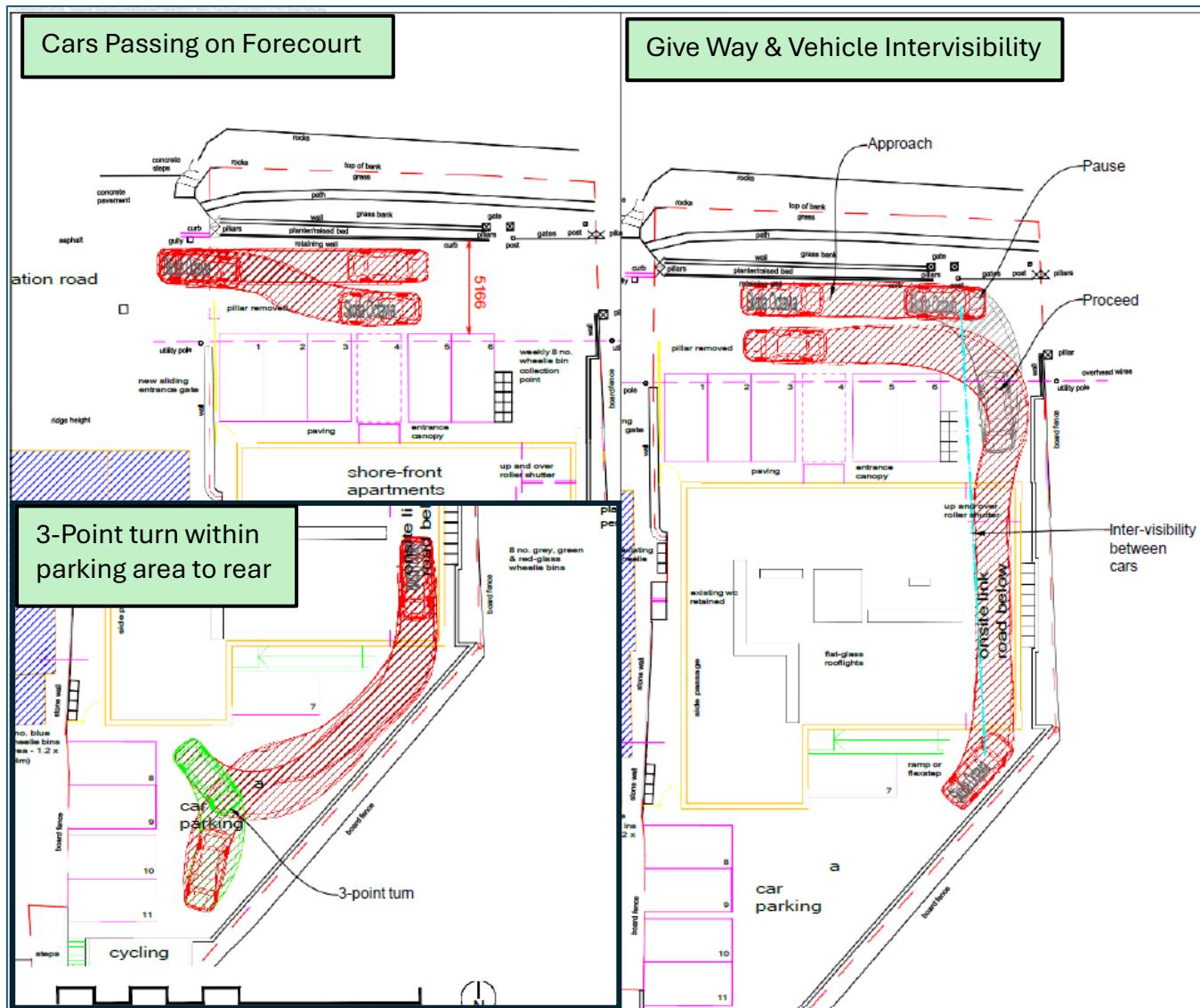
- It is asserted that the swept paths rely on a small vehicle profile.
The TN clarifies that the vehicle tracking uses a realistic family car (Skoda Octavia) and conservative assumptions to reflect real world driving.
- It is claimed that turning within the rear parking area is impossible when bays are occupied, and that a turntable would be required to allow cars to exit in a forward gear; and
- It is suggested that two cars cannot pass within the site and that vehicular conflict could force reversing along Station Road.
(b) The new swept path analysis confirms that a family car can perform a controlled three-point turn within the rear courtyard even when all marked bays

Item 4.1

65

are occupied. Drivers can therefore leave the site in forward gear. A turntable is not required and reversing onto the shore road is not inherent to the layout.

(c) The layout proposes a forecourt which will provide a place for a driver to wait off the lane while an opposing movement passes through the undercroft or exits the site. (See swept path analysis below)



d. The covered access is described as substandard, with concerns that vehicles could meet within this section and be unable to pass.

The expected driver behaviour follows three steps:

- i. Approach – slowly approach the entry to the corridor
- ii. Pause – give way at the entryway, providing sufficient space for an approaching car to pass
- iii. Proceed – enter into the corridor once it is clear

Item 4.1

66

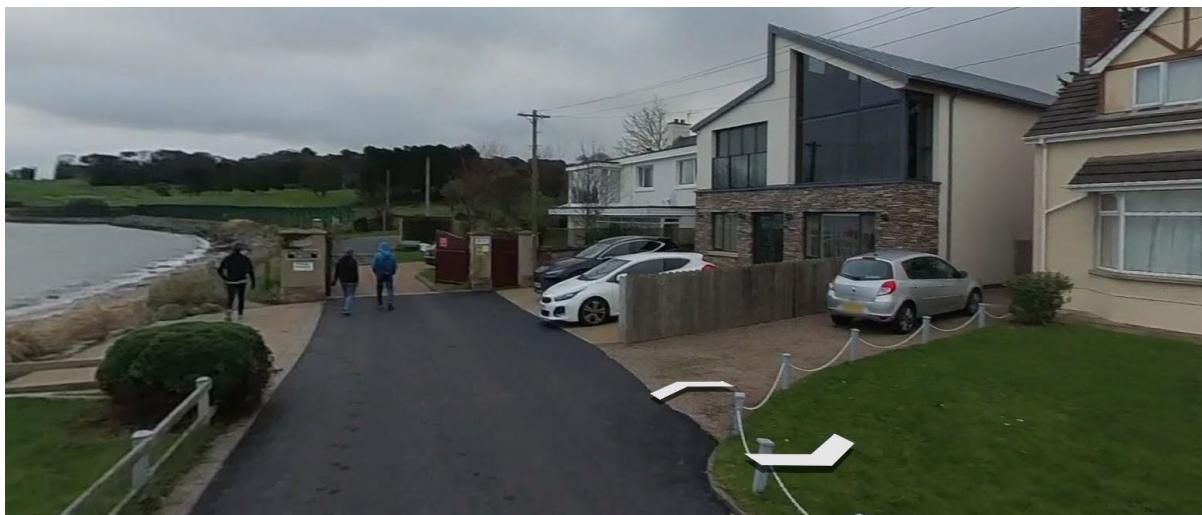
Drivers wait safely in the forecourt, check the corridor, and then proceed.
Reversing on Station Road is not expected.

- e. It is claimed that there is no dedicated provision for delivery vehicles.

Large vehicles cannot navigate Station Road because of height restrictions provided by the railway overbridge. Standard delivery vans can access the forecourt and carry parcels short distances on foot.

- f. Station Road is described as a single-track route which also functions as a PROW, creating a perceived risk of pedestrian–vehicle conflict.

This is an existing slow, shared route where vehicles and pedestrians operate on a conciliatory basis. The prior PAC decision sets an established acceptance of modest traffic along this route, regardless of its status as a PROW.



End of black tarmac denotes boundary of site with Station Road
Note adjacent driveways off Station Road to Nos. 113 & 111 which clearly reverse onto PROW

Shorefront Section

- 30. The Applicant has also submitted a document which has been uploaded to the Planning Portal entitled 'Shorefront Section'.
- 31. A map extract is included below whereby the accompanying text states that the existing shore road/path layout is shown in yellow, which includes pull in areas which permit drivers to wait off lane while an opposing vehicle passes. These pull-in areas are also used by pedestrians to step in and allow vehicles to pass, when required. Marked in green is an open grass area fronting nos. 109 and 107 which is also used as a step-in area for pedestrians.

Item 4.1

67



Item 4.1

68

Proposed Reasons for Refusal

32. A document entitled Possible Reasons for Refusal of LA(06)/2024/0952/F was received from the Proposer of the Resolution, and as agreed with by the Seconder, and is attached as Item 4.1d.
33. The proposed reasons are stated as follows:
 - a. It breaches the SPPS (2nd Edition) para 6.137 because it unacceptably increases housing density with town cramming within an established residential area where policy requires that it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.
 - b. And this is a coastal residential area of distinctive townscape character comprising houses on large plots with an average density of 5 d.p.h., and there are no exceptional circumstances to allow an increase in density.
 - c. And the proposal is in breach of Policy LC1 criterion (a) and (b) because the proposed density is significantly higher than that found in the established residential area, and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area
34. The following proposed refusal reasons are therefore set out for consideration by the Planning Committee:
 - 1) The proposal is contrary to Policy LC1 of the Addendum to PPS 7 "Safeguarding the Character of Established Residential Areas" criterion (a) in that the proposed density is significantly higher than that found in the established residential area, which consists mainly of large detached single dwellings within large curtilages;
 - 2) The proposal is contrary to Policy LC1 of the Addendum to PPS 7 criterion (b) in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area;
 - 3) The proposal is contrary to the SPPS Edition 2, paragraph 6.137 in that the proposed density, together with its form, scale, massing and layout does not respect local character and environmental quality, and this proposal does not represent an exceptional circumstance.

Item 4.1

69

4) The proposal would create an unacceptable precedent and the potential cumulative impact of similar development would further detract from the environmental quality and established character of the surrounding area.

Conclusion

35. Committee is respectfully referred to the detail within the original Case Officer Report, as presented to Committee at its October meeting.
36. The Applicant has a lawful fallback to the previous approval of 4no. apartments on the site within a similarly scaled building, for which this proposal represents:
 - No change in the footprint of that fallback proposal of 4no. apartment units;
 - An increase in the overall height of that building of 0.75m
 - No resultant loss of privacy/loss of light/overshadowing in respect of neighbouring properties
37. Additionally:
 - The submitted swept path analysis demonstrates that manoeuvring within the site would not lead to cars having to reverse onto the asserted public RoW

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 7th October 2025 at 7.00 pm.

PRESENT:

In the Chair: Councillor McClean

Aldermen: Graham
McAlpine
McDowell
McIlveen
Smith

Councillors: Cathcart (Zoom) Kerr (7:02 pm)
McCollum (Zoom) McKee (Zoom)
Harbinson Smart
Hennessy Wray
Morgan

Officers: Director of Place and Prosperity (B Dorrian), Head of Planning (A McCullough), Principal Planners (G Kerr and C Barker), and Democratic Services Officer (S McCrea)

1. APOLOGIES

No apologies had been received.

4.5 LA06/2024/0952/F – 115 Station Road, Craigavad, Holywood (Appendices XII – XV)

PREVIOUSLY CIRCULATED:- Case Officer's report.

DEA: Holywood & Clandeboye

Committee Interest: Application with six or more representations contrary to officer's recommendation

Proposal: Demolition of existing dwelling and erection of 2 No. 3 bed and 4 No. 2 bed apartments

Site Location: 115 Station Road, Craigavad

Recommendation: Refuse planning permission

The Planning Officer (C Barker) presented Item 4.5, a full planning application for the demolition of an existing dwelling at 115 Station Road and the construction of six apartments (two 3-bed and four 2-bed units). The application was brought before the Committee due to receiving six or more objections contrary to the case officer's recommendation.

The site lay within the settlement limit of Holywood and was part of a proposed Area of Townscape Character (ATC). It featured coastal frontage and was accessed via a private lane serving neighbouring properties.

A previous appeal (2021/A0227) granted permission for four apartments on the same footprint, establishing the principle of development. The current proposal maintained that footprint but increased the number of units to six and raised the building height by 0.75 metres. Design changes included revised window arrangements, larger openings and minor alterations to balconies and elevations.

The officer noted that the proposed density (64 dwellings per hectare) exceeded the previous approval (40 dwellings per hectare) but remained acceptable given the unchanged footprint and minimal visual impact. The design aligned with relevant planning policies and was considered appropriate in scale, massing, and appearance.

Regarding residential amenity, the officer confirmed that neighbouring properties at 115B and 117 Station Road were sufficiently distanced (over 30m and 50m respectively), and the proposal was not expected to cause unacceptable impacts such as overlooking or overshadowing.

The officer confirmed that the proposed development would not have resulted in overlooking, loss of privacy, or unacceptable light reduction for neighbouring properties, including No 113. The design incorporated high-level windows and appropriately positioned balconies, with sufficient separation distances and compliance with light impact tests.

Amenity space had been slightly reduced due to added parking, but each apartment was to be served by a private balcony, and the site's proximity to the coastal path and beach provided high-quality recreational access. The overall amenity provision was deemed appropriate for the site context.

Parking provision had increased to 11 spaces, including visitor parking, with access to rear spaces via a 2.8m garage opening - considered sufficient despite guidance suggesting 3.2m. A swept path analysis confirmed manoeuvrability. Concerns about road access and visibility were addressed, noting that Station Road was a low-speed environment and the development exited onto a private lane serving only a few dwellings. DfI Roads had raised no objections, and the Planning Appeals Commission previously found no significant traffic or safety issues with a similar proposal. Objections regarding intensification, parking, flooding, waste storage, and road damage had been reviewed in detail. Flood risk was mitigated through a condition requiring an evacuation plan. Waste storage met regulatory standards, with minor exceedances deemed acceptable.

In conclusion, the officer stated that the proposal maintained the approved footprint and materials, respected local character, and posed no adverse impact on neighbouring properties. Planning permission was recommended, subject to conditions.

The Chair acknowledged that the decision had been made in the context of a previous appeal. He noted that while the earlier application involved four apartments, the current proposal included six - adding two units but reducing rear space for parking. He observed that the Council did not appear to be acting under duress due to the appeal, and instead seemed to be taking a distinctly different view.

He questioned how much of the Planning Appeals Commission's reasoning had influenced that shift, particularly given the increased intensity of the development. The Commission's decision formed part of the site's planning history and was relevant to the current consideration. Additionally, he raised a technical query regarding the relevance of Policy QD1, given that the Area Plan (re proposed ATC) was still in draft form, and asked what provisions were available to protect the character of the area. The Planning Officer advised that such considerations had been evaluated in the case report, but QD1 in relation to ATCs was irrelevant as BMAP was still in its draft form. That said, officers were assessing the proposal taking the entirety of the proposed ATC into account.

Councillor Cathcart sought clarification on the weight given to the appeal decision. He noted that while the average housing density in the area was five dwellings per hectare, the appeal had permitted 40 dwellings per hectare for the site. The current proposal, however, represented a significant increase at 64 dwellings per hectare. He questioned why the higher density was not considered harmful in planning terms.

The officer advised that the footprint of the building was the same, save the slight increase of 0.75m which had been evaluated in the report and addendum. Councillor Cathcart suggested that the footprint and density of the proposal was notably different. He pointed out that subdividing the building into multiple apartments would significantly increase both the density and the number of occupants and asked the officer to comment on that aspect. The officer stated that the appeal decision was material and carried significant weight, explaining that the current assessment focused on the change from the previously approved four apartments to six - an increase of two units. While that represented a rise in density from 40 to 64 dwellings per hectare, the Commissioner had previously considered the broader site context and character when approving the initial increase. Based on that precedent, the officer confirmed that the addition of two further units had been assessed and was considered acceptable.

Councillor McCollum echoed concerns raised by Councillor Cathcart regarding the proposed density of the development. She noted that she walked the stretch of road daily and believed the site in question to be the smallest plot along that area by a considerable margin. She referenced the existing dwelling's density of 11 dwellings per hectare and acknowledged the average figure of 5, as highlighted by Councillor Cathcart. She pointed out that neighbouring plots were significantly larger, making the proposed increase to 64 dwellings per hectare a dramatic and potentially harmful change. She questioned how such a substantial shift in character could be justified.

The Officer explained that the assessment focused on the addition of two units to an already approved development of four. Rather than viewing the change as a jump from 11 to 64 dwellings per hectare, the context included the extant approval. During the appeal, the Commissioner had considered the dwellings at 111, 113, and 115 as

being more tightly grouped and situated on notably smaller plots compared to others nearby. That context had been reflected in the appeal decision. The officer confirmed that the proposed increase to six units was within a building that retained the same footprint and visual appearance as previously approved.

Councillor McCollum acknowledged the officer's point about the unchanged footprint of the building but reiterated her concern that the site was likely the smallest plot along that stretch of road. She noted that even based on the Planning Appeals Commission's decision allowing 40 dwellings per hectare, the proposed increase to 64 represented a rise of more than 50%. She questioned whether that set a dangerous precedent in an area defined by individual houses on large plots with substantial garden space. While the officer confirmed that the additional units were contained within the same building envelope and would not alter its external appearance, Councillor McCollum maintained that the significant increase in density remained a key concern.

Councillor McCollum expressed concern about the proposed intensification of the site, noting that the addition of two units would result in a development unlike anything else in the surrounding area. She argued that the character of the area - defined by individual homes on large plots - would be significantly disrupted. She acknowledged the Planning Appeals Commission's decision but emphasised that it was only one of several material considerations and not definitive.

She challenged the description of the site as "end of lane," pointing out that there were existing and approved dwellings beyond it, and that the lane formed part of a well-used public right-of-way along the coastal path. She highlighted the high pedestrian footfall in the area and raised safety concerns about the proposed rear parking access, which would require vehicles to reverse along a narrow route potentially onto the public path. She stressed that reversing vehicles posed a greater risk to pedestrians and questioned whether the space was practically sufficient for safe manoeuvring.

The officer responded by clarifying that the lane was private and not part of the adopted road network, explaining that while the access was tight, it was short and not heavily trafficked, allowing for slow vehicle movement and visibility. She acknowledged that reversing might be necessary but suggested that the risk was mitigated by the nature of the road and the limited number of dwellings served, noting that most pedestrians used a separate path running in front of the wall, and that the access point primarily served three dwellings beyond the site.

Alderman McAlpine questioned whether the proposed apartment development adequately addressed the requirements of townscape character policy. She noted that while the officer's report stated the existing building did not positively contribute to the Area of Townscape Character (ATC), it did not fully consider whether the new development would enhance the overall character or respect the built form of the area, as required by planning policy. She expressed concern that the presence of apartments in this location might not align with the surrounding housing styles and asked whether the proposal genuinely contributed to the ATC.

The officer responded by noting that the Planning Appeals Commission had already granted approval for the demolition of the existing dwelling and the construction of a four-unit apartment building on the site. She explained that the current proposal retained the same footprint, with only minor design changes and a modest height increase of 0.75 metres. She clarified that the site lay within a draft ATC, and that Policy QD1 referred only to designated ATCs as opposed to draft ATCs.

The meeting entered into a recess at 9.01pm resuming at 9.14pm.

Alderman Graham asked whether the fact that the site was accessed via a private road affected how DFI Roads assessed the application. He queried whether its concern extended to traffic movements on the private road itself or was limited to the point where traffic accessed the public road. The officer responded that DFI Roads had confirmed the private road was outside its jurisdiction, and its interest related only to the access point onto the public road, which was some distance from the site.

The Chair invited Emma McBurney to the Chamber who was to speak against the application.

Ms McBurney, speaking on behalf of Station Road frontage residents, raised strong objections to the proposed development. She acknowledged that the site had planning permission but emphasised that the approved scheme was significantly smaller - four flats with seven front parking spaces and a rear communal garden. She noted that the Council had originally refused that application, which was only later approved on appeal.

Ms McBurney argued that the current proposal was substantially different, increasing the number of units by 50% and replacing smaller two-bed flats with larger family-sized units. It also proposed 11 parking spaces - up from seven - and reduced open space by approximately 74%, replacing the rear garden with a car park. She warned that this would cause noise, dust, and emissions affecting neighbouring properties, particularly number 113, and that the committee report had overlooked those impacts.

She criticised the parking layout as unworkable and out of character with the area, where no other properties had rear parking accessed via tunnels. She cited DFI Road's consultation response, which acknowledged the substandard nature of the proposal but declined to assess internal access due to its location on a private road. Ms McBurney stressed that Station Road was a designated public right-of-way and part of the Ulster Way, meaning public safety standards should apply.

She argued that the application failed to meet planning policies, particularly PPS3 and AMP7, which required safe access, appropriate servicing, and provision for disabled users. She also highlighted that the application form failed to declare the site's proximity to a public right-of-way. Finally, she pointed out that the proposed amenity space - 98 square metres - was well below the recommended standard for suburban areas, making the scheme unacceptable in terms of both design and impact.

In response to Alderman Graham's question about the condition and maintenance of the private road, Ms McBurney explained that the road was currently in good condition due to contributions made by local residents. Ms McBurney clarified that Station Road was adopted only up to the railway underbridge, beyond which it became a private road leading down to the sea. However, the section along the sea formed part of a public right-of-way. She emphasised that this stretch was heavily used by pedestrians and cyclists and raised concerns about road safety, noting that DFI Roads had acknowledged the access was substandard. She warned that allowing further intensification of the site could increase the risk of a serious accident.

Councillor Hennessy queried whether the coastal path was separate from the road which Ms McBurney clarified that up to property number 113, the coastal path ran alongside the road. She explained that the application site adjoined this path, and that vehicles entering or exiting through the tunnel would have limited visibility, potentially requiring them to reverse. She pointed out that the public right-of-way, part of the Ulster Way, dropped down along the beach beside the site, creating a point where pedestrian access was separated from vehicle movement.

Councillor Wray, unfamiliar with the area but having reviewed maps, asked about road safety concerns, particularly the potential increase in vehicles reversing onto the public right-of-way due to the proposed 11 parking spaces and possible visitor overflow. Ms McBurney clarified that the proposal included 11 spaces - seven at the front and four at the rear accessed via a tunnel. She noted that unlike other nearby properties, which allowed vehicles to turn within their grounds, this site would require reversing onto the public right-of-way, raising safety concerns.

The Chair reminded Ms McBurney that maps could not be displayed during the meeting.

Councillor McCollum questioned the impact of the Planning Appeals Commission's extant approval, highlighting the dramatic increase in density from one dwelling to six apartments on a small site. She noted the average density in Craigavad was around five dwellings per hectare, whereas the proposal would result in 64, which she felt would set a troubling precedent and alter the character of the area. Ms McBurney agreed, stating that the proposal would indeed set a precedent, especially as there were no other apartments on this stretch of Station Road. She emphasised that road safety should be given significant weight, particularly as the route was a public right-of-way promoted by the Council.

Councillor McCollum then raised concerns about the 74% reduction in open space and asked about relevant policy guidance. Ms McBurney referred to the "Creating Places" document, which recommended 10–30 square metres of private amenity space per apartment, depending on context. She noted that the Planning Appeals Commission (PAC) had classified the site as suburban, meaning the upper standard of 30 square metres should apply. The original garden space of 158 square metres suited four smaller units, but the new proposal introduced larger family units with significantly reduced amenity space - just 98 square metres including balconies. She argued that this was inadequate, especially as children would have to access the garden through a car park.

Finally, Councillor McCollum asked whether the tunnel access would force vehicles to reverse onto the public right-of-way. Ms McBurney confirmed this, stating that the plans were misleading - while the tunnel was described as 3 metres wide, measurements showed it to be closer to 2.8 metres, which would be too narrow for many SUVs. She reiterated that DFI Roads had deemed the access substandard and that the proposal did not comply with PPS3, a key part of the development plan.

Councillor Morgan asked for clarification on the unit sizes in the new proposal, specifically whether it included two three-bedroom apartments and four two-bedroom apartments. Ms McBurney confirmed that the original proposal had consisted entirely of two-bedroom, non-family-sized units. The revised scheme introduced two larger, family-sized three-bedroom apartments, which were located on the top floor.

With no other questions for the speaker, Ms McBurney returned to the public gallery at 9.31pm whilst James Morley (applicant) came forth to speak in support of the application.

Mr James Morley, the applicant, spoke in support of the proposal, describing it as a modest improvement to an already approved development. He explained that his family had lived at the property for over 100 years and that the surrounding area had changed significantly over time. Despite numerous planning applications over the past seven years, he felt his proposals had consistently faced objections from the same households, unlike other nearby developments which had proceeded with little resistance.

Mr Morley emphasised that the planning system should be based on evidence and consistency, not personal objections. He noted that the current application had undergone pre-application discussions with senior planners, who found it acceptable, and that no concerns had been raised during the formal assessment. He outlined three key changes: a small increase in building height to mitigate future coastal flood risk, a new rear parking area that met legal requirements and had no objections from DFI Roads, and a reconfiguration of the internal layout to allow six apartments.

He argued that the visual impact of the development remained unchanged from the previously approved scheme and that the principle of high density had already been established. Mr Morley concluded by urging the Committee to approve the application, citing the thorough planning assessment and the importance of avoiding unnecessary delays and appeals.

Alderman Graham enquired about the number of houses situated along that particular stretch of private road. In response, Mr Morley estimated that there were approximately 15 to 17 houses on that stretch. The Alderman raised concerns regarding the portion of the area not classified as private road, noting that it was frequently traversed by pedestrians including children and dog walkers. He asked whether that pedestrian activity might pose a problem in terms of increased traffic.

Mr Morley clarified that the front of his property was a private driveway and not part of the public right-of-way. He acknowledged that the coastal path was used by

walkers but advised that when he surveyed the area that afternoon, it was lightly trafficked. He contested that it was not heavily trafficked at all.

Alderman Smith raised concerns about car parking, noting it was a key issue for objectors. He referred to the report's recommendation using Creating Places guidance and asked about access to the rear of the property through the tunnel area, questioning its safety and accessibility. Mr Morley responded that the access was no different from a normal garage, stating he parked to the rear of his existing property without issue. He explained that the area was open, not a closed tunnel, with a roller shutter door and a usable width of approximately three metres. He also highlighted that it was not a long tunnel.

Alderman McAlpine acknowledged the personal difficulty Mr Morley and his family had experienced and asked why he had returned with a new application so soon after a previous approval by the PAC. Mr Morley explained that he had returned to make three changes: a slight height adjustment to remove the property from a flood risk zone, a layout improvement based on PAC feedback, and a redesign that allowed for six, better-flowing apartments instead of four, within a 9,000 square foot building, and looked better.

Alderman McDowell asked whether the development was intended to remain a family home. Mr Morley clarified that it was and had been a family home, but he had not yet decided whether he would continue living in one of the units.

Councillor Morgan asked for clarity regarding car ownership, suggesting that if the property was a family home, it would likely require two or three cars. Mr Morley confirmed that, to which Councillor Morgan noted that seven parking spaces had already been approved which implied accommodation for seven cars, and pointed out that the proposal was now increasing that number to eleven, which she described as significant intensification. Mr Morley responded that the number of spaces did not necessarily need to be eleven and could be reduced to four. He stated that the property only required ten spaces and was capable of accommodating the additional parking. He added that space was not an issue and that manoeuvring within the site was workable.

As there were no further questions from Members, Mr Morley returned to the public gallery. The Chair advised that the Committee had an opportunity to further question the officer in respect of the application or debate the issue.

Councillor Hennessy sought clarification regarding a point referenced by Mr Morley, specifically the third item on page two of the documentation. He believed it related to the Appeals Commissioner's report and asked whether the overarching test for assessing over-intensification of the building was a visual one - namely, how the development would appear when viewed. The officer confirmed that, in relation to the PAC decision, the overarching test was indeed so.

Alderman Smith reflected on several points raised during the discussion, noting that many had been addressed. He stated that the previously approved permission for four apartments had set a precedent for this type of development, and the current proposal was simply a shift from four to six units. He observed that there was no

increase in the building's footprint or scale, and that the proposal appeared consistent with other large dwellings in the area. While acknowledging concerns about intensification and parking, he felt those had been reasonably dealt with, and met guidance in Creating Places. However, he raised one outstanding issue regarding the reduction in amenity space compared to the earlier proposal.

The officer confirmed that the communal amenity space had been reduced due to the introduction of rear parking. She explained that each apartment would still have private balconies, still considered as private amenity, ranging from approximately 7.8 to 13 square metres. She added that planning guidance allowed for the level of open space to be determined based on the development's context and design. Given the site's proximity to the coastal path and beach, in line with Creating Places, she considered that residents would have access to high-quality recreational space, which offset the reduced on-site provision.

Councillor Morgan noted that the proposal involved increasing the number of apartments from four two-bedroom units to six, by adding two three-bedroom units, while maintaining the overall building structure. She asked for confirmation that the internal space within the apartments met policy requirements and recommendations.

The officer confirmed that the six apartments were distributed across three floors and were of reasonable size. She stated that all bedrooms could accommodate a double bed, with some including en-suite facilities, and concluded that the accommodation provided would be considered reasonable.

Alderman McAlpine raised concerns about fire safety, specifically regarding access to the rear of the building through a shuttered tunnel. She questioned whether that had been considered and whether Fire and Rescue services had provided any input on the suitability of such access for an apartment block.

The officer responded that fire safety matters would fall under the remit of Building Control. She noted that the roller shutter door would be located at the front which was partially open to the side, allowing vehicle access to the rear. She acknowledged Alderman McAlpine's concern about apartment blocks but pointed out that many terraced houses and townhouses also lacked direct vehicle access to the rear. While the officer understood the concern about the number of occupants, she reiterated that Building Control would be responsible for assessing such issues.

Alderman McDowell referred to PPS7, noting that flat development should be in keeping with the surrounding area. He asked the officer whether, in her professional opinion, the proposed development met that criterion. The officer acknowledged that weight was being given to the previous Planning Appeals Commission decision and the extant approval for four apartments, Alderman McDowell questioned the extent to which that precedent influenced the current assessment, expressing concern that the Planning team's hands appeared to be tied by the earlier decision and asked whether, if deciding independently, the Officer would have made the same recommendation. He emphasised the importance of understanding how constrained the current decision-making process was and suggested that relying too heavily on past decisions could undermine the integrity of the planning system.

The Head of Planning responded to Alderman McDowell's concerns by reminding Members that the precedent value of the PAC's decisions had been addressed previously. She referenced established case law, including the ABO Wind NI Ltd judgment, which clarified that if a PAC decision was not formally challenged, it must be applied and given appropriate weight. Although the Planning team had originally recommended refusal of the apartment development, the PAC upheld Mr Morley's appeal. As a result, the fallback position - approval for four apartments - carried significant weight, as it could be implemented at any time.

While acknowledging that the development might not reflect the character of the area, she noted that the PAC had determined that four apartments within the building would not have a detrimental impact on the character of the areas. The current proposal involved only a minor increase in ridge height and the addition of two further units. She accepted that concerns remained around intensification, particularly regarding roads, parking, and amenity space, and recognised that there could be differing views on those matters. She reiterated that weight had to be given to the PAC decision as the Council had chosen not to challenge it.

Councillor McCollum sought clarification regarding the extant PAC decision, noting that it predated her time on the Planning Committee. She acknowledged that the original officer recommendation had been to refuse the apartment development, likely on the grounds of PPS7, due to concerns about it being out of keeping with the residential character of the area but expressed concern about the current proposal's intensification, which added two more units - some of which were three-bedroom family homes - and suggested this could lead to increased car ownership (especially if a teenager was driving) and parking pressure in an area not suited for such density.

Councillor McCollum emphasised that the site was located on the edge of a relatively undeveloped stretch of coastline, characterised by large houses and plots, and felt the proposal was incongruous with its surroundings. While recognising the PAC decision carried weight, she asked for confirmation that it was not the sole determinant in the Committee's decision-making.

The Head of Planning confirmed that the PAC decision was a material consideration and had been given weight, but it was ultimately up to Members to determine how much weight to attribute to it in the overall planning balance. She clarified that Members could, in line with the Planning Protocol, also give weight to other relevant matters, provided this was clearly set out in their reasoning.

Alderman Graham sought clarification regarding the coastal path and public access to the development site, asking whether the public had a right to walk along the private road leading to the development. The officer explained that the tarmac portion of the road constituted a public right-of-way, but once reaching the two gates and gravel driveway, the access became private. She further clarified, using visual aids showing the map and ortho, that the public right-of-way stopped short of number 115. However, from the beginning of the private road heading towards Holywood and continuing to the development site, the public did retain a right of way.

Councillor Smart raised a concern about the single and cumulative impact of development on the townscape heritage of the area. He acknowledged that the current application did not indicate a significant change, but noted that the site was one of three neighbouring properties with similar character and site size. He questioned whether, as more developments occurred, the character of the area might shift from single dwellings to a row of apartment blocks, and whether that cumulative change should be considered. The officer advised that the Committee was assessing the application before it, which followed a previous decision granting permission for four apartments. That earlier approval was based on a replacement dwelling occupying the same footprint. She confirmed that the current proposal maintained that footprint and that previous applications had determined no visual impact. Councillor Smart accepted the explanation, but reiterated that while the precedent set by the PAC's decision was clear, there remained broader concerns about how such developments could influence future applications and alter the character of the area over time.

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

Alderman Smith stated that while he had previously outlined key concerns, he did not see any policy-based reasons to oppose the proposal. He acknowledged two main issues - parking and external space - but noted that both met the relevant planning requirements. Although he recognised the concerns raised by neighbouring residents, he found it difficult to justify refusal.

Councillor Morgan agreed with Alderman Smith's position, acknowledging public concerns about parking and traffic but concluding that they were not sufficient grounds for refusal. She highlighted the need for diversity in housing types, noting that while the area was dominated by large houses, Planning should accommodate different forms of living, including apartments. She pointed out that not all families owned two cars and that residents valued their allocated parking. Regarding external space, she accepted it was slightly below ideal but felt the nearby seafront and outdoor environment helped compensate.

Councillor McCollum stated she was resolutely opposed to approving the application on several grounds, arguing that it represented an unjustified intensification of development in a constrained area. She highlighted that the proposal invited a minimum of 11 cars that there were spaces for, but based on the number of bedrooms, significantly more cars could be expected. She expressed concern about the narrow single-track road serving 16/17 dwellings, where vehicles would struggle to pass and might need to reverse long distances. She noted that the road was private but carried a public right of way, with hundreds of pedestrians using the coastal path daily. Councillor McCollum believed the application materially differed from the anomalous extant PAC permission, increasing density by 50% rendering it completely out of character with the area. She urged Members to visit the site and warned that approval would set a dangerous precedent for other plots changing dwellings into apartments. She also raised concerns about road safety considering it offended AMP 7, particularly for pedestrians, and argued that the reduction in open space was inappropriate for a coastal setting, where balconies were not a suitable substitute, as balconies are only suitable in urban areas, and the proposal offended

Creating Places. She concluded that there was no justification for increasing the approved four apartments to six and urged Members not to support the proposal to approve.

Alderman Graham shared Councillor McCollum's concerns and stated that while the decision to approve was based in his mind solely on the PAC's earlier ruling, he believed that decision had been flawed. He referred to the planning report, which described the area as characterised by large houses on mature plots, and argued that the proposed massing would negatively impact neighbouring properties. He was particularly concerned about the private road, noting that although it was privately owned, the public - including children, prams, dog walkers, and wheelchair users - had access. He pointed out that DfI Roads had raised no objection but lacked jurisdiction over the private road, and doubted whether the PSNI would intervene in cases of obstruction. Alderman Graham emphasised that intensifying traffic on a publicly accessible private road posed safety risks and was contrary to planning policy. He attributed the problem to the PAC decision rather than the planning officers.

The proposer was asked if he wished to sum up however he declined.

At this point there was an issue with the audio in respect of the voting, but was quickly restored.

The proposal was put to the meeting and FELL with 5 voting FOR, 10 AGAINST, 0 ABSTENTIONS and 0 ABSENT.

FOR (5) Aldermen	AGAINST (10) Aldermen	ABSTAINED (0) Aldermen	ABSENT (1) Aldermen
McIlveen	Graham		
Smith	McAlpine		
	McDowell		
Councillors	Councillors	Councillor	Councillor
Hennessy	Cathcart		Kendall
Morgan	Harbinson		
Wray	Kerr		
	McClean		
	McCollum		
	McKee		
	Smart		

Proposed by Councillor McCollum, seconded by Alderman Graham, that the recommendation be rejected, that planning permission be refused

Councillor McCollum formally proposed that planning permission be refused on the basis that the application materially differed from the existing Planning Appeals Commission decision. She argued that it breached PPS7 by increasing the site's density by 50%, leading to overdevelopment of the site and making it incompatible with the residential character of the area. She also cited a breach of PPS3, Policy AMP7, due to parking and access issues that she believed posed a risk to road

safety. Additionally, she noted that the proposal reduced private open space to less than 60 square metres - only one-third of private open space recommended under the Creating Places guidance.

Before looking for a seconder, the Chair noted that as the history of the application before Members had been subject to a PAC decision, it may be sound to consider a proposal for Members to be, 'minded to refuse,' which would allow time for officers to consider refusal reasons.

Alderman Graham indicated he was happy to second the proposal to refuse.

Councillor McCollum continued that she was mindful that it had been subject to scrutiny by the PAC and to debate this evening and there were nuances in those issues and she would prefer to have time to prepare refusal reasons and for officers to also consider legal advice.

Alderman McIlveen clarified that officers would not be setting out the grounds for refusal, but would review the grounds and check that the reasons were robust accordingly.

The Head of Planning clarified the procedural steps following a Committee's indication if it were minded to refuse the application. She explained that although Councillor McCollum had proposed refusal, the reasons had not yet been formally and robustly set out. Under Paragraph 56 of the planning protocol, any member proposing to overturn an officer's recommendation must clearly outline the reasoning and material planning considerations relied upon for reaching such a proposal, including any departure from policy or the weight given to specific factors.

She stated that once those reasons were received, the planning department would prepare a report with draft reasons for refusal or approval, which would be presented at the next Planning Committee meeting. That would allow members to review, amend, or agree on the proposed reasons. As a result, the application would be deferred to the next meeting to allow time for that process, and legal advice might be sought to ensure the robustness of the refusal grounds. A vote would then be held on the finalised Motion.

After receiving further guidance from officers, Councillor McCollum confirmed she was content with refusing the application but with respect to the refusal reasons she welcomed the opportunity to sit down and draft the reasons for refusal with some time rather than submitting orally then.

The Head of Planning clarified again the purpose of the 'minded to' option in the Protocol, in that it was possible that if the Members were to vote for a straight refusal this evening based entirely on what Councillor McCollum had articulated, there could be some Members who were not clear on the precise reasons. Officers would review the refusal reasons submitted by Members to ensure that they were properly crafted into robust refusal reasons.

As such Councillor McCollum agreed to withdraw her initial proposal to refuse and made a further proposal.

Proposed by Councillor McCollum, seconded by Alderman Graham, that members be 'minded to refuse' the application.

The proposal was put to the meeting and declared CARRIED with 10 voting FOR, 5 AGAINST, 0 ABSTENTIONS and 1 ABSENT.

FOR (10)	AGAINST (5)	ABSTAINED (0)	ABSENT (1)
Aldermen	Aldermen	Aldermen	Aldermen
Graham	McIlveen		
McAlpine	Smith		
McDowell			
Councillors	Councillors	Councillors	Councillor
Cathcart	Hennessy		Kendall
Harbinson	Morgan		
Kerr	Wray		
McClean			
McCollum			
McKee			
Smart			

Alderman Graham asked whether the PAC report had addressed the issue of traffic using a private road that also had public access. The Head of Planning responded that the PAC report had previously been brought to the attention of the Planning Committee but was available for viewing. She offered to provide a copy to any Members who wished to see it alongside the original Case Officer Report for clarity and noted that the Planners would wait for Members to submit the specific issues they wanted included as refusal reasons.

RESOLVED, on the proposal of Councillor McCollum, seconded by Alderman Graham, that the recommendation be adopted.

Development Management Case Officer Report			Ards and North Down Borough Council					
Reference:	LA06/2024/0952/F	DEA: Holywood & Clandeboye						
Proposal:	Demolition of existing dwelling and erection of 2No. 3 bed and 4No. 2 bed apartments							
Location:	115 Station Road, Craigavon							
Applicant:	James Morley							
Date valid:	13/11/2024	EIA Screening Required:	No					
Date last advertised:	28/11/2024	Date last neighbour notified:	15/05/2025					
Letters of Support: 0	Letters of Objection: 41 (from 17 address points)	Petitions: 2						
Consultations – synopsis of responses:								
DFI Rivers	No Objections							
NIE	No Objections							
DFI Roads	No Objections							
NI Water	Advice & Guidance							
NIEA: WMU	Standing Advice							
NIEA: Marine & Fisheries	Concerns with climate change & coastal erosion							
NIEA: NED	No Concerns							
SES	No conceivable effect on a European site subject to conditions							
Environmental Health	No Objections							
Summary of main issues considered:								
<ul style="list-style-type: none"> • Compliance with the local development plan; • Planning history associated with the site and the principle of development; • Design, scale, layout and massing of proposed development; • Access, movement and parking; • Impact on residential and visual amenity; • Impact on Designated Sites and Biodiversity • Flooding & Coastal Erosion 								

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](#)

1. Site and Surrounding Area

The application site is located at 115 Station Road, Craigavon. It is comprised of a two-storey detached dwelling on a plot that immediately adjoins the coastline. The driveway runs along the shoreline with a parking area to the front of the dwelling. A side garden leads to a larger garden to the rear of the dwelling. The side and rear boundaries are defined by a timber fence. A number of mature trees exist along the rear boundary. The topography within the site is flat throughout.



The dwelling is accessed off a private lane which extends beyond this application site to serve dwellings at 115b and 117 Station Road. The nearest property to the site is on the western side at 113 Station Road. It is a two-storey detached dwelling of a contemporary design constructed in recent years. The plot size is modest and consequently the dwelling sits very close to the boundaries either side between 111 Station Road and the dwelling on the application site. The area to the east of the application is grassland associated with the adjacent dwelling 115b Station Road.

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

2. Site Location Plan



3. Relevant Planning History

LA06/2021/0413/F: Appeal Ref: 2021/A0227: 115 Station Road: Demolition of existing dwelling and erection of 4 no. 2 bed apartments: Appeal allowed 30/01/2024

The planning permission above provides the principle for an apartment building on this site and is extant until 21st February 2027.

This current application has proposed amendments to the above scheme, including a reconfiguration of the building to allow for 2No. 3 Bedroom Apartments and 4No. 2 bed apartments. In addition, changes have been proposed to the parking layout and an increase in the height of the development.

LA06/2018/1077/F: 115 Station Road, Holywood. Replacement dwelling - Permission granted 04/02/2021

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
- Planning Policy Statement 15: Planning and Flood Risk

Planning Guidance:

- Creating Places
- Development Control Advice Note (DCAN) 8 – Housing in Existing Urban Areas

Principle of Development

The site is located within the settlement limit of Holywood and is within the Cultra/Craigavad Plot size zone within the North Down and Ards Area Plan. Within draft BMAP, the site is located within the settlement limit of Holywood and falls within the proposed Marino, Cultra, Craigavad Area of Townscape Character (HD 09). A Design and Access Statement has been submitted given the site is within a proposed Area of Townscape Character.

The principle of development for a 4 No. apartment building has been established by the previous grant of planning permission under ref. LA06/2021/0413/F. This report will review the proposed changes to the development, focusing primarily on the revised density, alterations to the design, potential impacts on residential amenity, and any issues related to parking and access. The proposal is assessed below in the context of the policy requirements of Planning Policy Statement 7: Quality Residential Environments. The Strategic Planning Policy Statement 2015 (SPPS) does not conflict with the extant PPS7 as it does not introduce a change to nor clarification of that policy.

For some of the residential areas of Holywood, the North Down and Ards Area Plan (NDAAP) adopts a 'plot size policy' as shown in Figure 1. The site under consideration is located within the Cultra/Craigavad Policy Zone. This sets out a minimum plot size for new dwellings. NDAAP acknowledges that there will be developments which are acceptable in planning terms although they are not strictly in accordance with the plot size policy, as a consequence of the physical or environmental considerations of a particular site or the nature of the development proposed. The Commissioner in Appeal ref. 2021/A0227 highlighted that the proposed development maintained the same footprint-to-plot ratio as the approved dwelling under ref. LA06/2018/1077/F and therefore did not involve subdivision of the plot, thus avoiding conflict with NDAAP plot size policies. I am satisfied that the proposed footprint of the apartment building is not being altered in this application, as viewed in Figures 1 and 2 showing the approved and proposed block plan.

PROPOSALS MAP 6
CULTRA/CRAIGAVAD POLICY ZONE

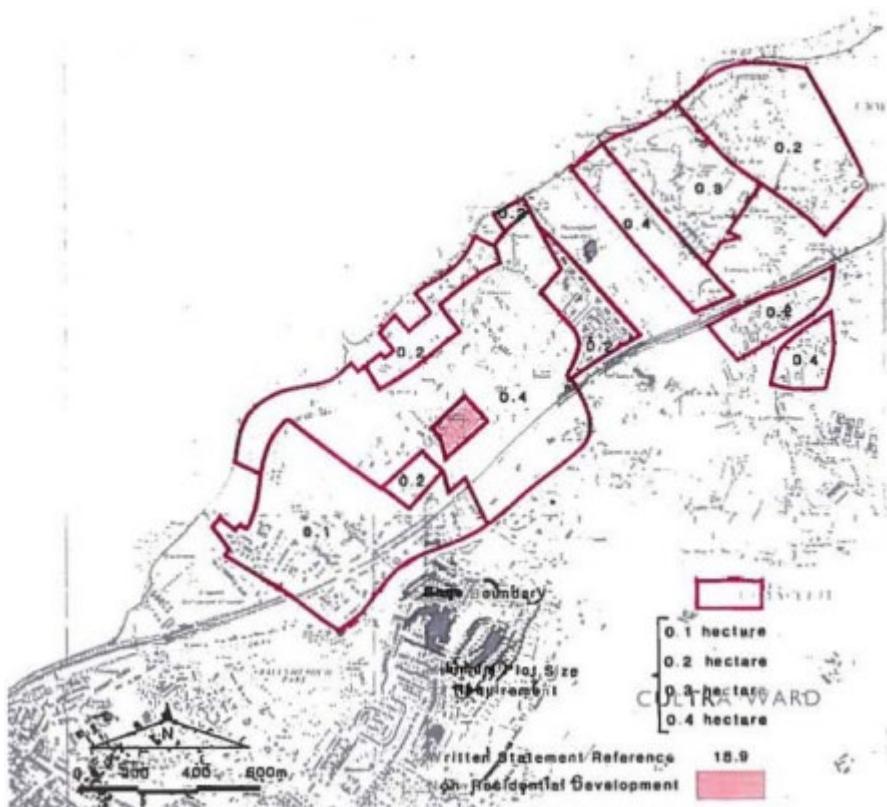
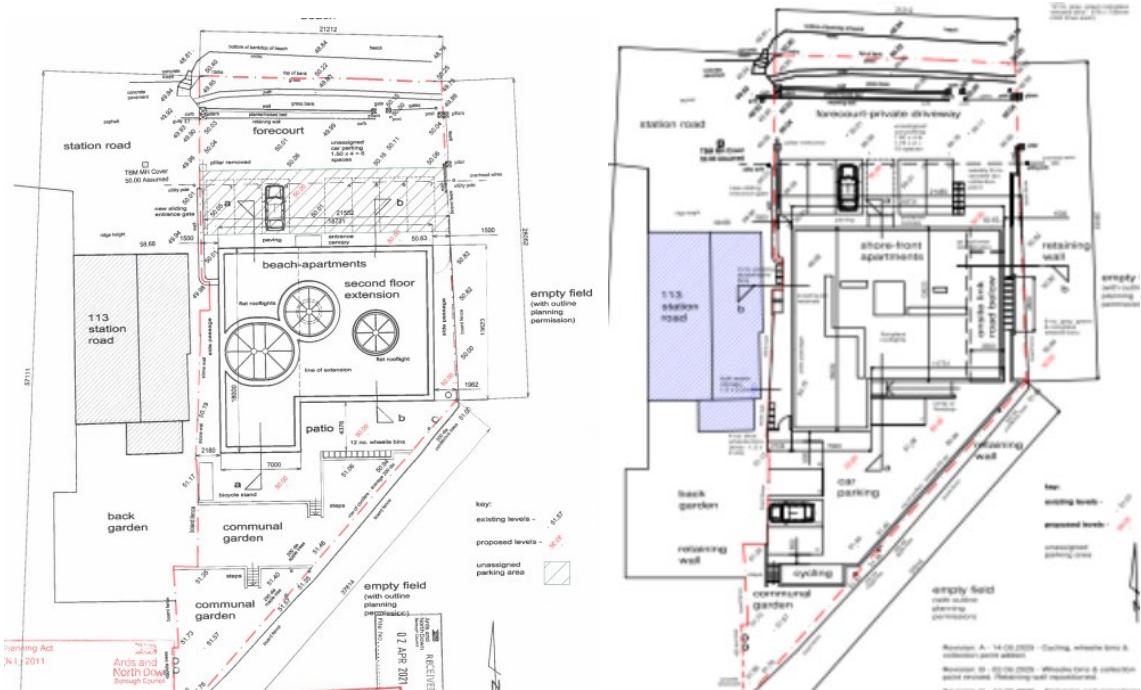


Figure 1: Cultra/Craigavad Policy Zone



Figures 2 and 3: Approved Block Plan under ref. LA06/2021/0413/F & Proposed Block Plan

Design, Visual Impact and Impact on Character of the Area & proposed ATC

The proposed changes to the apartment development include the following:

- Reconfiguration of internal structure to provide 2 No. 3 bed apartments and 4 No. 2 bed apartments
- Change to overall parking layout to provide parking for 5 no. spaces at the rear of the development and 6 no. spaces at the front
- An increase in the overall height of approximately 0.75m
- Changes to fenestration

The proposal involves the demolition of the existing dwelling and replacement with a development to provide apartments. Policy ATC1 of PPS6 Addendum – Demolition Control in an Area of Townscape Character states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an ATC. It is considered that the existing dwelling does not exhibit any elements that make a positive contribution to the ATC and has no specific detailing of character to contribute to the character of the ATC. The proposal is not at odds with this policy test.

In Appeal ref. 2021/A0227 the Commissioner found that the proposed apartment building would be visually acceptable and not harmful to the character of the area. Concerns raised by the Council regarding the appearance of multi-unit use, such as increased bin numbers or communal parking, were not considered sufficient to justify a refusal. The design was found to align with Policy QD1 of PPS7, the SPPS, and section 13.7 of the NDAAP.

The proposed design changes to the apartment building include the increase in the overall height by 0.75m, along with fenestration changes including the following:

- **Front elevation:** Larger openings to ground floor and roller shutter shown to allow vehicle access to rear of site.
- **Rear elevation:** Larger openings to all levels (additional glazing) and vehicle access (side passage).
- **Side elevation (facing No. 113):** Larger and fewer high-level windows. Larger corner balcony.
- **Side elevation (facing golf course):** As can be seen in Figures 4 and 5 below, this elevation will be altered more significantly, with vertical windows replacing the box windows, along with the removal of balconies.

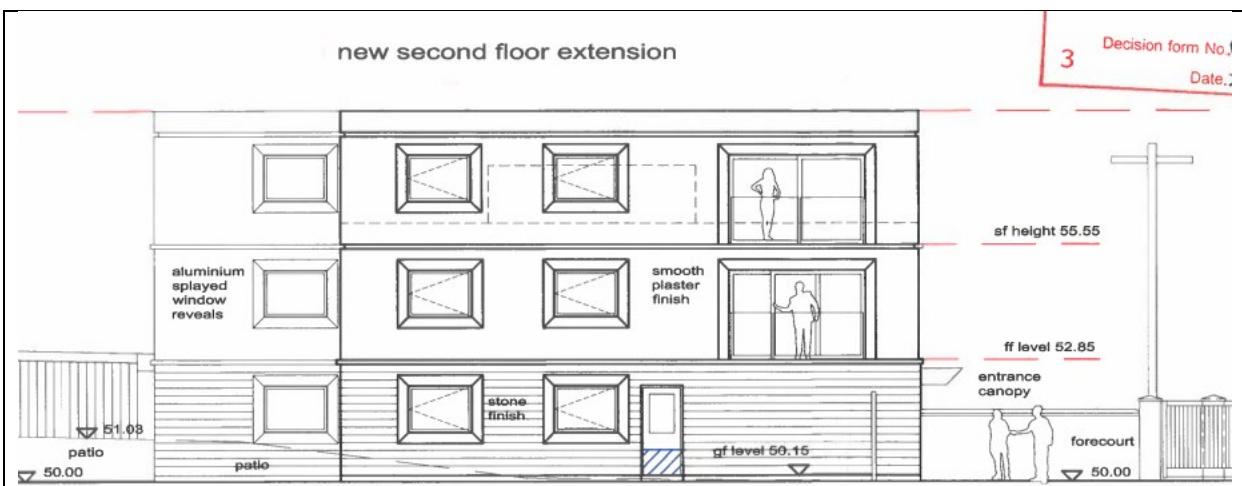


Figure 4: Side elevation under ref. LA06/2021/0413/F



Figure 5: Proposed Side elevation

Following a review of the proposed elevation changes across the submitted drawings, it is evident that the overall design has undergone only minor alterations, primarily concerning the arrangement and detailing of windows and slight adjustments to ridge and floor heights. There have been no significant changes to the footprint, massing, or external materials, which remain consistent with the previous approval. Overall, I am satisfied that the proposed building 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.

With regard to the ATC, Policy QD1 states that in Areas of Townscape Character (ATC) housing proposals will be required to maintain or enhance their distinctive character and appearance. Policy QD1 goes onto state that in the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. It should be noted that this test is not included within the policy headnote but within the amplification text to provide guidance. Policy guidance does not represent an embargo on such development rather its underlying aim is to prevent harm to the character and appearance of the designated area.

The policies within APPS6 and the related provisions of the SPPS refer to ATCs. No reference is made to draft ATCs, which do not have the same status or legal standing

as a designated ATC. In addition, Policy QD1 refers to ATCs, but no reference is made to draft ATCs, therefore the above element of Policy QD1 is not applicable to the application. However, the potential impact of the development on the character and appearance of the proposed ATC remains a material consideration and can be objectively assessed.

In relation to the proposed density of the site, it is important to note the previous conclusions from the Appeal ref. **2021/A0227**. The Commissioner acknowledged that the appeal proposal would result in a significantly higher density of approximately 40 dwellings per hectare (dph), compared to the surrounding area's average of 5–5.2 dph. However, this numerical increase was not considered to have a significant visual or physical impact due to the proposal's design, its location at the end of the lane, and its context among a tighter cluster of smaller plots. While the development does not meet criterion (a) of Policy LC1 of APPS7, it was found not to cause unacceptable harm to local character, residential amenity, or environmental quality. The increased intensity of use was deemed acceptable in light of the specific site context and design, and the Commissioner concluded that any policy conflict was outweighed by these site-specific considerations, with the proposal integrating acceptably into the locality.

The current proposal increases the number of units to six, resulting in a site density of approximately 64 dwellings per hectare. While this represents a rise compared to the surrounding area, the findings of Appeal Ref 2021/A0227 remain relevant and carry significant weight. It is important to note that the two additional units are proposed within an apartment building that maintains a similar footprint to the previously approved scheme, with the only substantial alteration being an increase in height of 0.75 metres. In this context, the proposed change is not considered to give rise to unacceptable harm to the local character. Consequently, the increase in density does not, in itself, justify a refusal on the grounds of overdevelopment or intensification.

Residential Amenity

It is important to note that no concerns relating to residential amenity were raised by the case officer during the previous approval of the scheme under reference LA06/2021/0413/F. I am satisfied that the proposed design amendments to the apartment building will not result in any unacceptable adverse impact on the residential amenity of either existing or future occupants.

The proposed development is not considered to result in any unacceptable impact on the neighbouring properties at 115B and 117 Station Road. Both dwellings are located a sufficient distance from the application site—over 30 metres to 115B and over 50 metres to 117—which, along with their orientation, ensures that issues such as overlooking, overshadowing, or loss of privacy are unlikely to arise.

It is also noted that there is an extant outline planning permission for a dwelling on the adjacent site located between the application site and 115B Station Road. However, as only outline permission has been granted, there are currently no approved details regarding the siting, design, ridge height, or footprint of the proposed dwelling. Furthermore, the outline approval does not include any conditions that would restrict these elements, and as such, any future development on that plot will be subject to further scrutiny and assessment at the detailed design stage.

The western side elevation, which faces No. 113 Station Road, includes several high-level windows on the ground, first, and second floors. These have been specifically designed to prevent overlooking and therefore do not give rise to any privacy concerns.

The proposed enlarged corner balcony at second floor level, as seen on both the front and side elevations facing No. 113, is also considered acceptable. The balcony is positioned in line with the front building line of No. 113 Station Road and is at a higher level. As such, there is no opportunity for direct or harmful overlooking into the front-facing windows of No. 113. With regard to potential views into the rooflights of No. 113 Station Road, it is not considered that any unacceptable adverse loss of privacy will arise. The steep pitch of the roof would prevent any meaningful views being obtained from the proposed development.

In terms of potential loss of light, the modest increase of 0.75 metres in ridge height is not expected to result in significant or unacceptable loss of light to No. 113. There is a sufficient separation distance of approximately 7.1 metres between the proposed apartment building and the high-level roof windows of the neighbouring property, ensuring that no unreasonable loss of daylight or sunlight will occur. The 25-degree light test shown in Figure 6 shows that these windows will not be impacted by overshadowing.

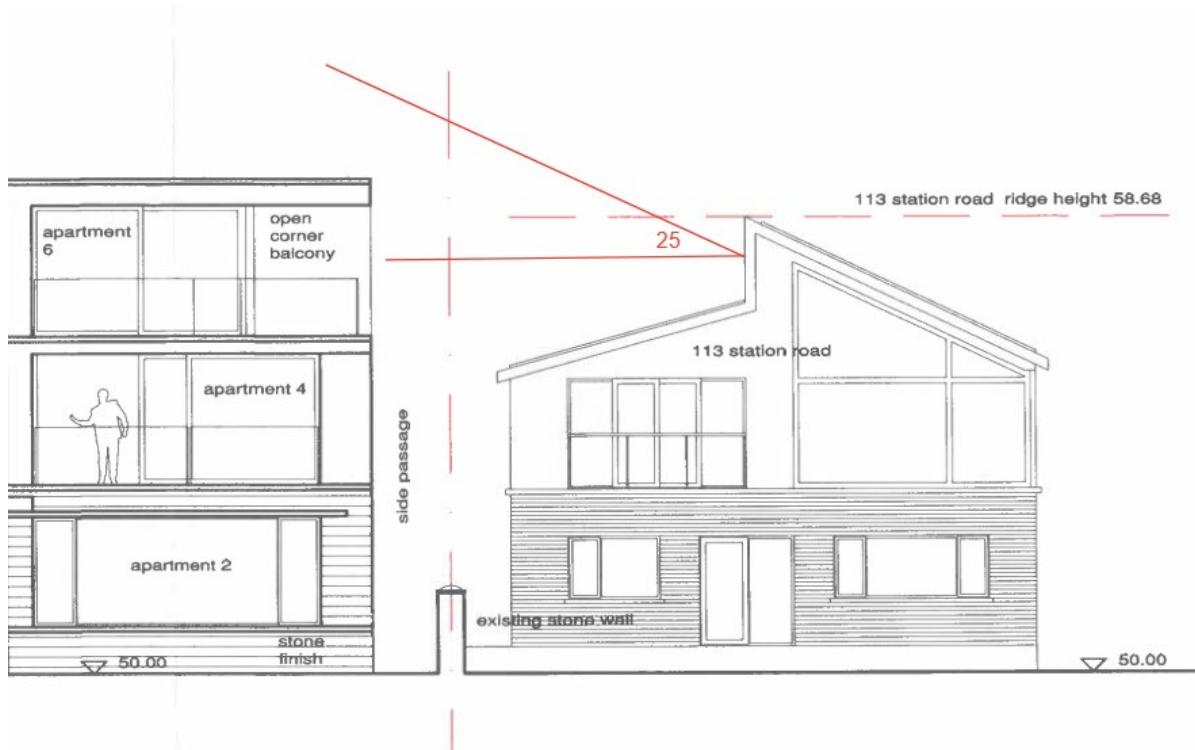


Figure 6: 25-degree light test from No. 113 high level windows

The proposed bin storage areas and collection point are identified on the proposed block plan. Both Environmental Health and Building Control were consulted on the arrangements and invited to consider the objections received. Initially, Environmental Health expressed concern about the original siting of bins immediately adjacent to No. 113 Station Road, highlighting the potential for noise, odour, and vermin impacts. In response, the applicant amended the scheme to relocate eight grey, green, and red-

glass wheelie bins along the eastern boundary. Environmental Health subsequently advised that detailed assessment of the revised storage arrangements was more appropriately within the remit of Building Control.

Building Control reviewed the proposals against the Building Regulations and the *Local Government Waste Storage Guide for NI*. They confirmed that the calculated waste volumes, bin capacity, storage provision, and travel distances generally comply with guidance. A minor exceedance in travel distance for blue bins was noted but considered acceptable given the site's topography. Access for collection vehicles was also deemed satisfactory. On this basis, both Building Control and the Council's Waste and Cleansing Service raised no objections.

Amenity Space

The revised scheme includes a reduction in communal amenity space, with a smaller shared garden now proposed to the rear of the site, measuring approximately 58 sqm. The previously indicated rear communal patio area has been removed from the proposal. Nonetheless, sufficient amenity provision is retained through the inclusion of private balconies for each apartment, offering dedicated outdoor space. The approximate balcony sizes per unit are as follows:

- Apartment 1: 7.8 sqm
- Apartment 2: 7.7 sqm
- Apartment 3: 9.6 sqm
- Apartment 4: 7.8 sqm
- Apartment 5: 10.3 sqm
- Apartment 6: 13.1 sqm

In addition to the retained communal garden and private balconies, the site's immediate proximity to the North Down Coastal Path and beach provides convenient access to high-quality recreational space, further enhancing the amenity offering for future residents.

Access and Road Safety

There are no proposed changes to the access from Station Road (previously considered acceptable). DFI Roads was consulted on the proposed development and offered no objections. DFI Roads pointed out that it would be desirable for the applicant to provide a safe means of access to this proposed development in term of sight splays, access width, and radius, on to Station Road as the proposed would be substandard. However, this is a private road which is not under the jurisdiction of DFI Roads.

In terms of parking provision, the proposed plan includes a car-parking area to the rear (south-east) with 5 spaces provided. These are accessed through a link-road through the apartment building. There are 6 car parking spaces provided to the front forecourt.

Creating Places states that for 2 bed apartments, 1.5 spaces are required for each apartment which results in $4 \times 1.5 = 6$ spaces required. For 3 bed apartments, 1.75 spaces are required which results in 3.5 spaces required. In total, 11 spaces have been provided (1 space allocated for visitor parking). It is therefore considered there is acceptable parking provision on site.

Archaeology and Built Heritage

There are no features of the archaeological and built heritage to protect and integrate into the overall design and layout of the development. It is therefore considered that the proposal complies with part (b) of Policy QD1 of PPS 7 and all relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as the parking area to the front and the rear communal garden will have windows of the apartment facing these areas.

Local Neighbourhood Facilities

As the proposal is for 6 apartments there is no need to provide local neighbourhood facilities as part of the development. The site is within the settlement limit of Holywood with access to shops and services.

Designated Sites and Natural Heritage

The application site is in close proximity to the following national, European and international designated sites:

- Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;
- Belfast Lough SPA, Belfast Lough Open Water SPA and East Coast Marine pSPA all of which are designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds); and
- Belfast Lough Ramsar Site which is designated under the Ramsar Convention.

The application site is adjacent to the marine environment and within meters of the High Water Mark (HWM) and the boundary of the designated sites.

Ards and North Down Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 18/02/2025. This found that the project would not have an adverse effect on the integrity of any European site. Conditions will be included below in Section 7.

NIEA: Marine and Fisheries stated that the applicant should be made aware that all construction or deposition works below the Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009.

NIEA: NED is satisfied that the proposed development is unlikely to significantly affect protected or priority species or habitats. A Bat Roost Potential survey found negligible suitability for bats, and a follow-up letter confirmed no changes to site conditions. NED therefore agrees the building is unlikely to support roosting bats but advises that if bats are found during works, all activity must stop and NIEA Wildlife Team should be

contacted. Vegetation removal should avoid the bird breeding season (1st March to 31st August), or be preceded by an ecologist check, with protective measures if nests are found.

Flooding & Coastal Erosion

Portions of the site fall within the 1 in 200 coastal floodplain and a Flood Risk Assessment (JKB Consulting Engineers) was submitted with the previously approved application. An addendum to the report has been submitted with this application. DFI Rivers was consulted and stated the following:

FLD1 - Development in Fluvial and Coastal Flood Plains – Rivers Directorate have reviewed the Flood Risk Assessment by JKB Consulting, and our comments are as follows:

The Flood Risk Assessment has demonstrated that during a 1 in 200 year coastal flood event, there will be a freeboard of 970mm to the building, however there will be a reduction in freeboard, to 7mm, to the surrounding areas which includes the parking areas, as it is proposed to lower the existing ground levels on the site by up to 1.46m towards the south of the site. Adopting the precautionary approach embodied by PPS 15, Rivers Directorate's general recommendation is that all development should have a suitable freeboard of 600mm.

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site.

FLD3 - Development and Surface Water – For this application a Drainage Assessment will not be required as the proposal does not exceed any of the following thresholds:

- It is a residential development comprising of 10 or more dwelling units
- It is a development site in excess of 1 hectare
- It is a change of use involving new buildings and or hard surfacing exceeding 1000 square metres

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.

If the proposal is to discharge into a watercourse, then an application should be made to the local Rivers Directorate office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

If it is proposed to discharge storm water into an NI Water system, then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out.

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Flood Risk in the Climate Change Scenario Rivers Directorate advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that a portion of the site lies within the 1 in 200 year coastal climate change flood plain (T200CC). The predicted T200CC (50pc) coastal flood level at this location is 3.39mOD.

It is proposed to lower the existing ground levels on the site by up to 1.46m towards the south of the site and this has had the effect of increasing the area of inundation on the site to incorporate the southern and eastern areas of the site, causing these areas to lie within the 1 in 200 year coastal climate change flood plain. Therefore, Rivers Directorate considered that in accordance with the precautionary approach, the majority of the development proposal is at risk of potential flooding in the climate change scenario and, unless the Planning Authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. The Planning Authority is advised to consider this as a material consideration.

Whilst it is acknowledged that the proposal does not fall neatly within exception (c) of FLD 1 — *replacement of an existing building* — due to the intensification of use arising from an apartment scheme, it is material that the site already benefits from extant permission for an apartment building. The current proposal represents only a modest increase in units beyond that previously approved. On this basis and having regard to the established principle of development on the site, it is considered reasonable to apply the exception under FLD 1 in this case.

Section 4.3 of the Flood Risk Assessment (FRA) states that “*Whilst the finished floor level would be raised so that the building would not be impacted upon by a 0.5% AEP (2080) [climate change] event, the access road and car parking may become flooded when water levels rise. This will only occur during extreme events and only for a few hours at the top of the tidal cycle. Typically, there is a reasonable warning period for coastal events through the media, Met-Office and DfI Rivers.*

Therefore, there will be sufficient warning time prior to the lough levels rising high enough to inundate the road, this will provide ample time for evacuation. Remaining in the building, given their proposed elevation, would be one option and if not evacuation routes to higher ground behind the site would be an alternative. Furthermore, the depth of flooding on the site is not expected to exceed 200-300mm depth, consequently the risk to life is negligible. It is recommended that the building management prepare a flood risk management plan to outline the proposed procedures during a flood event.

Rivers Directorate acknowledge the logic of the above statement and furthermore agree with the recommendation of the Flood Risk Assessment, that a flood evacuation plan be undertaken and provided to residents. Rivers Directorate cannot comment on the acceptability of the flood evacuation plan, for example, whether arrangements are "safe".

NIEA: Marine & Fisheries was consulted on the proposal and expressed concerns about potential impacts from climate change, sea level rise, and coastal erosion on the development. Material weight is afforded to the planning history of the site. Whilst the proposal would result in an increased number of apartments, the proposed physical changes to the development are relatively minor, with no alteration to the building footprint. Therefore, it is not considered that issues relating to coastal erosion would justify a refusal of planning permission.

5. Representations

A total of 41 representations were received from 17 address points. Many of which are neighbouring dwellings along Station Road and the surrounding area, along with elected representatives. In addition, 2 petitions were received and were signed by residents of Station Road. The following matters were raised:

Overdevelopment of the Site

Many objectors highlighted the significant overdevelopment represented by the proposal to construct six apartments on a plot measuring just 0.093 hectares. They noted that the surrounding area consists predominantly of single-family dwellings on generous plots, and that the proposed density was wholly inconsistent with the established residential character. Concerns were also raised about the precedent this could set for further intensification, potentially undermining the integrity of the neighbourhood and allowing further intensification along this 'sensitive' shoreline.

The principle of the apartment development was approved by the Planning Appeals Commission (PAC) under appeal reference 2021/A0227. These matters have been addressed in full under Section '**Design, Visual Impact and Impact on Character of the Area & proposed ATC**'.

Incompatibility with the Character of the Area

Numerous submissions expressed strong concern that the scale and form of the proposed apartment block are out of keeping with the existing streetscape. The proposed development was described as visually jarring and unsympathetic to its surroundings. Objectors pointed out that Station Road is characterised by detached, individually designed homes, and introducing a six-unit block would significantly disrupt the area's established visual harmony and low-density feel.

These matters have been addressed in full under Section '**Design, Visual Impact and Impact on Character of the Area & proposed ATC**'. There have been no significant changes to the footprint, overall scale, or external materials, which remain consistent with the previous approval granted at appeal by the Planning Appeals Commission (PAC). The proposed increase in height and alterations to fenestration are minor in

nature and, therefore, are not considered to result in a greater visual impact than the previously approved scheme

Impact on Natural Light and Residential Amenity

Several residents raised concerns about the increased height and footprint of the proposed building. They argued that the new structure would overshadow adjacent properties, leading to a significant loss of natural light and privacy. Particular concern was expressed by neighbouring homeowners whose side-facing windows would be directly affected.

These matters have been discussed in Section 'Residential Amenity' above. In relation to overshadowing, the modest increase of 0.75 metres in ridge height is not anticipated to cause any significant or unacceptable overshadowing to neighbouring properties. Please see the light test shown in Figure 6 in the relevant section. It must be noted that the footprint of the building has not been altered. No. 133 Station Road has several side windows facing the development. As these serve bathrooms and stairwells and are obscure glazed, any overshadowing caused by the development would not warrant a refusal. The high-level windows along this side elevation will not be impacted as previously discussed above.

Inadequate and Unsafe Access

A recurring issue raised by objectors was the inadequacy and danger of the access route. The development is reached via a narrow, unlit, single-lane coastal path that also functions as a public right of way (PROW). Objections noted that this route includes a blind 90-degree turn and lacks pavement, posing serious hazards to pedestrians, particularly during construction and if traffic volumes increase as a result of the development. Some pointed out that the road is already struggling with current levels of use, and intensifying traffic could endanger all users, including children, elderly residents, and individuals with disabilities.

These issues were considered by the PAC in the extant approval, with the Commissioner highlighting that the modest traffic increase from the proposed development of 4 apartments would not cause significant congestion or road safety issues, even given the narrow nature of Station Road. This application proposes an additional two apartments; however, I do not consider that the level of traffic generated by the additional apartments would give rise to any appreciable congestion within the local road network. It is reasonable to expect that motorists travelling to and from the application site would be cognisant of the local driving environment, including the likelihood of encountering pedestrians, including those with pushchairs or young children, and remain vigilant.

DFI Roads was consulted and raised no objections.

Inadequate and Unworkable Parking Arrangements

Objectors drew attention to the impracticality of the proposed parking layout. The development includes spaces to the rear accessed via a narrow garage entrance with just 2 metres of clearance at points, making it unsuitable for many modern vehicles. The rear parking area also lacks sufficient turning room, and some spaces are situated

at difficult angles. Residents pointed out that this arrangement would make parking highly challenging or even impossible for all but the smallest cars, and that no visitor parking has been provided.

A swept path analysis was submitted which evidences how cars would be able to manoeuvre into each parking space. DFI Roads were also consulted on the proposed parking and asked to review the representations. DFI Roads stated that the amended layout and swept path analysis looks acceptable and offered no objections to the proposal.

Insufficient Provision of Private Open Space

Objectors noted that the proposed amenity space does not meet the minimum requirement per apartment. Referencing the design guidance in Creating Places, it was argued that closer to 30 square metres per dwelling should be provided. The proposed open space was described as inadequate and unfit to serve the likely number of residents.

Creating Places states that the appropriate level of open space should be determined by having regard to the particular context of the development and the overall design concept. The guidance document goes on to state that apartment developments on greenfield sites and within lower density areas should normally seek to provide the higher figure, although this may be reduced where some private open space is provided in the form of patios or balconies.

The revised scheme results in a reduction in on-site amenity space, with the communal garden to the rear now measuring approximately 58 sqm and the previously proposed rear patio area omitted. In addition, objectors stated that cycle storage further reduces the already limited shared garden area. Despite this reduction, adequate amenity provision is maintained through the inclusion of private balconies for each apartment and the retained communal garden area. Furthermore, the site's immediate proximity to the North Down Coastal Path and beach provides future residents with convenient access to high-quality recreational space.

Having regard to the site context and overall design concept, it is considered that the level of amenity provision remains appropriate and acceptable.

Bin Storage and Waste Collection Challenges

Objections were received regarding waste management, with concerns that six apartments would generate the need for at least 24 bins, yet no adequate provision had been made for their storage or movement. Objectors highlighted the practical difficulties of manoeuvring bins past parked vehicles to the collection point and questioned where bins would be placed on collection days without obstructing the access road or PROW. The lack of a workable solution was described as indicative of poor planning. Some residents went further, claiming that Plan 18B had been drawn to the wrong scale and that the proposed arrangements breached Building Regulations.

In response, the applicant submitted a revised block plan (18C), which was reviewed by Building Control alongside the detailed objections. Notably, no further objections were received on this matter following the submission of Drawing 18C. Building

Control's final comments are addressed in the 'Residential Amenity' section above, where they confirmed they had no objections.

Flood Risk and Drainage Problems

Objectors emphasised the site's vulnerability to flooding, referencing specific incidents including sewage overflow as recently as November 2024. There was widespread criticism of the absence of a robust Flood Risk Assessment (FRA), and fears that the increased hard surfacing associated with the development would worsen drainage problems. Several submissions highlighted that the land sits at a lower elevation than neighbouring plots and is already prone to pooling during heavy rain.

The application was accompanied by an updated Flood Risk Assessment (FRA) prepared by JKB Consulting Engineers. This was reviewed in detail by DFI Rivers. DFI Rivers acknowledged that lowering of ground levels will increase inundation across parts of the site, particularly the access and parking areas, and therefore applied the precautionary approach under PPS15. However, they accepted the logic of the FRA and had no reason to disagree with its conclusions.

The FRA also confirms that any flooding would occur only during extreme events, typically lasting a few hours at peak tide, with sufficient warning provided by established forecasting systems to enable evacuation. The predicted depth of inundation within the site is limited (200–300mm), with negligible risk to life. In line with the FRA, DFI Rivers recommended that a flood evacuation plan be prepared and made available to residents. This will be secured by planning condition in the interests of public safety.

Strain on Local Sewerage Infrastructure

Residents raised concerns that the existing mains sewerage system is already at or beyond capacity, as demonstrated by past overflows during periods of heavy rainfall. They warned that adding six apartments could place an unsustainable burden on this infrastructure, exacerbating a situation that already affects the community.

Consultation has been carried out with NI Water. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. A condition is recommended to prevent commencement of development until a solution is formally agreed. This condition will prevent any harm arising.

The applicant has engaged with NI Water through the pre-development enquiry process and is working with them to identify a solution.

Legal and Procedural Irregularities

Serious issues were flagged in relation to land ownership and the validity of the planning application. Several objections stated that the red line boundary on the site location plan encroaches on land not owned by the applicant, including third-party property and the public right of way. Furthermore, inconsistencies in the application form were identified, including incorrect or incomplete ownership certificates, failure to serve notices on affected landowners, and a declaration that there was no public right of way within the site.

The Applicant has confirmed that the red line boundary of the application site and the certificate of ownership are correct. No verifiable evidence has been submitted to challenge this assertion. The Council cannot become embroiled in landownership disputes and has queried the veracity of the certificate due to the objector's concerns.

If the objectors do legally own any of the land, then they can prohibit the developer from developing. Additionally, any issues with the PROW are considered a civil matter and no not form a material planning consideration.

Misrepresentation of Neighbouring Land

Several respondents highlighted that the application incorrectly labels adjacent land as "vacant." This land has existing planning permission for residential development. Objectors expressed concern that any reference to the land as 'undeveloped' could be misleading and potentially significant when assessing the feasibility and impact of the proposed project.

The proposed block plan identifies that the adjacent plot is an empty field with outline planning permission. It is considered that an appropriately designed future development could co-exist alongside the proposal without resulting in any adverse impact on the residential amenity of prospective occupants.

Obstruction of Neighbours' Access

Particular concern was raised by residents of neighbouring properties who rely on access through the application site to reach their homes. They noted that the proposed development risks obstructing established rights of way and would jeopardise access for both them and emergency services.

While these concerns are understood, it should be noted that issues relating to private rights of way and access are civil matters and do not constitute material planning considerations. They fall outside the remit of the planning process and would need to be resolved separately between the relevant parties.

Road Damage and Environmental Impact

Residents reported that prior construction activity on Station Road has already caused visible damage to the road surface, largely due to heavy vehicles and increased traffic. They warned that additional building work would worsen this deterioration, and that the road is not built to accommodate such loads.

While these concerns are noted, it is important to clarify that the upkeep of a private road is a matter for the landowners. Furthermore, I do not consider that there is any persuasive evidence that the development would likely give rise to further deterioration of the road surface.

Emergency Access and Fire Safety Shortcomings

Respondents flagged the lack of emergency exits or muster points within the development design. There were concerns about the ability of emergency vehicles to

reach the site due to restricted access. It was argued that the layout could compromise resident safety in the event of a fire or medical emergency, particularly for apartments located at the rear

It should be noted that these matters are typically addressed through building regulations and emergency services requirements at a later stage. The access to the site reflects that of the previous planning permission. It is not considered that the alterations to the layout would compromise the ability of emergency services to access the site.

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. All hard and soft landscape works shall be carried out in accordance with DRG 18A: Proposed Block Plan. The works shall be carried out during the first available planting season after the occupation of any part of the dwelling.

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

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

Reason: To ensure adequate car parking within the site.

4. 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.

5. The long-term management and maintenance of the communal amenity space, as indicated on DRG 18A: Proposed Block Plan, shall be undertaken by a

management company commissioned by the developer. Details of the arrangements to be put in place to establish the management company and details of the alternative measures which will take effect in the event that the management arrangements break down, must be submitted to and agreed in writing with the Council prior to the occupation of any part of the development hereby permitted.

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

6. No part of this development hereby approved shall be occupied until the proposed communal amenity space outlined blue on DRG 18A: Proposed Block Plan, has been provided in accordance with the details shown on said plan. The communal amenity space area shall be permanently retained and shall not be used for any purpose other than as amenity space.

Reason: To ensure the provision and retention of communal amenity space within the site.

7. Prior to any development taking place, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Council. The CMS shall include details of demolition, excavation and construction. It shall also identify the perceived risks to the aquatic environment, potential pollution pathways and mitigate measures to negate such risks. Works on site shall be carried out in accordance with the approved CMS, unless otherwise agreed in writing by the planning authority.

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

8. The existing vegetation along the eastern and south-eastern boundaries of the site shall be retained at a height of not less than 3m.

Reason: In the interests of privacy and amenity.

9. A clearly defined buffer of at least 10 m must be maintained between the location of all areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the adjacent marine environment on the northern edge of the red line boundary.

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

10. All construction activity shall be confined within site boundaries, and the boundary of Belfast Lough SPA and Ramsar shall not be disturbed in any way without written consent from DAERA.

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

11. 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.

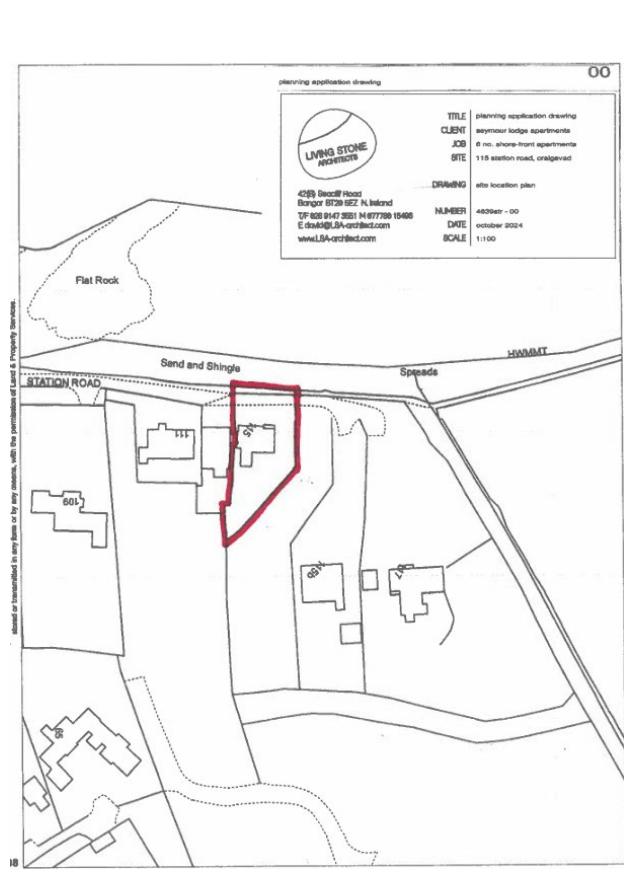
Reason: To ensure no adverse effect on the water environment.

12. Prior to the occupation of any dwelling hereby approved, a Flood Evacuation Plan shall be prepared and submitted to the Council for approval. The Plan shall include arrangements for alerting residents to flood events, safe evacuation routes, and procedures to be followed in the event of flooding. Once approved, the Flood Evacuation Plan shall be made available to all residents and maintained for the lifetime of the development.

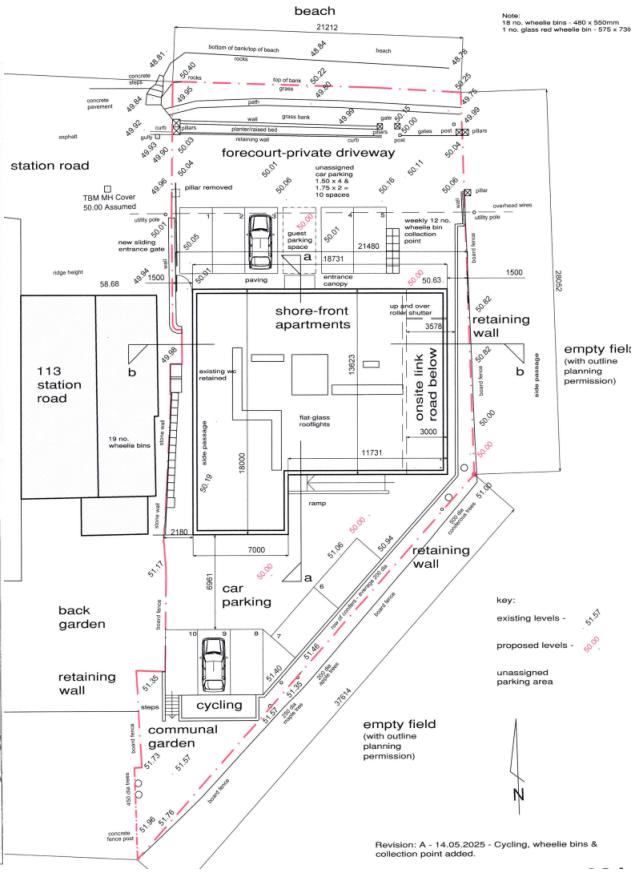
Reason: To ensure that residents are provided with appropriate guidance and procedures to manage flood risk, in the interest of public safety.

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 informatics, advice or guidance provided by consultees, where relevant, on the Portal.

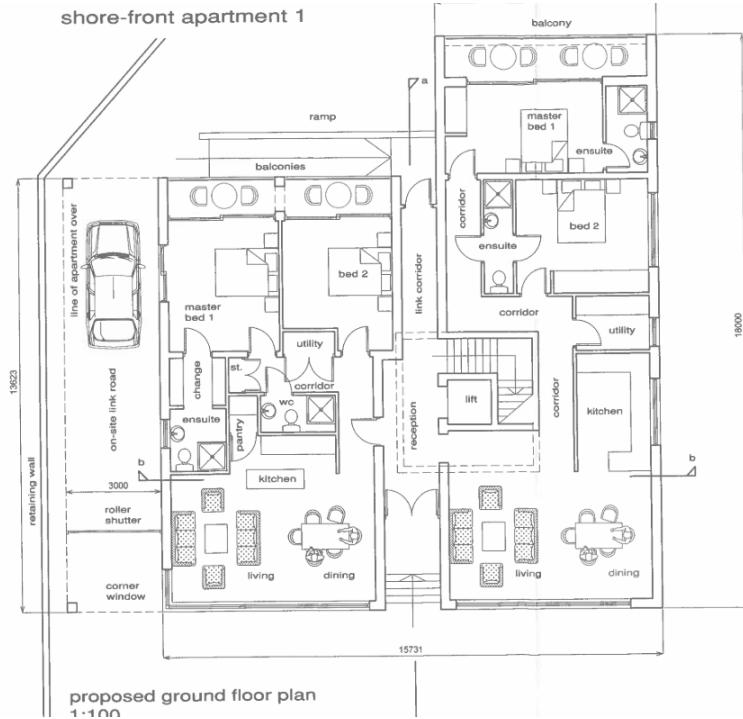
Appendix 1: Plans



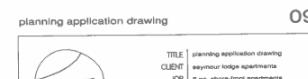
Site Location Plan



Proposed Block Plan

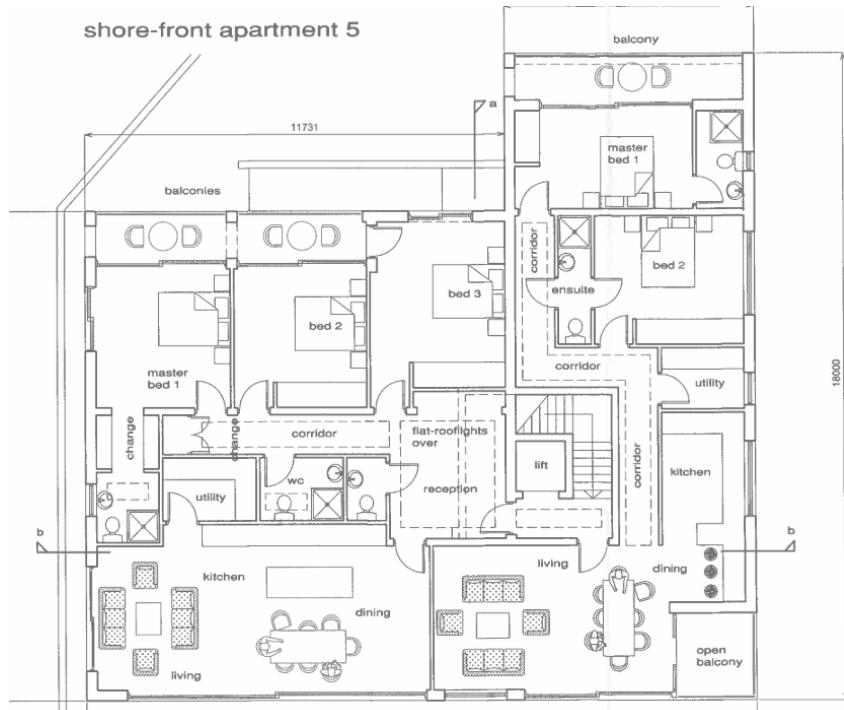


Proposed Ground Floor Plan





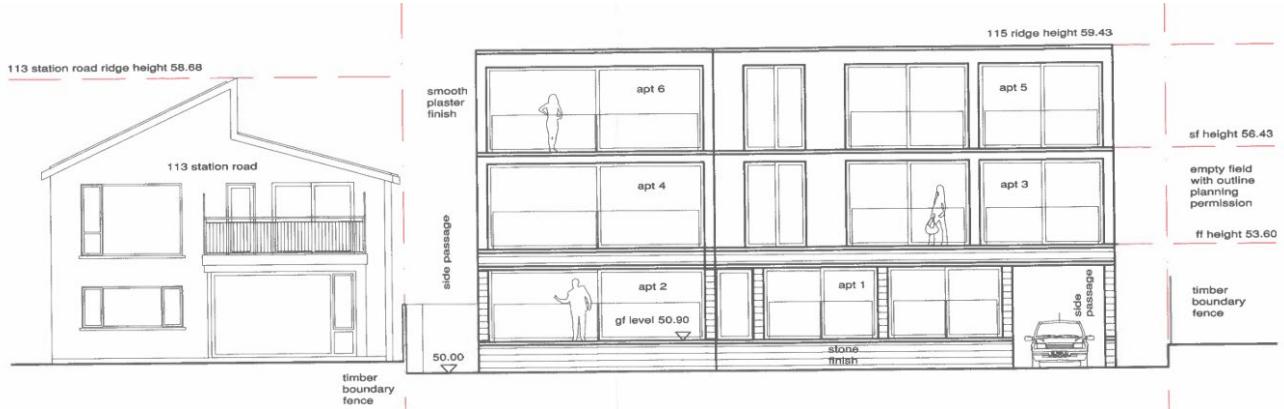
Proposed First Floor Plan



Proposed Second Floor Plan



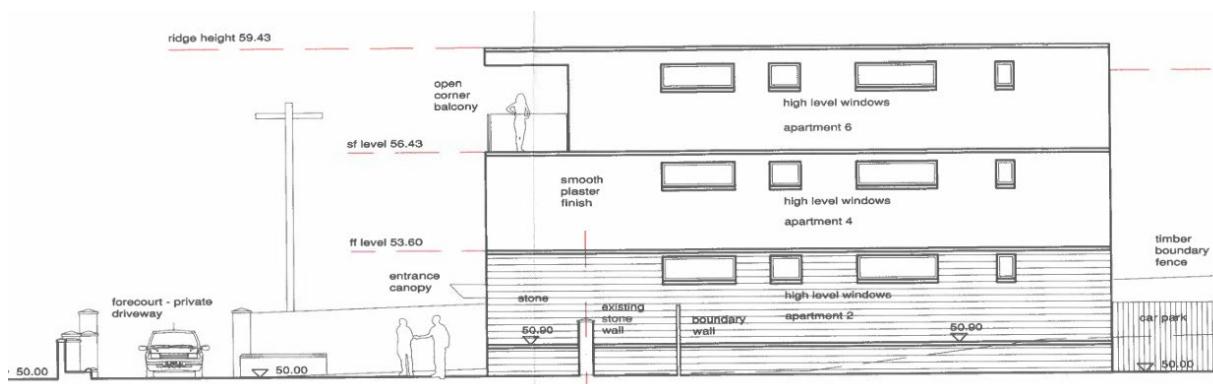
Proposed Front Elevation



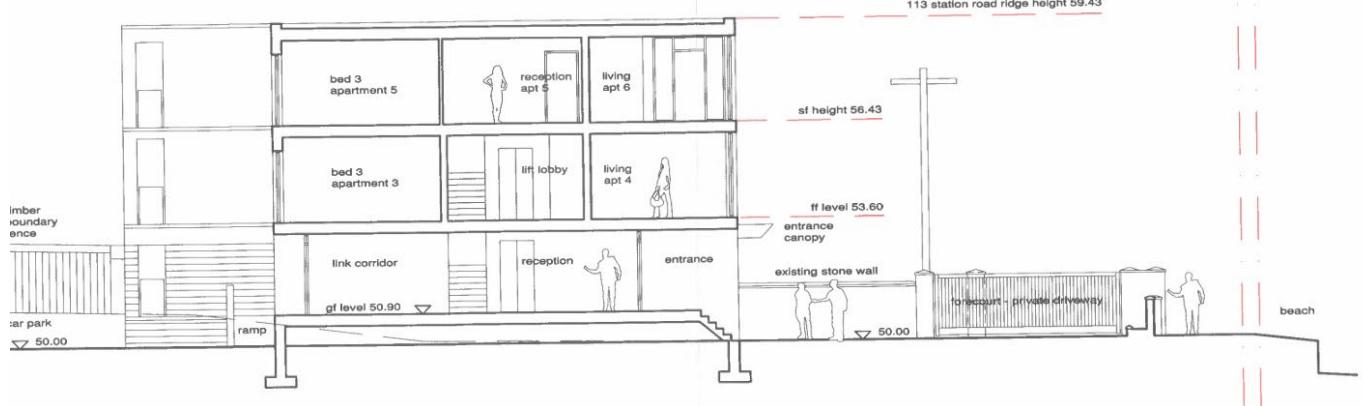
Proposed Rear Elevation



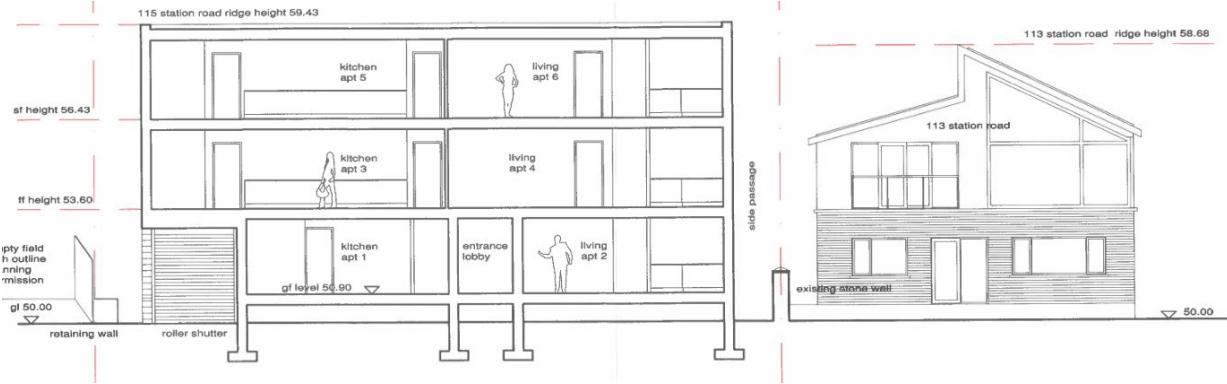
Proposed Side Elevation (Eastern Elevation)



Proposed Side Elevation (Western Elevation)



Proposed Section 1



Proposed Section 2

Appendix 2: Photos*Front elevation of No. 115 Station Road**Front elevation of No. 113 Station Road & Access Road to No. 115*



Access & Private driveways leading to No.115B & 117





Access Road to front of No. 115, with Coastal path and beach adjacent



Station Road



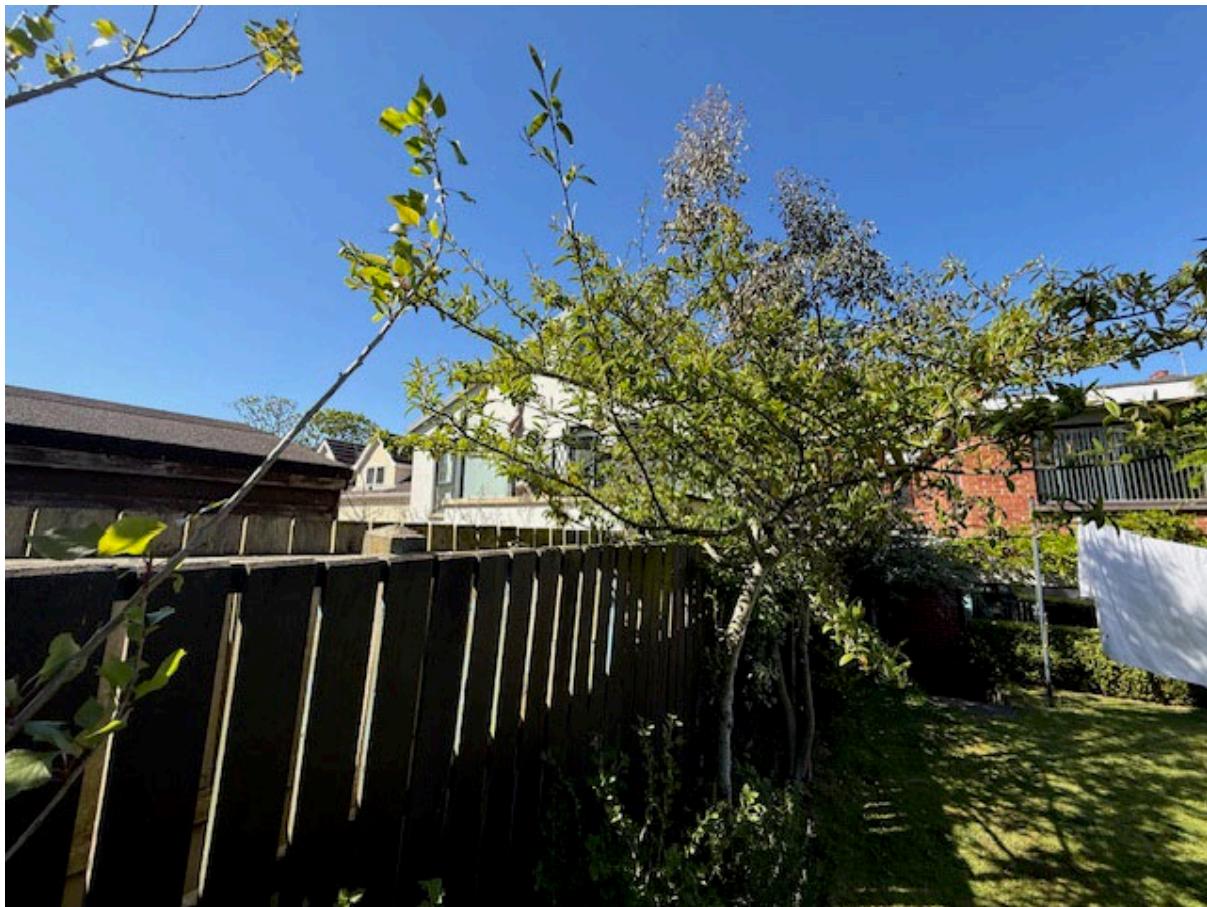
Rear Garden of No. 115 Station Road





Views of No. 113 from site





Item 4.5a – Addendum to LA06/2024/0952/F

This addendum has been prepared following the submission of eight additional objections from six separate addresses, including three from elected members. These objections have raised numerous issues including, but not limited to, intensification, inadequate car parking provision, issues with access and road safety, flood risk and road damage.

The Case Officer's Report comprehensively deals with these objections as they have all been raised during the processing of the application. For the avoidance of any doubt I have listed each objection and the consideration of each below:

Overdevelopment of the Site

Many objectors highlighted the significant overdevelopment represented by the proposal to construct six apartments on a plot measuring just 0.093 hectares. They noted that the surrounding area consists predominantly of single-family dwellings on generous plots, and that the proposed density was wholly inconsistent with the established residential character. Concerns were also raised about the precedent this could set for further intensification, potentially undermining the integrity of the neighbourhood and allowing further intensification along this 'sensitive' shoreline.

Response: It is very important to note that the principle of the apartment building was approved by the Planning Appeals Commission (PAC) under appeal reference 2021/A0227 for an apartment block consisting of 4 No units. The reporting Commissioner highlighted that the in-situ dwelling and approved replacement dwelling would each equate to a density of 11 dwellings per hectare (dph). The approved development under 2021/A0227 would equate to approximately 40 dph as a consequence of there being four residential units within the building and this is the very valid fall back of the applicant. The proposed development with the addition of two more units brings this number to 64dph.

While this represents a rise in density compared to the surrounding area, the findings of Appeal Ref 2021/A0227 remain relevant and carry significant weight. It is important to note that the two additional units are proposed within an apartment building that maintains a similar footprint to the previously approved scheme, with the only substantial alteration being an increase in height of 0.75 metres. The development site is an 'end of lane' location as accepted by the PAC and is located within part of an anomalous, tighter group of buildings on smaller plots. In this context, the proposed change is not considered to give rise to unacceptable harm to the local character. Consequently, the increase in density does not, in itself, justify a refusal on the grounds of overdevelopment or intensification.

These matters have been addressed in full within the Case Officer's Report under Section '**Design, Visual Impact and Impact on Character of the Area & proposed ATC**'.

Incompatibility with the Character of the Area

Numerous submissions expressed strong concern that the scale and form of the proposed apartment block are out of keeping with the existing streetscape. The proposed development was described as visually jarring and unsympathetic to its surroundings. Objectors pointed out that Station Road is characterised by detached, individually designed homes, and introducing a six-unit block would significantly disrupt the area's established visual harmony and low-density feel.

Response: Again it is imperative to highlight that there are no significant changes to the footprint, overall scale, or external materials, which remain consistent with the previous approval granted at appeal by the Planning Appeals Commission (PAC). The proposed increase in height and alterations to fenestration are minor in nature and, therefore, are not considered to result in a greater visual impact than the previously approved scheme which is a genuine material fall back and the baseline for the purpose of assessing the impact on the character of the area.

These matters have been addressed in full under Section '**Design, Visual Impact and Impact on Character of the Area & proposed ATC**'.

Impact on Natural Light and Residential Amenity

Concerns were raised about the increased height of the proposed building and alleged that the new structure would overshadow adjacent properties, leading to a significant loss of natural light and privacy.

Response: In relation to overshadowing, the modest increase of 0.75 metres in ridge height is not considered to cause any significant or unacceptable overshadowing to the neighbouring properties directly adjacent. Please see the light test shown in Figure 6 in the relevant section of the Case Officer's Report.

It must be noted that the footprint of the building has not been altered.

Planning Service is satisfied that the proposed design amendments to the apartment building will not result in any unacceptable adverse impact on the residential amenity of either existing or future occupants of Station Road.

The proposed development is not considered to result in any unacceptable impact on the neighbouring properties at 115B and 117 Station Road. Both dwellings are located a sufficient distance from the application site—over 30 metres and over 50 metres respectively—which, along with their orientation, ensures that issues such as overlooking, overshadowing, or loss of privacy will not arise.

These matters have been addressed in full under Section '**Residential Amenity**'.

Inadequate and Unsafe Access

Issues surrounding the inadequacy and danger of the access route were raised again. The development is accessed via a narrow, unlit, single-lane coastal path that also functions as a public right of way (PROW). Objections noted that this route includes a blind 90-degree turn and lacks pavement, posing serious hazards to pedestrians and would be a matter of road safety with no adequate visibility splays.

Concerns were also repeated that the road is already struggling with current levels of use, and intensifying traffic could endanger all users.

Response: These matters were all considered by the PAC in the extant approval, with the Commissioner highlighting that the modest traffic increase from the proposed development of 4no. apartments would not cause significant congestion or road safety issues, even given the narrow nature of Station Road. This decision was not challenged.

This proposal includes an additional two apartments and four additional car parking spaces. Planning Service does not consider that the level of traffic generated by the addition of two apartments would give rise to any appreciable congestion within the local road network. This site is located towards the end of this private road with only two dwellings located past it and therefore traffic driving past the development site would be limited. Also relevant to this consideration is the fact that traffic would not be driving at any great speed down this private road. As the Commissioner highlighted at the previous appeal, it is reasonable to expect that motorists travelling to and from the application site would be cognisant of the local driving environment, including the likelihood of encountering pedestrians, including those with pushchairs or young children, and remain vigilant.

DFI Roads was consulted and raised no objections but did highlight that this is a private road which is a considerable distance from the public road.

Inadequate and Unworkable Parking Arrangements

The development proposes spaces to the rear accessed via a narrow garage entrance under the first floor of the building with just 2.8 metres of clearance which is substandard. Objections were submitted alleging that the rear parking area lacks sufficient turning room, and some spaces are situated at difficult angles.

Response: Creating Places does suggest that 3.2m should be provided for a driveway at a single dwelling but this is guidance only and 2.8m is more than enough to facilitate any car. In any event, anyone using the rear parking spaces for the development would know to drive at an appropriate speed and to be conscious of their surroundings.

Creating Places states that for 2 bed apartments, 1.5 spaces are required for each apartment which results in $4 \times 1.5 = 6$ spaces required. For 3 bed apartments, 1.75 spaces are required which results in 3.5 spaces required. This application only provides an additional 4 parking spaces over and above that provided with the previous approval granted at appeal. 6no. are now provided to the front of the dwelling and 5no. to the parking area to the rear. In total, 11no. spaces have been provided with 1no. space allocated for visitor parking. This is considered as acceptable parking provision on site.

A swept path analysis was submitted following objections which clearly evidences how cars would be able to manoeuvre into each parking space located to the rear of the apartment building. DFI Roads was also consulted on the proposed parking and

asked to review the submitted objections and stated that the amended layout and swept path analysis looks acceptable.

Issues have also been raised about the access onto the road being substandard with no visibility splays. As referred to above, anyone travelling down Station Road would be driving at an appropriate speed and would be aware of the care required. This would be the same for those entering or exiting the development. Additionally, vehicles exiting will be exiting onto a private lane, where traffic will be travelling slowly and which currently services an additional two dwellings past the development site. A single dwelling, each at 115A and 117A (beyond the application site) has been approved in principle as at 2013, with those outline approvals being renewed regularly.

For the reasons given above the proposed development would not prejudice road safety or significantly inconvenience the flow of traffic. It is therefore not anticipated that there will be any road safety concerns.

Insufficient Provision of Private Open Space

Issues have again been raised that the proposed amenity space does not meet the minimum requirement per apartment. The proposed open space was described as inadequate and unfit to serve the likely number of residents.

Response: Creating Places states that the appropriate level of open space should be determined by having regard to the particular context of the development and the overall design concept. Private amenity space should range from a minimum of 10sq m per unit to 30sq m per unit. The guidance goes on to state that apartment developments on greenfield sites and within lower density areas should normally seek to provide the higher figure, although this may be reduced where some private open space is provided in the form of patios or balconies.

The revised scheme results in a reduction in on-site amenity space (in respect of the appeal proposal), with the communal garden to the rear now measuring approximately 58 sqm and the previously proposed rear patio area omitted.

As this is not a greenfield development site Planning Service is content that adequate amenity provision is maintained through the inclusion of private balconies for each apartment and the retained communal garden area. Furthermore, the site's immediate proximity to the North Down Coastal Path and beach provides future residents with convenient access to high-quality recreational space.

Having regard to the site context and overall design concept, it is considered that the level of amenity provision remains appropriate and acceptable.

Bin Storage and Waste Collection Challenges

Objections repeated concerns that there was inadequate waste storage.

In response to previous objections, the applicant submitted a revised block plan (18C), which was reviewed by Building Control alongside the detailed objections.

Response: Building Control reviewed the proposals against the Building Regulations and the *Local Government Waste Storage Guide for NI*. It confirmed that the calculated waste volumes, bin capacity, storage provision, and travel distances generally comply with guidance. A minor exceedance in travel distance for blue bins was noted but considered acceptable given the site's topography. Access for collection vehicles was also deemed satisfactory. On this basis, both Building Control and the Council's Waste and Cleansing Service raised no objections.

Flood Risk and Drainage Problems

Objectors reiterated concerns with the site's vulnerability to flooding, highlighting that the land sits at a lower level than neighbouring plots and is already prone to pooling during heavy rain.

Response: The application was accompanied by an updated Flood Risk Assessment (FRA) prepared by JKB Consulting Engineers. This was reviewed in detail by DFI Rivers. DFI Rivers acknowledged that lowering of ground levels will increase inundation across parts of the site, particularly the access and parking areas, and therefore applied the precautionary approach under PPS15. However, DFI Rivers accepted the logic of the FRA and had no reason to disagree with its conclusions.

The FRA also confirms that any flooding would occur only during extreme events, typically lasting a few hours at peak tide, with sufficient warning provided by established forecasting systems to enable evacuation. The predicted depth of inundation within the site is limited (200–300mm), with negligible risk to life. In line with the FRA, DFI Rivers recommended that a flood evacuation plan be prepared and made available to residents. This will be secured by planning condition in the interests of public safety.

Strain on Local Sewerage Infrastructure

Several of these objections repeated concerns that the existing mains sewerage system is already at or beyond capacity, as demonstrated by past overflows during periods of heavy rainfall. They warned that adding six apartments could place an unsustainable burden on this infrastructure, exacerbating a situation that already affects the community.

Response: Consultation has been carried out with NI Water. An assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. A condition is recommended to prohibit commencement of development until a solution is formally agreed. This condition ensures that no harm will arise.

The applicant has engaged with NI Water through its pre-development enquiry process and is working with NI Water to identify a solution which he is positive will be found.

Road Damage and Environmental Impact

Concerns were raised in relation to road damage and warned that additional building work alongside increased resident traffic would worsen this deterioration, and that the road is not built to accommodate such loads.

Response: While these concerns are noted, it is important to clarify that the upkeep of a private road is a matter for the landowners and this was reiterated by the Commissioner in the previous appeal report. Furthermore, as this proposal only proposes an additional 4no. car parking spaces I do not consider that there is any persuasive evidence that the development would likely give rise to further deterioration of the road surface.

Conclusion

Planning Service is content that all representations have been fully considered and remains of the opinion that full planning permission should be granted.

Possible reasons for Refusal of LA/2024/0952/F

Reasons for refusal:

I consider that the proposal should be refused for the following reasons:

It breaches the SPPS (2nd Edition) para 6.137 because it unacceptably increases housing density with town cramming within an established residential areas where policy requires that it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

And this is a coastal residential area of distinctive townscape character comprising houses on large plots with an average density of 5 d.p.h., and there are no exceptional circumstances to allow an increase in density .

And the proposal is in breach of Policy LC1 criterion (a) and (b) because the proposed density is significantly higher than that found in the established residential area, and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area

Justification for Reasons:

In considering this application, I am mindful of the decision of the Planning Appeals Commissioner, and the reasoning that was applied.

I am also aware that Council did not mount any challenge to the decision of the PAC in terms of its assessment of policy and the assessment made.

Furthermore, I am aware that the Commissioner reached a different evaluative planning judgment to that of the Planning Committee.

I have significant concerns about this application. It represents a form of “creeping consent”, whereby a proposal is approved with an apparently small scale adverse impact, and that is then used as the new benchmark for a further more harmful impact.

That is particularly important here, where the PAC expressly held (at para 37) that there was a breach of Policy LC1 of APPS7, criterion (a).

That is all the more significant because the PAC held (para 36) that “the density of the proposed development would still be significantly higher than that found in the ERA (established residential area) in numerical terms”.

- **This current proposal has an even greater density.**
- **Moreover, the proposal is of greater height.**

- **I consider the cumulative effect of that to be unacceptable and adverse.**

However, I want to add some further amplification on the policy issue to explain the greater weight that I give to these important issues.

The issue of draft Areas of Townscape Character

I have serious misgivings about the PAC giving no weight whatever to draft ATCs.

There is a serious risk that the very features that mark a draft ATC will be lost by development, and by forms of creeping development in a manner that render the ATCs of materially less value. Given the delays in bringing forward area plans, that should be an issue of concern.

However, I am mindful that the PAC decision was not challenged, and I therefore proceed on the basis that this was a correct assessment.

I turn to the SPPS and, in particular, I consider the policy assessment of town cramming.

I agree with the PAC decision that para 6.137 is an applicable policy and a material consideration (para 11).

However, I do not agree that there is no conflict between 6.137 and the PPS 7 provisions for these reasons:

The SPPS 2nd edition states at para 6.137:

“6.137 In preparing local development plans (LDPs) councils shall bring forward a strategy for housing, together with appropriate policies and proposals that must reflect the policy approach of the SPPS, tailored to the specific circumstances of the plan area. Planning authorities must deliver:

- **increased housing density without town cramming**: higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities.
- **Within established residential areas** it is **imperative to ensure** that **the proposed density of new housing** development, together with its form, **scale, massing** and layout **will respect local character** and environmental quality as well as safeguarding the amenity of existing residents. **In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.**” (my emphasis added)

SPPS Policy 6.137 is **NOT specific** to ATCs or Conservation areas. It is of general application to established residential areas and areas with a distinct character. Nor do I

see anywhere where “**distinctive townscape character**” is to be framed by reference to ATCs or Conservation Areas. The distinctiveness of this area is as a coastline with residential properties in larger plots.

Secondly, and as a result, the proposal requires consideration of whether the area is an “established residential area”. The PAC has already confirmed in its previous decision that it is and I agree with its conclusion.

I find no such policy in PPS7 relating to residential areas of distinctive townscape character and given that the PAC does not apply policy to draft ATCs, I consider that the proper application of this policy is critical moving forward. Nor do I see any reason for reading in the terms “ATC” or “Conservation Area” into the policy as adopted.

The coastal area of this borough is a precious asset. Whilst I recognise the SPPS policy contains specific protection of the **undeveloped coast** in terms of habitat and environment (para 6.31-6.34), that does not prevent this Committee from giving weight to the coast as a distinctive townscape character area separate to the issue of ATC. I consider that the Committee can and must give weight to the established residential area of this part of the coastline. I consider that is material to the policy, and that this is a distinct coastal area with an established residential area.

At para 25 of its decision, the PAC recognised that:

“The general character of the area is that of dwellings set within fairly spacious plots. However, the in-situ dwelling on the appeal site, and the adjacent dwellings at Nos. 113 and 111 Station Road to the west present as being more tightly grouped together and on notably smaller plots than others nearby. Whilst in one sense this pocket of development is an anomaly, one the Council itself stated was unique, it nevertheless remains part and parcel of the wider overall character.”

However, I cannot find anywhere in the PAC decision where the Commissioner considered that increased density should only be permitted in “exceptional circumstances” as required by para 6.137 of the SPPS.

Whilst I find the increase in height and density unacceptable, I consider them unacceptable individually and cumulatively.

- The average density on this area identified by the PAC is 5 dwellings per hectare (d.p.a.).
- The current building is 11 dwellings per hectare.

- The appeal that was allowed raises that to 40 d.p.a. This proposal will increase that again to 64 dwellings per hectare.

However, **in addition** I find no exceptional circumstances that would justify a departure.

I note that the PAC held (para 26) that “*the appeal building is not insignificant*”. I consider that to mean that it is significant, and I agree. The current proposal is even more significant. Unacceptably so.

I consider that the views for those walking in both directions of the coast are critical.

Whilst the PAC considered that the previous appeal’s “proposed full length, three storey height..... would read as unacceptably dominant or overbearing in the street scene as its proposed height”, I consider the current proposal unacceptable in those terms.

I do not consider the weight to be given to viewing from the front (para 27) as significant. One would have to stand still and look at it. The issue is the breach of policy in terms of cramming and height and I give greater weight to the views as one approaches.

I also consider that the proposal is contrary to Policy LC1 criterion (b). That requires that:

“(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;”

Whilst the PAC (at para 38) considered that the particular design of the proposed building would not alter the footprint to plot ratio over what was deemed acceptable by the Council; and would not alter the pattern of development to any extent where it would not be in keeping with the overall character and environmental quality of the established residential area, I consider that this proposal does so offend.

ARDS AND NORTH DOWN BOROUGH COUNCIL

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

PRESENT:

In the Chair: Alderman McIlveen

Alderman: Graham
McDowell
Smith

Councillors:	Cathcart	McRandall
	Creighton	McKee (Zoom)
	Harbinson	McCollum
	Kerr	Morgan
	Kendall (Zoom)	Wray
	Martin	

Officers: Director of Prosperity (A McCullough), Principal Professional & Technical Officers (C Blair & L Maginn), Senior Professional & Technical Officers (C Rodgers & P Kerr) and Democratic Services Officer (R King)

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

Councillor Cathcart declared an interest in Item 4.1 - LA06/2015/0677/F, explaining that he had not been present at its previous hearing in December 2023.

6. UPDATE ON PLANNING APPEALS

(Appendices XV - XVI)

PREVIOUSLY CIRCULATED:- Report from the Director of Prosperity outlined as follows:

Appeal Decisions

1. The following appeal was upheld on 29 January 2024 following a hearing held on 16 November 2022, some 14 months earlier.

PAC Ref	2021/A0227
Application ref	LA06/2021/0413/F

Appellant	Mr James Morley
Subject of Appeal	The refusal of full planning permission for demolition of existing dwelling and erection of 4 no. 2 bed apartments
Location	115 Station Road, Craigavon, Holywood

The Council refused the above application on 22 February 2022 for the following reasons:

- 1) The proposal was contrary to Policy QD1 of PPS 7 – Quality Residential Environments in that the proposed development involved intensification of site usage within an Area of Townscape Character and it did not meet any of the exceptional circumstances, and would, if permitted, adversely affect the local character of the area.
- 2) The proposal was contrary to Policy QD1(a) of PPS 7 – Quality Residential Environments in that it would, if permitted, result in over development of the site and cause unacceptable damage to the local character and environmental quality of the established residential area by reason of its layout, scale, proportions, massing and appearance of the building which would be out of keeping with the character of the area and which consisted mainly of large detached single houses within large curtilages. The proposed development would also create an unacceptable precedent and the potential cumulative impact of similar development would further detract from the environmental quality, residential amenity and established character of the surrounding area.
- 3) The proposal was contrary to Policy ATC 2 of the Addendum to PPS 6 – Areas of Townscape Character, in that the proposed development would not respect the built form of the area and would not maintain or enhance the overall character of the area by reason of its density, layout, scale, massing and appearance of the building.
- 4) The proposal was contrary to Policy LC 1 (a) of the Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas, in that the proposed density on the site was significantly higher than that found in the established residential area.

The Commissioner noted that the Council had granted full planning permission in February 2021 for replacement of the in-situ dwelling with a larger replacement dwelling (ref. LA06/2018/1077/F). That building was notably larger than the in-situ dwelling and was of a modern design, with a 3-storey high element with front facing balcony at one end, sizeable window panels and a double garage emplacement in its front façade.

The Commissioner did not sustain the Council's first and third reasons for refusal on the basis that they referred to Areas of Townscape Character (ATC) whilst the appeal development was located within a draft ATC. Notwithstanding that position, he agreed that the potential impact of the appeal development on the proposed ATC remained a material consideration.

He continued that, as it was not known how any lawfully adopted BMAP would describe the overall character of the area to be designated, it was not possible to assess the impact of the appeal development on that character. However, regardless of the lack of a policy context, the impact of the appeal development on the proposed ATC remained a material consideration and could still be objectively assessed against the context of the surrounding built form.

Whilst the previous approval did not constitute a fall-back in the conventional meaning of the term, the Commissioner considered that it provided a starting point to assessing the potential impacts of the appeal development versus what had previously been approved. Despite its size, it was not considered to read as unacceptably dominant or overbearing in the streetscene, nor would it present as overdevelopment of the site given its utilisation of the footprint for the previously approved dwelling.

Additionally, he determined that the proposed apartment building would not appear out of keeping with the character of the area given its position relative to existing built development. He determined that the appeal development would respect 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. The appeal development satisfied criterion (a) of Policy QD1 of PPS7, that policy read as a whole, as well as the related provisions of the SPPS. Likewise, it also accorded with section 13.7 of the NDAAP.

As such the Council's second reason for refusal and related concerns of the Objectors were not sustained. For the same reasoning he considered that whilst dBMAP was only to be afforded limited weight in this appeal, the appeal building by reason of its layout, scale, massing and overall design would not fail to maintain or enhance the overall character of the proposed ATC. The Council's and Objectors' related concerns as to the proposed ATC were not sustained.

Whilst he accepted the density would be significantly higher than that found in the ERA (40 dwgs/ha compared to the ERA of 5.2/ha), he considered that these differences, when taken together with the "end of lane" location and position of the proposal as part of an anomalous, tighter group of buildings on smaller plots, would not render the appeal development disharmonious with, or result in unacceptable damage to the local character and environmental quality of the area. He also referenced that whilst over-development of the site had been raised as an issue, there was no suggestion that there would be insufficient amenity space for the appeal development, which was often an indicator of over-development or unacceptable density.

Whilst the Commissioner found that the proposed development did not comply with criterion (a) of Policy LC1, harm would be avoided for the reasons given earlier in his decision. In the specific circumstances of this case, which he opined were unlikely to recur, these considerations outweighed the policy failure. In addition, he was satisfied that the appeal development satisfied the essential thrust of Policy LC1 of APPS7 in the round, and therefore the Council's fourth reason for refusal was not sustained.

A copy of the appeal decision was appended to this report.

2. The following appeal was upheld on 26 January 2024.

PAC Ref	2022/A0220
Application ref	LA06/2021/1141/F
Appellant	Castlebawn, Newtownards Ltd
Subject of Appeal	The refusal of full planning permission for 'New car dealership including mobile structure for office use'
Location	Site to rear of Tesco and adjacent to Translink Depot, A20 Relief Road, Newtownards

The Council refused this application on 07 March 2023 for the following reason:

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

The above refusal reason was based on the consultation response from DFI Roads. In order to address the Council's sole reason for refusal the appellant provided amended drawings to Council after the submission of the statements of case at appeal stage, but prior to the hearing. These were then forwarded to the Commission. The drawings included changes to the access arrangements from the service road onto the appeal site. As the amendments overcame the reason for refusal, the Council then withdrew its objection to the proposal prior to the hearing, subject to the imposition of a number of conditions, which could be read in the attached PAC decision.

New Appeals Lodged

3. As of the date of this report there had been no new appeals received.

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

RECOMMENDED that Council notes the report and attachments.

The Principal Professional & Technical Officer (C Blair) outlined the report and attachment, explaining that it referred to two planning appeal decisions with decisions to allow planning permission.

Councillor McRandal found the potential ramifications, in relation to the first appeal, worrying. He noted that this had been overturned on the basis that the apartments had a similar sized footprint to the private house application that had been approved and all of the concerns around intensification had been disregarded. He asked for the Officer's view on the potential impacts and ramifications of the decision. The Officer had noted that the Commissioner had viewed this as a unique site and

PC 05.03.2024

129

therefore did not believe that any precedents could occur or therefore have any ramifications in the consideration of future applications.

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

Councillor Cathcart queried the second appeal and noted that it had been upheld on the basis of amended drawings submitted following the Council's decision to refuse. He was concerned that situation could occur and asked for the Officer's view on that.

The Director advised that the PAC always encouraged the Planning Authority to negotiate before appeal stage and given that it related to a roads issue and lack of clarity from DfI on the category of protected route, the Planning Service had received the amendment and agreed it with the applicant in advance. The PAC had always accepted amendments which had been opposed by the Planning Service, but in this case, under relevant legislation, it related to a piece of information that had not been applicable at the time of the application and Officers had been content that it had been submitted to the Planning Service in advance of the PAC hearing.

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

Item 4.1f

130

Item 4.1f Second Addendum post 07 October PC Meeting

Addendum to Case Officer Report

LA06/2024/0952/F: Demolition of existing dwelling and erection of 2no. 3bed and 4no. 2 bed apartments

115 Station Road, Holywood

This addendum is prepared for the information of the Planning Committee to correct an error in the previous February Addendum (Item 4.1) and to take account of late objections submitted.

Open Space

Paragraph 22 of the previous February Addendum referred to the proposed provision of openspace to the rear of the building, alongside inclusion of private balconies, amounting to 81.4m².

As per the original Case Officer Report (page 10), presented to Committee in October 2025, the actual calculated amentiy space was 58m² to the rear of the building, and approximate balcony sizes per unit as follows:

Apartment 1 7.8m²
Apartment2 7.7m²
Apartment 3 9.6m²
Apartment 4 7.8m²
Apartment 5 10.3m²
Apartment 6 13.1m²

The provision proposed is therefore 58m² plus 56.3m² totalling 114.3m².

Further to the Schedule being published, further letters of objection have been received from owners of adjacent dwellings on Station Road.

Right of Way

On 28 January 2026 an objection was received from the owner of the neighbouring lands at 115a and 117a Station Road, advising of a legally established right of way across the site, confirmed by a Court Order, which was attached.

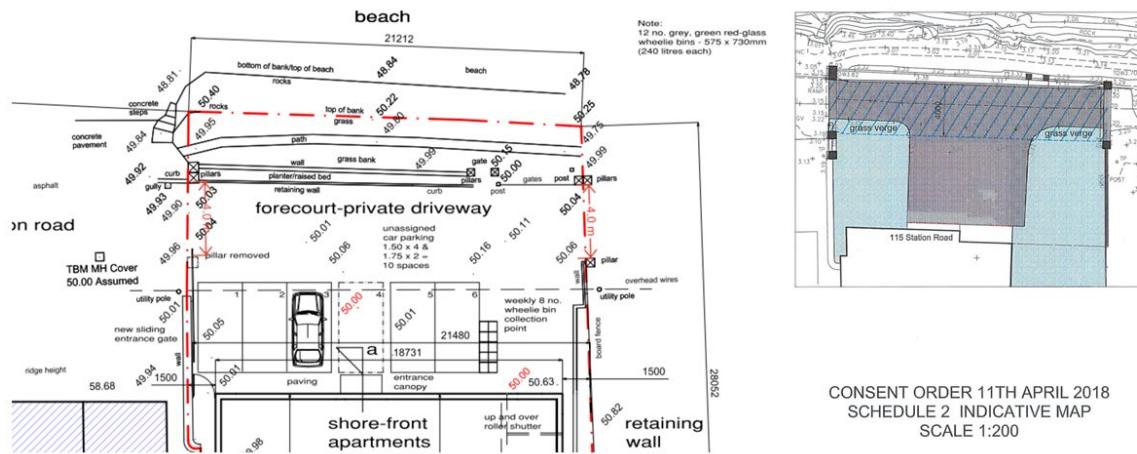
The same Court Order was submitted on the same day from the owner of 117 Station Road.

Item 4.1f

131

That Court Order requires a 'clear and unobstructed access route measuring 4 metres in width at all times.

Planning permission and private rights of way are distinct legal concepts. Planning permission does not grant the right to close or alter a right of way.



Regardless, having regard to the 4m area to be kept free is between the existing pillars as hatched blue on the Consent Order, officers measured the proposal as submitted and it would appear that 4m is kept free of obstruction albeit the area is labelled as a private drive/forecourt.

Other matters raised in the objection relate to Vehicle Movement Drawings, Servicing and Day-to-Day Use, and Over Development, have been dealt with in previous reports and addendums.

Access and Road Safety

A further submission was received on behalf of the owner of 115b Station Road, asserting that matters relating to access and road safety had not been sufficiently considered, insofar as Creating Places guidance was not applied in relation to the layout and dimensions of the parking bays proposed.

It also referred to lack of consideration for disabled / visitor parking on site; no consideration for turning of delivery vehicles within the site; lack of intervisibility in relation to the rear car parking spaces; and that the folios submitted do not consider lands/dwellings beyond 115 Station Road.

In conclusion, it requested that DFI Roads was reconsulted to consider the issues raised.

Whilst it is considered that these matters have been previously addressed, DFI Roads was reconsulted and advised that it had examined the submission and the diagrams within it.

Item 4.1f

132

It again reminded officers that the Station Road is only adopted to the railway bridge, and that the diagrams submitted related to Creating Places guidance should only be referenced in association with applications which are required to be adopted or adjacent to those to be adopted.

In lying some 1200m from the adopted road, the site would not be bound by the guidance within Creating Places; and it is considered that there are adequate opportunities for turning, passing and parking before vehicles reach the public road.

DFI Roads was content with the detail within the previously submitted swept path analysis.

Development Management Case Officer Report			Ards and North Down Borough Council
Reference:	LA06/2023/1563/A	DEA: Ards Peninsula	
Proposal:	Replacement of two-sided fixed prismatic sign with electronic message display panels (retrospective).		
Location:	Cardy Gospel Hall, 1 Cardy Road East, Greyabbey		
Applicant:	Cardy Gospel Hall		
Date valid:	10/03/2023	EIA Screening Required:	No
Date last advertised:	N/A	Date last neighbour notified:	N/A
Letters of Support: 21	Letters of Objection: 10 (3 addresses)	Petitions: 4 (support) See below for details	
Consultations – synopsis of responses:			
DFI Roads Environmental Health Office Biodiversity Officer (informally)	No objections subject to conditions. No objections No objections		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Impact on road safety • Impact on natural environment • Impact on residential amenity 			
Recommendation: Refuse Consent			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk)			

1. Site and Surrounding Area

This application site is located at Cardy Gospel Hall, Cardy Road East, Greyabbey. The site consists of a main church building, church hall and associated curtilage with parking. The boundary to the road comprises low fencing, walls and railings. The site lies within a rural setting with a dispersed pattern of settlement including numerous dwellings within the vicinity.

The site is located in the countryside, approximately 1.8km north-west of the settlement of Greyabbey which is the closest settlement shown by the Ards and Down Area Plan 2015.



Figure 1 - Cardy Gospel Hall viewed from Road

2. Site Location Plan



Figure 2 - Site Location Plan

3. Relevant Planning History

LA06/2015/0965/A - Replacement of existing free-standing prismatic sign with static electronic message display panels – Application Refused – sign erected without permission. Enforcement case opened;

LA06/2021/0354/CA - Cardy Gospel Hall, 1 Cardy Road East, Greyabbey Co. Down,
1. Alleged unauthorised LED free standing sign.
2. illuminated sign on the side gable of church building.

Live cases pending outcome of this application (and associated application LA06/2023/1563/A)

LA06/2023/1562/A - Replacement of gable signage with an illuminated sign (retrospective) – under consideration.

4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland

- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 17: Control of Outdoor Advertisements

Principle of Development

The control of advertising is considered under The Planning (Control of Advertisements) Regulations (NI) 2015. Part 3 (1) of the regulations states that the Council shall exercise its powers in the interest of amenity and public safety and shall take account of (1) the provisions of the local development plan, so far as they are material; and (2) any other relevant factors.

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

The Ards and Down Area Plan 2015 sets out the designations, policies, proposals and zonings specific to the Ards and Down area. The purpose of the Plan is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will be used to guide development decisions over the Plan period. The application site lies within the Countryside as set out in the Plan.

The sign is not currently immune from enforcement action.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Advertisement Consent is not specifically mentioned within this policy however, Policy CTY1 – Development in the Countryside cites the following:

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

Until the Council has adopted a complete Plan Strategy, existing planning policies along with the SPPS, are to be applied. The provisions of PPS17: Control of Outdoor Advertisements are retained and therefore is material to this assessment.

Policy AD1 of PPS17– Amenity and Public Safety

Consent will be given for the display of an advertisement where;

- i) it respects amenity when assessed in context of the general characteristics of the locality;
- ii) it does not prejudice public safety.

Visual Amenity

In the amplification it is stated that care must be taken to ensure that an advertisement will not detract from the place where it is to be displayed or its surroundings and it is particularly important to prevent clutter and adequately control signs involving illumination.

Amenity, in relation to advertisements, is understood to mean its effect upon the appearance of the building or immediate neighbourhood where it is displayed, or its impact over long distance views.

The unauthorised free-standing sign for which consent is sought, is located adjacent to the public road at the vehicular access to Cardy Gospel Hall (see figures 3-4 below). The sign under consideration is a two-sided fixed prismatic sign with a two-sided static electronic message display, panel mounted on galvanised support poles, measuring 2m wide and 2m high.



Figures 3-4 – Unauthorised freestanding sign in situ (Google Earth image March 2023)

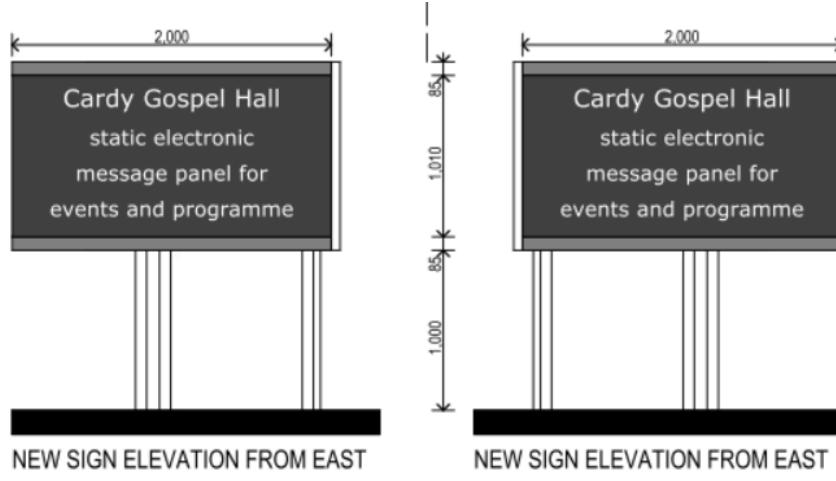


Figure 5 – Submitted plans for retrospective prismatic sign

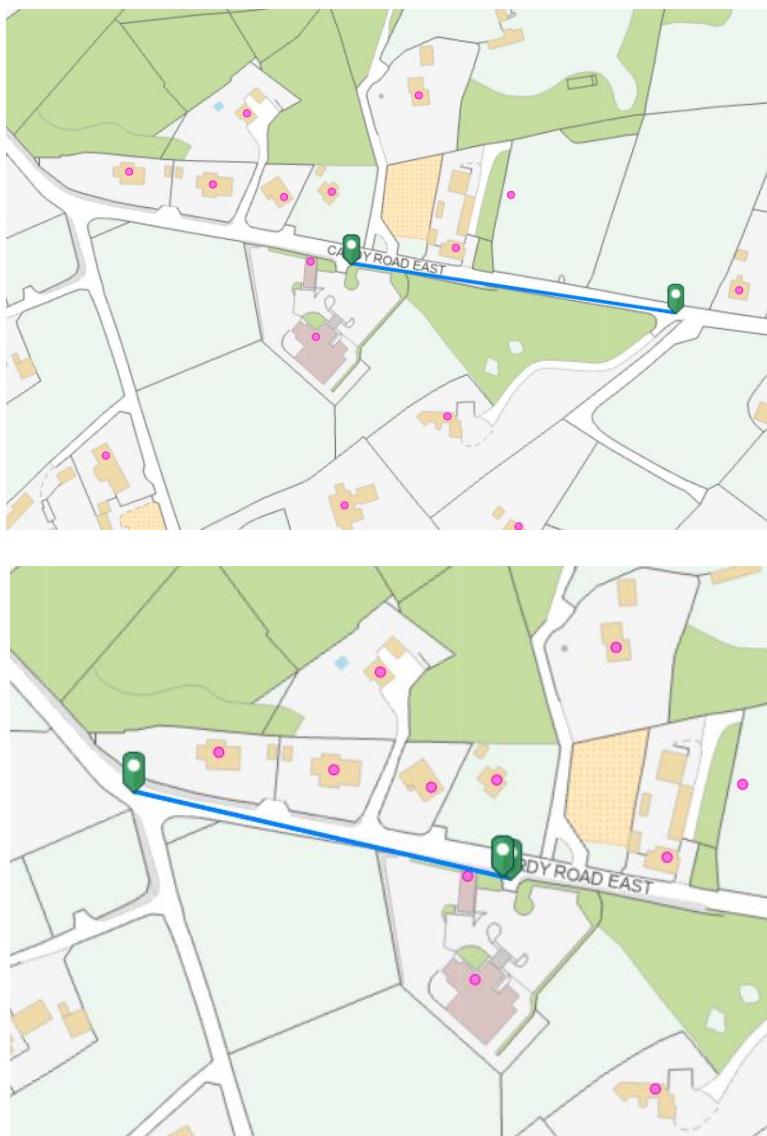
The sign under consideration has replaced the original free-standing sign in the same position and of a similar dimensions (see figures 6-7 below) therefore it is considered a replacement signage.



Figures 6-7 – Original free-standing prismatic sign

When the electronic message function of the sign is turned off as shown in the images in figures 3-4 above, the replacement sign has no significantly greater visual impact than the original sign and is not considered to harm the character or appearance of the area. However, when functioning and illuminated, the sign has a significantly different appearance to the original sign.

The sign is visible from both approaches along Cardy Road East. From approximately 185m away on approach from the east and from approximately 160m away on approach from the west however the sign is partially screened from the west at points by the existing roadside church hall.



Figures 8-9 – Views of sign

In assessing the impact of a sign on amenity, policy AD1 advises that the following matters should be taken into account:

- (a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

- (b) the position of the advertisement on the host building and its scale and size in relation to that building;
- (c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;
- (d) the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;
- (e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;
- (f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and
- (g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

The guidance in Annex A in relation to pole mounted signs, states that the height, size and levels of illumination of these signs may result in visual intrusion within the locality where they are situated. They can be extremely dominant over long distances and detract not only from the character and appearance of the area in which they are sited but also that of the area from which they are viewed. In addition, where they are proposed close to residential properties, they can be detrimental to amenities enjoyed by local residents. One of the stated design guidelines also advises that they should not be sited adjacent to, and wherever possible should not directly face residential properties.



Figure 10 - Sign lit up

Paragraph 4.8 of PPS17 states that 'The amenity of the countryside is particularly important and there is a need to protect its unique qualities from the negative effects of advertising. The only advertisements likely to be acceptable in the countryside are those proposed on site and which relate to existing or approved commercial enterprises. These should be small in scale and not detract from the quality and character of the local landscape".

The free-standing sign under consideration, in my planning judgement, does not meet the guidance within policy as set out above. The two electronic screens measure 2m x 1m and over 2m in height, both of which will be illuminated to display electronic messages

The illuminated electronic function of the sign is not acceptable in rural setting. The sign is commercial in appearance which is more characteristic of signage found in an urban setting, particularly commercial premises. The sign is uncharacteristic of the countryside setting and in my opinion will cause detrimental harm to the visual amenity of the immediate area.

Cumulative Impact

This application is being considered alongside retrospective planning application LA06/2023/1562/A - replacement of gable signage with an illuminated sign (retrospective). Both electronic signs are located within the curtilage of the church and are separated by a distance of approx.41m. Both are visible from Cardy Road and given their illuminated nature and close proximity, will result in a negative cumulative impact within the countryside setting. Both signs viewed together, especially at night when illuminated, are not sympathetic to the rural setting.

Residential Amenity

The sign is highly visible from five existing dwellings which are located on the opposite side of the road from the church as shown in figure 13 below. These are numbers 2a, 2b, 2c, 4 & 10 Cardy Road East. Each of these dwellings are located between approximately 35.6 – 135.3m away from the sign. It is considered that these separation distances are sufficient to ensure that the lighting of the sign would not impact on the residential amenity of these properties to an unacceptable degree.



Figure 11 – Existing dwellings with views of the sign



Figure 12 - Sign lit up at night facing west
Affected property No. 10



Figure 13 – sign lit up at night facing east.
Affected properties No.'s 2a, 2b, 2c & 4.

Further Supporting Information Received

A Supporting Document was commissioned by the applicant and carried out by Bell/Rolston. This document set out regional planning policy and an appeal decision.

The sign granted consent under appeal as set out in the supporting document is not considered to be directly comparable to the current sign under consideration. The site is located at 83a Ballystrudder Road, Islandmagee (appeal Ref: 2019/A0209). It is acknowledged that both signs are located in the countryside setting, however, the sign at Cardy Road is considerably larger in scale. The subject sign is small and sits just above the level of the palisade fence. In the above appeal decision, the Commissioner ruled that the substantial palisade fence already impacted on the area's character to a significant extent, announcing the presence of business premises and the subject digital sign is within a site used for commercial purposes.



Figure 14 – Sign at 83a Ballystrudder Road

The following points were raised within the supporting document;

- The new signage panel is a static electronic message display panel to replace the existing outdated fixed signage panel with a poster compartment.

Consideration: The previous sign was smaller in scale and finished in traditional materials (wood). The replacement is not considered like for like due to the larger scale, illuminated lettering and more commercial finishes/style.

- The signage will display weekly events, contact details and notify off special meetings, children's activities and other up and coming events.

Consideration: Details listed above can be accessed via the church website, social media & weekly bulletins.

- The display shall only display static images and shall not contain moving images.

Consideration: It is acknowledged that a static image is preferred over moving images being displayed but nonetheless, the sign will still be illuminated with a very urban/commercial appearance which is not in-keeping with the rural location.

- The appearance is similar to a good quality flat panel printed sign.

Consideration: The sign will be illuminated and cannot be compared to a printed sign. A printed sign has no potential to be lit up at night time.

- The display has non-reflective LED providing good resolution and clarity.

Consideration: The illumination needs to be considered irrespective if it is non-reflective LED.

- No part of the display will impose on the road and will not obscure any road traffic signs or lights.

Consideration: DfI Roads were consulted and offered no objections to the application. It is therefore considered that the statement above is correct, and a refusal would not be sustained on road safety issues.

- The display will not be confused with traffic lights/signals due to its size and location.

Consideration: As above.

- No part of the displays will include flashing lights.
- The display will not change more than once within in a 24-hour period

Consideration: As discussed previously, the sign shall be illuminated regardless of flashing lights or display durations. The illumination within the countryside setting is not acceptable and will adversely impact upon the rural character of the area.

- The degree of illumination will comply with the Institution of Lighting Professionals Technical Report No.5 "Brightness of Illuminated Advertisements" Night time luminance proposed will be lower than the recommended 300cd/m².

- Automatic brightness controls on the screen enable a much lower percentage of its maximum brightness as required at night.

Consideration: Conditioning brightness controls will not mitigate the impact the signage will have on the rural setting or local amenity.

Planning Policy Statement 3: Access, Movement and Parking

DFI Roads was consulted, and comment sought with regards to the proposal. In response, no objections have been offered subject to conditions. Refusal reasons based on Road Safety therefore cannot be sustained.

Impact on Bats

The Council's Biodiversity Officer was informally consulted and advised that the signage would not negatively impact upon bat foraging habits.

5. Representations

21 letters of support and 4 petitions of support have been received

- 1. As a resident living very close to Cardy Gospel Hall I would like you to note my support for their application in relation to signage. For generations we have appreciated the display and believe the new modern signage will also keep us informed of activities organised by the church including their weekly services. I do trust their application will be approved. The application number is LA06/2023/1563/A*
- 2. I am writing to lend my support for the Planning Application that has been lodged by Cardy Gospel Hall. The provision of real signage will be a helpful means of communicating the range of meetings and activities organised by the Church. While we are not members of the church, we do avail of the number of services they provide. I understand the application the application reference is LA06/2023/15563/A.*
- 3. With regards to planning application LA06/2023/1563/A I am supportive of the electronic sign. I pass the sign most days on my daily commute and look forward to seeing any update on the information provided on the sign.*
- 4. I write to express my support for planning application LA06/2023/1563/A for the electronic sign at the entrance to Cardy Gospel Hall. I find it especially useful for changing information purposes like times and days for the Mothers and Toddlers group. My children attend events organised for the community.*
- 5. As a member of the church who meet at Cardy Gospel Hall I am pleased that there is intent to upgrade signage. We do try to keep everyone informed of our meetings and activities for children and young people. This becomes particularly challenging in the summer when we often have up to 300 young people attend CGO. They include holiday makers who use the many caravan*

parks in the villages close to the hall. Good quality signage will assist in providing information on times, transport provision and dates. I therefore support application number LA06/2023/1563/A.

6. *As a member of Cardy Gospel Hall I am pleased that there are plans to improve the signage. It needed an upgrade and will enable us to communicate to provide clearer information. The display of information has been a practice for generations and is an important aspect for us sharing up to date and relevant information with our neighbours and those who pass the Hall. The application number is LA06/2023/1563/A.*
7. *I would like to register my support for Planning Application LA06/2023/1563/A. Personally, our children have benefited from both the mums and tots on a Monday and the CGO held each summer held at Cardy Gospel Hall. The application will be of assistance in communicating the various activities as during the school term there are some Mondays when the service is off. I would recommend the approval of this application.*
8. *I write in support of Application LA06/2023/1563/A. There has been a sign in situ at the same place for over 140 years. I have been going to Cardy Gospel Hall for many years and the change to an electronic sign is welcomed.*

The Church is able to communicate its events via traditional methods (website, bulletin, magazine, social media). The sign is not considered essential for the communication of church events. It is acknowledged that there is support within the community for the signage. The Council has no objection in principle to appropriate signage at this location however the illuminated signage currently proposed is considered to have an adverse impact on the character of the rural area.

10 letters of objection have also been received from 3 different addresses. The main points raised include:

Road safety – DfI Roads consulted and offered no objections subject to conditions therefore this reason for refusal cannot be sustained.

Bat Activity within the area.

An objector provided video recordings and photos of bat activity which were forwarded to the Council's Biodiversity Officer for comment. Both the Biodiversity Officer and the Planning Department do not consider that sufficient evidence has been provided which demonstrates that the signage would be likely to cause harm to bats. While photos and a video were submitted, this is cannot be given any weight with no evidence of where and when they were taken. Furthermore the signage itself would not directly impact upon any bat roosts and it is not considered that the level of light emitted from the sign would be any greater than a street light or external lighting around existing residential properties within the area.

6. Recommendation**Refuse Consent****7. Refusal Reason**

1. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity and would detract from the appearance and character of the rural area.

Development Management Case Officer Report			Ards and North Down Borough Council
Reference:	LA06/2025/0790/F	DEA: Comber	
Proposal:	Single storey disabled accommodation with shared driveway access with 31a Ballygowan Road		
Location:	Site directly north of 31a Ballygowan Road, Comber, BT23 5PG		
Applicant:	Jill Burgess		
Date valid:	22/09/2025	EIA Screening Required:	N/A
Date last advertised:	09/10/2025	Date last neighbour notified:	23/09/2025
Letters of Support: 0		Letters of Objection: 0	Petitions: 0
Consultations – synopsis of responses:			
DFI Roads		Content, subject to meeting Policy AMP 3 of PPS 3	
NIEA WMU		Content	
NI Water		Content	
Environmental Health		Content	
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Design and Appearance • Impact on privacy and amenity of neighbouring residents • Impact on character and appearance of rural area • 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 to the north of the dwelling at 31a Ballygowan Road, outside the settlement limit of Comber, and at the outer edge of a cluster of development as recognised by planning appeal ref 2019/A0024. The site consists of a narrow parcel of grassed land, between the detached garage associated with 31a Ballygowan Road and the road leading to Loughview Cemetery, with the site sloping to the south and east. It is bound by post and wire fencing to the north and west, with no definition on the eastern and southern boundaries. Across the road to the north there is agricultural land, with a disused parcel of land to the west which has recent approvals for multiple detached dwellings.



Figure 1 – view across site from east to west



Figure 2 – view of site from northeast



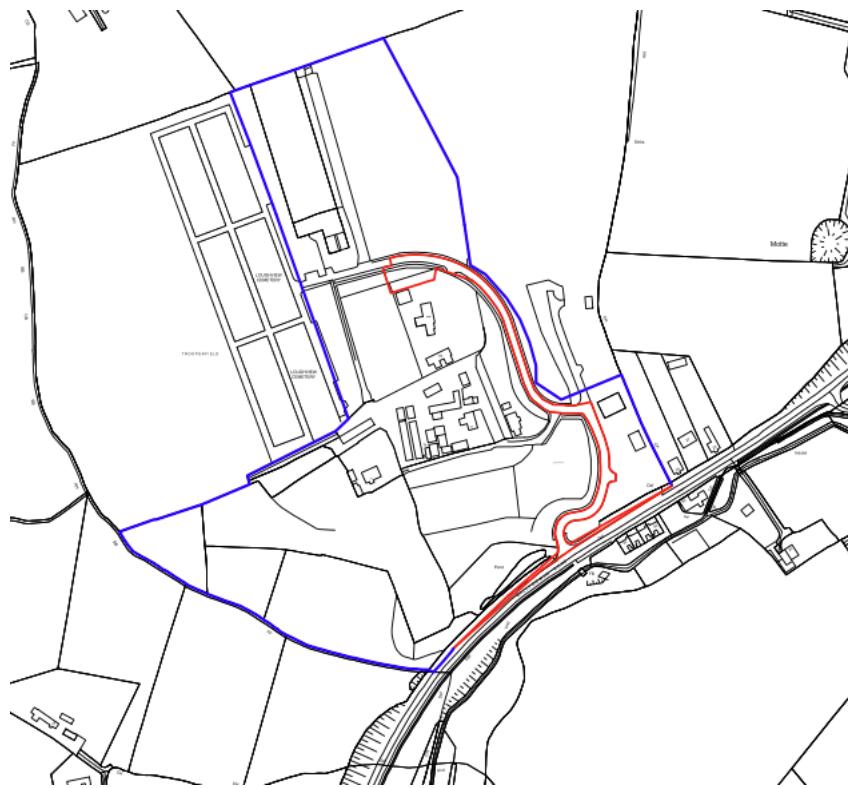
Figure 3 – disused land to west of site



Figure 4 – view across site from northwest

The immediate surrounding area is built-up considering its location outside the settlement limit, with numerous dwellings as well as a cemetery and recycling centre. Neighbouring dwellings are typically of a relatively minor scale and finished in white render, bar no.31a, which is a large detached dwelling finished in cream render.

2. Site Location Plan



3. Relevant Planning History

LA06/2023/2450/F – 55m NW of 31a Ballygowan Road – dwelling house with domestic garage and vehicular accessway – **Approved, extant**

LA06/2024/0849/F – Lands immediately to the west of 31a Ballygowan Road – Dwelling house and vehicular accessway – **Approved, extant**

LA06/2025/0492/F – To the rear of 31a Ballygowan Road – Dwelling house and vehicular accessway – **Approved, extant**

LA06/2018/0004/O – 25m south of 31a Ballygowan Road – Site for dwelling – **Appeal upheld – 2019/A0024**

LA06/2021/0149/RM – 25m south of 31a Ballygowan Road – Dwelling and Garage – **Approved**

LA06/2021/0251/F – 15m west of 29 Ballygowan Road – new dwelling – **Approved**

LA06/2021/0543/O – 58m south of 31a Ballygowan Road – site for dwelling – **Approved**

LA06/2022/0984/RM – 58m south of 31a Ballygowan Road – site for dwelling – **Approved**

LA06/2020/1098/F – 45m east of 31 Ballygowan Road – site for dwelling – **Approved**

LA06/2022/0462/F – 38m NE of 31 Ballygowan Road – dwelling and garage – **Approved**

LA06/2022/0863/F – 78m east of 31 Ballygowan Road – site for dwelling – **Approved**

LA06/2022/1204 – 40m east of 31a Ballygowan Road – dwelling and detached garage – **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. According to ADAP, the site is located outside the designated settlement limit of Comber in open countryside.

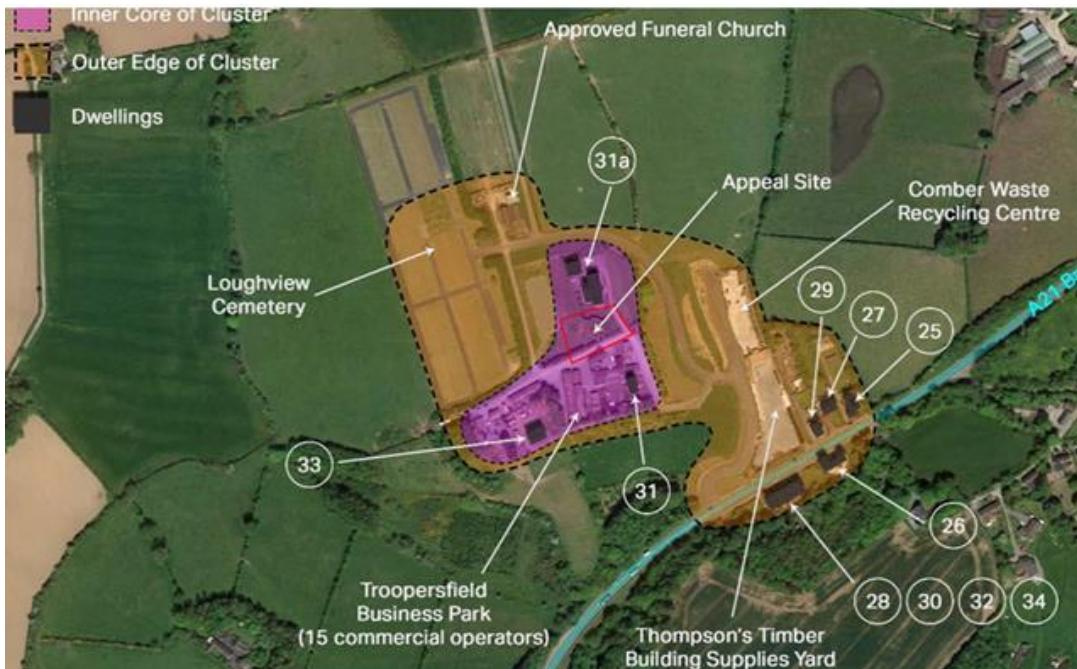
Regional planning policies of relevance are set out in the Strategic Planning Policy Statement and other retained policies, specifically PPS 21. Building on Tradition is also a material consideration. The guiding principle of the SPPS in determining planning applications is that sustainable development should be permitted having regard to the Development Plan and all other material considerations, unless the proposed development will cause harm to interests of acknowledged importance.

The applicant seeks full planning permission for a dwelling house utilising a shared driveway with 31a Ballygowan Road, in accordance with the policies within the SPPS

and PPS21. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered acceptable in the countryside. One type is development within an existing Cluster, under Policy CTY2a. Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided six criteria are met.

- 1. The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings, and open sided structures) of which at least three are dwellings**

A cluster has been established at this location, via the upheld Planning Appeal decision, Ref 2019/A0024, following the refusal of LA06/2018/0004/O for a site located to the south of the current application site. The commissioner concluded a cluster existed at this location stating, "I find that as the significant and varied development located within the outer 'cluster' includes the dwellings at nos. 33 and 31a, as well as those at nos. 25, 27 and 29, the grouping does incorporate more than three dwellings and the first criterion of Policy CTY 2a is met." The current application site lies north of the appeal site and on the edge of the cluster identified by the PAC, therefore on this basis it is considered to also comply with criterion 1.



'Outer cluster' accepted by Planning Appeals Commission

- 2. The cluster appears as a visual entity in the local landscape**

In the appeal decision, Ref 2019/A0024, the Commissioner stated in paragraphs 16 & 17: "I am satisfied that when travelling along the adopted road with its accompanying footpath leading to the cemetery, there is indeed an awareness of development on both sides and an appreciation that there is a significant concentration of development here, not normally associated with a rural area...I am satisfied that with the exception of dwellings on the southern side of the Ballygowan Road, they appear as a visual entity

in the landscape...I disagree that this represents a dispersed collection of individual buildings in the countryside...and conclude that this grouping does appear as a visual entity in the landscape and the 2nd criteria of Policy CTY 2a is met." Since the appeal decision planning permission for a number of dwellings have been granted as outlines in the history above, setting a precedent for dwellings within the cluster.

3. The cluster is associated with a focal point such as a social / community building / facility or is located at a crossroads.

In paragraph 18 of appeal decision 2019/A0024, the commissioner outlined that "The LPA acknowledged that the cemetery and recycling centre both represent well used community facilities." Further clarification was provided in paragraph 19, "The existing grouping is indeed associated with both community facilities, readily apparent when moving along the adopted road which also serves all of these buildings / facilities...I remain satisfied that as the existing grouping is associated with these two focal points, it complies with the 3rd criterion." Given the PAC's view, it is therefore deemed that the current proposal also complies with this criterion.

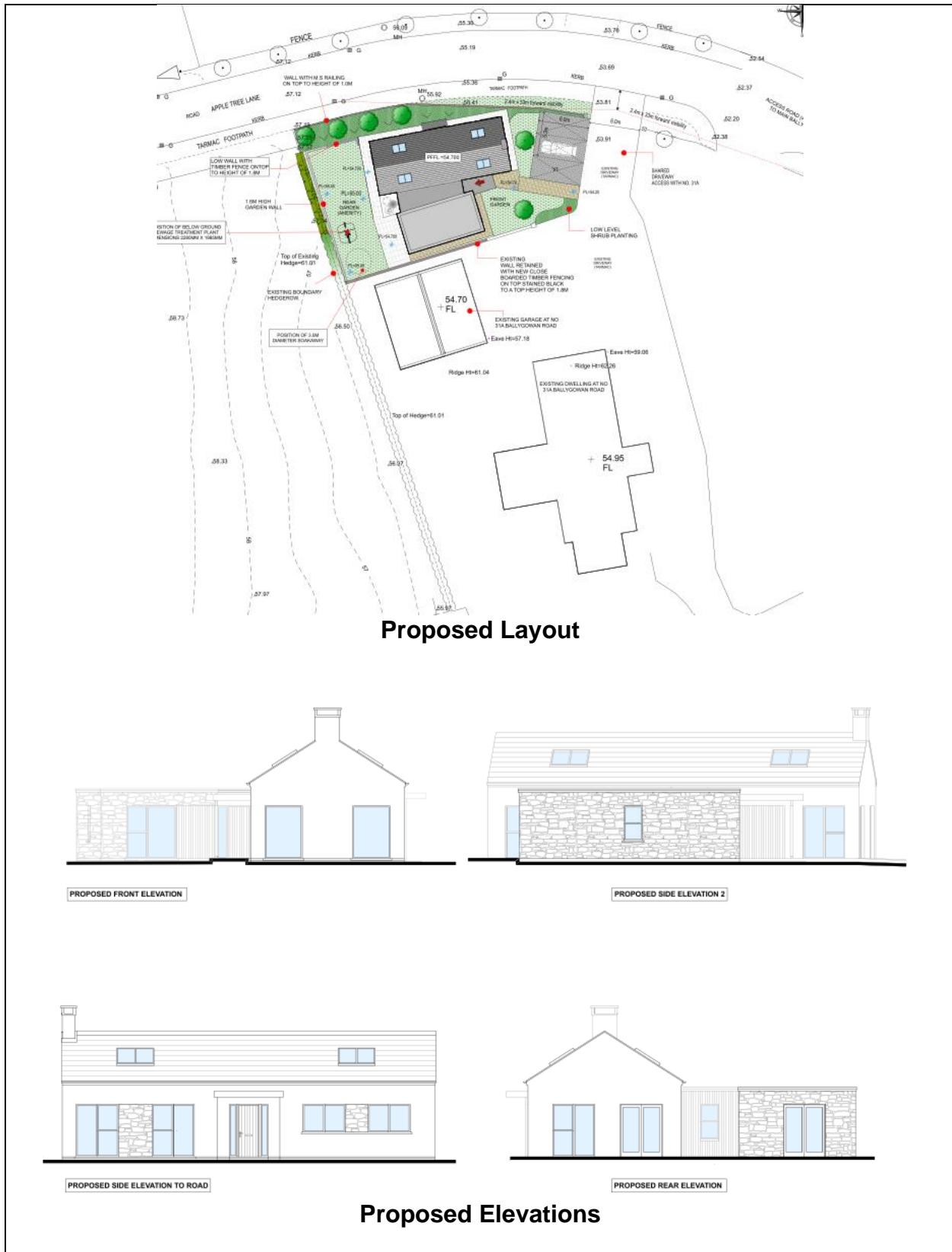
4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

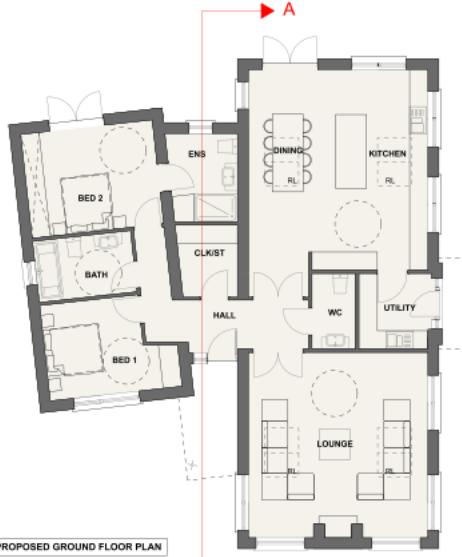
It is noted in this instance that there is no development to the immediate north, east or west of the application site. The dwelling at 31a bounds the site to the south, and there is extant permission for a dwelling to the direct east (LA06/2023/2450/F), however no works have commenced on this dwelling, and this permission could feasibly expire by 30 September 2029, leaving no development to bound this site to its direct east.

While under LA06/2023/2450/F it was accepted that the cemetery bound this plot of land to the west, I am not satisfied in this instance that the cemetery is in close enough proximity to the application site to be considered to bound it. Therefore, the proposal fails to meet criteria 4 of Policy CTY 2a, in that a suitable degree of enclosure is not provided, and the site is not bounded on two sides by other development in the cluster.

5. Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

The proposed dwelling is of a minor scale, with the site's topography assisting in its integration with its surroundings. The dwelling is one storey in height, with its ridge at approx. 5.5m above FFL, with walls finished in white render as well as a flat-roofed rear return finished in stone cladding. The proposed site plan indicates all boundaries will be suitably defined with additional planting to reduce the visual impact of the proposal. I am therefore satisfied that the proposal could feasibly be absorbed into the existing cluster, though it is noted that it fails to meet the criteria of CTY 2a in other regards.





Proposed Floor Plan



Proposed Contextual Elevation



3D Render of Proposal

6. Development will not adversely impact on residential amenity

I am satisfied this is the case. The majority of windows facing the dwelling at 31a Ballygowan Road will be blocked from view by the existing garage, with the only window potentially having views towards 31a being a corner window serving the lounge. Considering this is at ground floor level and is approx. 23m away from 31a at its nearest

point, I am satisfied that the proposal will not result in any overlooking. Equally, the new dwelling approved under LA06/2023/2450/F will not be affected in this regard due to its higher topography.

The above-mentioned separation distances and topography, alongside the proposal's single storey scale, also ensure it will not result in any unacceptable loss of light, overshadowing or dominance to neighbouring properties.

Policy CTY 13 / CTY 14 Considerations

Policies CTY 13 and 14 of PPS 21 relate to the integration and design of buildings in the countryside and rural character. I am generally satisfied that the proposal is compliant with these policies, as it is of an appropriate design and does not require significant additional boundary vegetation to aid integration. Further to this, I do not consider the proposal to contribute to or create a ribbon of development. As noted above, however, the proposal fails to comply with Policy CTY 2a, and therefore permission should still be refused.

Impact on Amenity Space and Parking

The application site will include approx. 157m² of amenity space (consisting of a small 32m² front lawn and a larger 125m² rear garden to the west), in excess of the guidelines set out by Creating Places. I am therefore satisfied that the proposal will allow for the carrying out of domestic and recreational activities within the curtilage of the site.

In regard to vehicle parking, 3no. car parking spaces are provided to the eastern side of the proposed dwelling, accessed via the existing driveway to 31a Ballygowan Road. Considering the proposed dwelling has two bedrooms, and DFI's Parking Standards indicate a three bed detached house would require 2.5 spaces, I am satisfied that this provision is also in excess of the minimum requirement.

Access and Road Safety

DFI Roads were consulted on the proposal, and advised they have no objections, though, as the Ballygowan Road is a protected route, the application should be refused unless it falls within the exceptions listed under Policy AMP 3 of PPS 3. The exceptions under this policy where the application site accesses the protected route include a replacement dwelling; a farm dwelling; a dwelling serving an established commercial or industrial enterprise; or other developments which would meet the criteria for development within a green belt or countryside policy area where access cannot reasonably be obtained from an adjacent minor road.

It is noted in this instance that, while the current application does not align with the criteria for exceptions to the policy, the prevailing decision-making by the Council on this matter on previous applications utilising this road is that, due to the amount of existing development (including non-domestic uses such as a cemetery and recycling centre), it is highly unlikely that one additional dwelling would result in a 5% intensification of the usage of the access to the Protected Route. Given that the current proposal relates to a single dwelling, I am satisfied that this same logic can be applied,

and figures for the amount of vehicles utilising the access on a daily basis will not be necessary to come to the conclusion that the proposal does not result in intensification over 5% and therefore would not be contrary to Policy AMP 3.

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 P1 form provided with the application indicates that a package treatment plant will be utilised to dispose of foul sewage. NIEA WMU and NI Water were consulted on this matter, with both advising they are content subject to the relevant separate consents being acquired by the applicant.

Environmental Health Considerations

Environmental Health advised on their consultation response that the site is located within a Radon-affected area, suggesting an informative should be added to any planning approval.

5. Representations

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

As of writing, no objections have been received.

6. Recommendation

Refuse Planning Permission

7. Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 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 2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the identified site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster.

Development Management Case Officer Report				 Ards and North Down Borough Council CTY4	
Reference:	LA06/2024/0771/F	DEA: Ards Peninsula			
Proposal:	Change of use from agricultural building, commercial store and workshop to dwelling with extension and relocation of the access		Location:	60m to the SE of 31A Loughries Road, Newtownards	
Applicant:	Cecil Beattie				
Date valid:	09/09/2024	EIA Screening Required:	No		
Date last advertised:	11/09/2025	Date last neighbour notified:	03/09/2025		
Consultations – synopsis of responses:					
NI Water	No objection				
DFI Roads	No objection				
NIEA	No objection				
SES	No objection				
Rivers	No objection				
Letters of Support	0	Letters of Objection	1	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Compliance with the local development plan • Compliance with the relevant policy • Residential and visual amenity • Access, movement and parking • Biodiversity • Flooding and drainage 					
Recommendation: Refuse Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal Northern Ireland Public Register (planningsystemni.gov.uk) using Public Access					

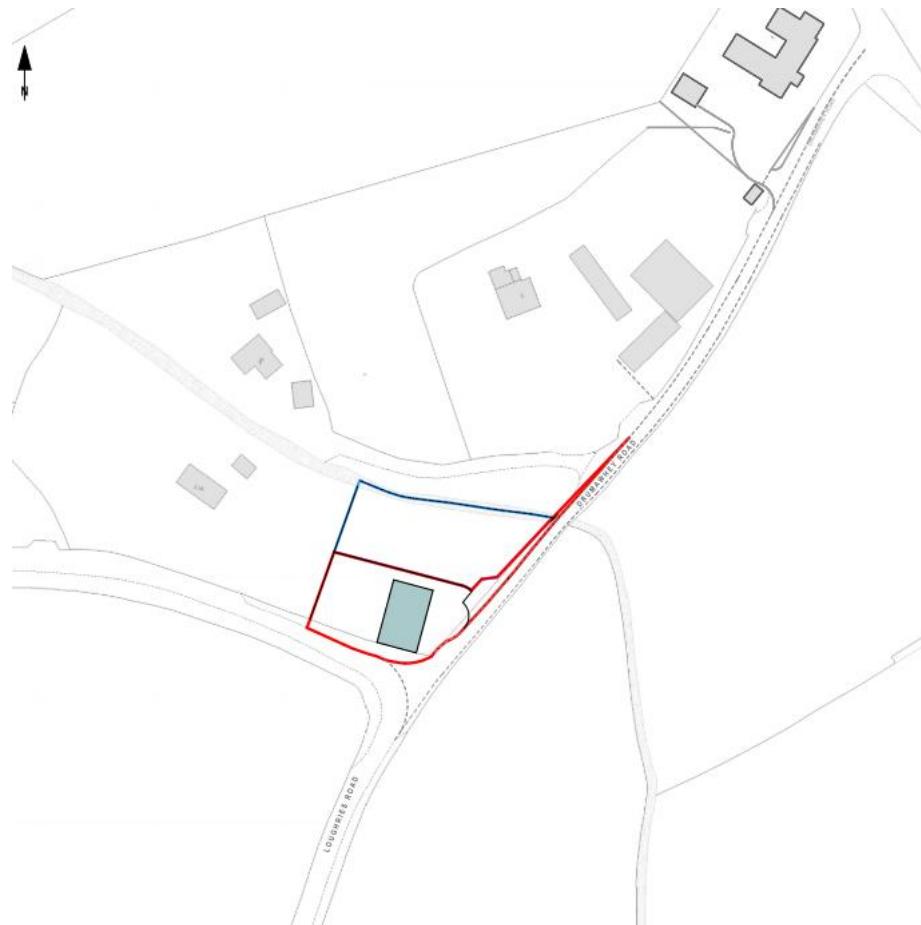
1. Site and Surrounding Area

The site comprises of lands at 60 metres to the southeast of No. 31a Loughries Road, Newtownards. The site located consists of an area of land with a building. The building comprises of a low pitched corrugated roofed and is derelict.

The building is in a prominent position immediately on the edge of the road verge adjacent to the public road and occupies a corner plot on the junction of the Loughries Road and Drumawhey Road. The boundaries of the site include the building, low level wall and hedging to the south / Loughries Road; a wooden post fence and hedge to the west.

The site sits lower than Loughries Road and the land slopes slightly down to the east. The access is from the southeast corner. The surrounding area is rural and is characterised by agricultural fields and a scattering of rural properties, agricultural buildings, and farmyards

2. Site Location Plan



3. Relevant Planning History

Ref: LA06/2024/0499/O

Address: 60m to the South 2 Drumawhey Road, Newtownards

Proposal: Infill dwelling & garage

Status: Granted



Figure 1: Granted site layout for LA06/2024/0499/O

There are also several historical applications previously refused on the application site:

X/2000/0292/O - Demolition of existing building (storage office & agricultural use) and replaced with a new dwelling – Refused 1 September 2000

1. The proposal is contrary to Policies GB/CPA1 and GB/CPA3 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within a Green Belt and it does not merit being considered as an exceptional case as the need for this dwelling does not justify a relaxation of the strict planning controls in this area.
2. The proposal is contrary to Policy DES5 of the Department's Planning Strategy for Rural Northern Ireland in that a building on this site would, if permitted, be obtrusive and have an adverse impact on the countryside by reason of its lack of visual integration into the landscape.

X/1991/0234 - Site at corner junction of Loughries Road and Drumawhey road Newtownards- change of use from milk store to dwelling – refused

1. The proposed development is in the Belfast Urban Area Green Belt and in consequence would be contrary to the Departments policy for this locality in that it would not merit being treated as an exceptional case as the special circumstances are not considered to be of sufficient weight to justify a relaxation of the stricter planning control exercised in this area.

X/1987/0658 - Loughries Road/ Drumawhey Road Newtownards -Dwelling house – Refused

1. The proposed development is in the Belfast Urban Area Green Belt and in consequence would be contrary to the Departments policy for this locality in that it would not merit being treated as an exceptional case as the special circumstances are not considered to be of sufficient weight to justify a relaxation of the stricter planning control exercised in this area.

X/1990/0255- Corner site at Junction of Loughries Road and Drumawhey Road – Replacement Dwelling – Appeal Dismissed

1. The proposal conflicts with the Department's policy of restricting the number of additional dwellings in a Green Belt in that there is no structure on the ground that would fulfill the Department's criteria for an "existing dwelling".
2. The proposed development would give rise to conditions which would prejudice the safety and convenience of road users since it would not be possible within the application site to provide a means of access with adequate sight lines at the junction of the access with Loughriscouse Road

4. Planning Assessment

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

- Ards and Down Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary planning

- Building on Tradition

Ards and Down Area Plan 2015 (ADAP)

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the countryside and an area of constraint on mineral development as outlined in ADAP.

Principle of Development

Despite its end date, ADAP currently acts as the LDP for this area. The site is within the countryside out with any settlement. The site is outside the AONB and outside any other environmental designations. There are no architectural or archaeological designations affecting the site. The plan makes no specific provisions for change of use from an agricultural building to a dwelling but defers instead to current regional policies. In this context, PPS21 -Sustainable Development in the Countryside is retained and is the latest expression of policy for this type of development.

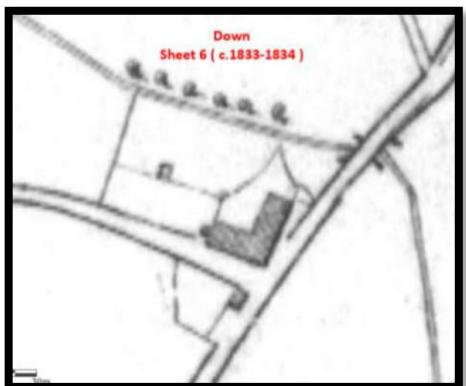
In relation to the subject matter, the SPPS sets out provisions (Para. 6.73) for the Conversion and re-use of existing buildings for residential use. Provision is made for the sympathetic conversion, with adaptation, if necessary, of a locally important building (such as former schoolhouses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

CTY1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' sets out the types of development which are considered to be acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. More specifically, CTY 1 makes provision for a The Conversion and Reuse of Existing Buildings in accordance with Policy CTY 4. CTY 4 states that planning permission will be granted for the sympathetic conversion of a suitable building for a variety of uses – including use as a single dwelling. In relation to the subject matter, the SPPS sets out similar provisions (Para. 6.73) but adds that provision be made for the sympathetic conversion, with adaptation, if necessary, of a *locally important building* (such as former schoolhouses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

Paragraph 1.12 of the SPPS requires any conflict between the SPPS and PPS 21 to be resolved in favour of the former. The SPPS does not define "locally important" but the examples given in brackets are suggestive of buildings that generally have some local architectural merit or historic interest. The availability of public views is not a policy requirement. To be locally important, a building does not have to be a focal point or landmark.

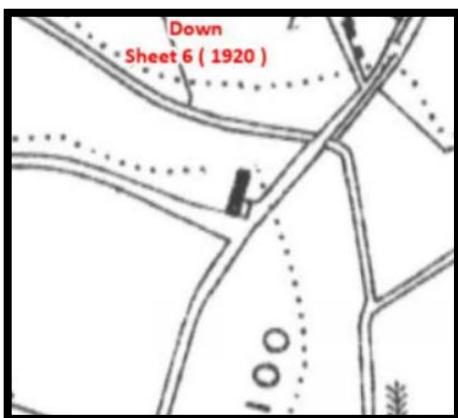
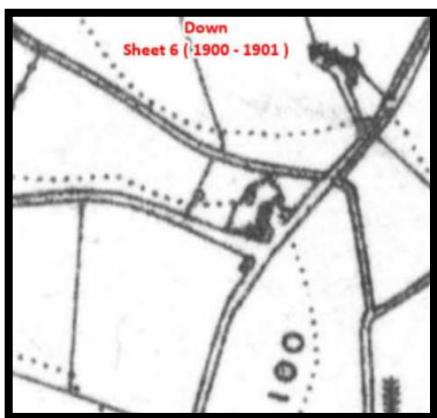
The agent has submitted a supporting statement along with the application and refers to the local importance of the building proposed to be converted they contend it meets the definition within PPS21.

PPS21 defines "vernacular" in Annex 2 "Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such vernacular buildings will have been typical ie of a common type in any given locality and will lack the individualistic and educated design features that characterised international fashions in formal architecture during the same period".



Map 1

Map 2



Map 3

Map 4

Figure 2: Historical maps included in Design and Access Statement

The evidence submitted by the agent contends that the building is Vernacular and dates back to 1840s. The building has been heavily altered. Alterations have also involved removing the portion along Loughries Road but retaining the portion along Drumawhey Road shown in "Map 4". Since then, there has been an extension added to the northwest elevation, more than doubling the size of the building and the original part has had rough render added to the walls and a corrugated roof.



Figure 3: Photos of original section of the building



Figure 4: Photos of the extended part of the building

I would conclude after carrying out a site inspection that the building on site has no significant architectural merit. The building has a prominent roadside location and is visually prominent when traveling in any direction towards this junction.

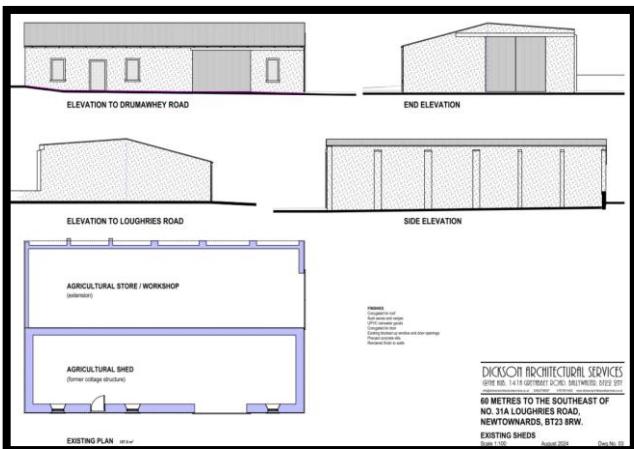


Figure 5: Existing elevations

In terms of the building meeting the requirements of 'locally important', it is considered that while the existing building is very visible on the corner site, it has no vernacular features of any worth and there is no evidence that it has any particular historic or local

significance in terms of its previous use. It also appears to have been altered and extended considerably over the years and now bears no resemblance of any original attractive vernacular features that may have been present. The age of the building is not sufficient alone to make it locally important.

The agent has highlighted two planning appeals which they consider to be relevant in relation to the 'locally important' assessment.

2016/A0115

In this instance the commissioner determined that the 'appeal buildings are particularly good examples of non-listed vernacular architecture. They are in good repair. They meet the "locally important" test on the basis of their architectural merit alone. Their size is such that they would lend themselves to the proposed conversion with minimal intervention. Residential use would secure their retention and upkeep.'

This appeal is different as the building under consideration in this application has been significantly altered and any vernacular details have been lost through the various extensions and alterations. This appeal also considered that a claimed connection between the appeal buildings and Ballywalter Park is too tenuous to be of significant local interest.

The agent has stated that the building is known locally as 'The Barn End' although this may be the case it does not convey any local significance other than a name, I also consider this to be too tenuous.

2018/A0031

The commissioners report concludes that the appeal building was 'built pre famine' and 'patches of render have been removed to reveal the building's original construction of stone walls with brick quoins'. It was on the basis that the render was removed as proposed that the building would display architectural merit and features worthy of retention. Furthermore, 'the stonework comprising the barn is exhibited in a nearby bridge and other surviving buildings of that era in the immediate locality. The dual residential and agricultural use of the building by local people within living memory confers a local historical significance on the building. This factor contributes to the building's local importance which would be further enhanced by its sympathetic renovation and extension.' A condition was also included with the PAC decision that, 'The proposed 1.2m high natural stone walling indicated on the 1:500 scale Site Plan numbered 06 and received by the council on 2nd November 2017 shall be of a design and materials similar to those of the bridge over the nearby Rathmore Burn some 40m to the east of the appeal site.'



Figure 6: Google street view image of 65 Rathmore Road. – Appeal reference 2018/A0031

The application site differs from the above in that the appeal site clearly demonstrates vernacular features whereby the building under consideration for this assessment has lost any vernacular features it may previously have exhibited.

Further information was received by the agent which aimed to evidence that the building was vernacular. This included photographs showing the removal of some of the render to expose the stone walls below, the agent suggests, 'The aesthetic and quality of stone walling relies on varied but balanced stone sizes and shapes.

The building has a greater majority of larger stones than generally seen with fewer small stones and mortar infilling the stonework, highlighting the building's overall structure and historical context conferring a local historical significance on the building.' Although it is recognised in the above mentioned planning appeal that the removal of render allowed the display of architectural merit and features worthy of retention in that instance, I disagree that the removal of render to the application building displays anything of architectural merit other than the stone of the building. The building has been heavily altered with render and corrugated iron roofing which reduces any perceived architectural merit.



Figure 7: Photograph submitted by the agent to demonstrate removal of portions of render.



Figure 8: Inside of the building

The agent also supplied a photograph showing, 'the chimney flue, line of render and rusted steel support to the top of the original fireplace opening.'



Figure 9: Photograph supplied by the agent of chimney flue

Regardless of the removal of some render and the potential presence of a chimney flue (there is no chimney stack on the outside of the building), It remains my opinion that the building has been so significantly altered over the years than any vernacular features have been lost.

Given all of the above, I do not consider the proposal meets the test of 'locally important'. Therefore, the proposal is considered contrary to the SPPS.

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

The extension to the original building is to be removed to facilitate a rear extension.



Figure 10: Proposed elevations

The development includes the change of use of the building on site from an agricultural shed to a dwelling and also involves the demolition of buildings either side. A detached garage is proposed to the north.

Visual amenity, Impact on character of the rural area.

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

The proposal involves the demolition of the 'extension to the rear' but retention of the 'original building' (the eastern portion). The proposed dwelling is single storey with stone walls exposed and a pitched roof. The building is linear in form with a small bay to the front entrance and a kitchen/dining/family room, to the rear, it is considered to be modest in height and scale and appropriate to the rural area. The 'extension' is subordinate and simple in design. The roof pitch of the existing building is shallow and sits at an angle of 14 degrees. The proposed dwelling has a pitch of 38 degrees.

A pitched roof is in keeping with dwellings in the local vicinity.

Given there is part of the building to be demolished, and the extension proposed is to be around half the floor space of the that being demolished, I would conclude that the proposed new extension is sympathetic to the scale and massing of the existing building. The proposed extension will be visually subordinate to the building.

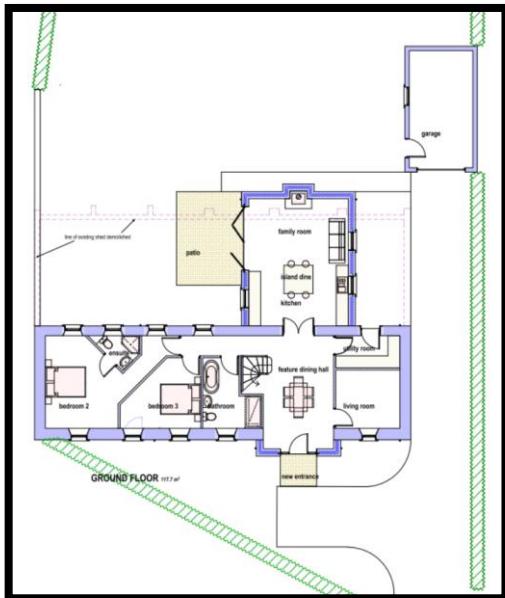


Figure 11: Proposed site layout



Figure 12: Aerial view of site.

With all things considered it is my planning judgment that the proposed extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.

Integration and Design of Buildings in the Countryside

CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The design proposed is rural in character and in keeping with the of the surrounding area. The proposed dwelling has a roadside location and therefore will be visible on approach from the road. However, the retention of boundary hedges and supplementary planting about the roadside boundaries will help to soften and screen the proposal. A condition detailing an appropriate landscaping scheme could be attached to any subsequent approval. will visually integrate in the site and surrounding area and will provide a dwelling which will be acceptable in design and appropriate to the local area.

With the location of the site on a roadside plot, the building already has prominence, and its conversion will not exacerbate this fact.

The site does have long established natural boundaries and would in my opinion provide a suitable degree of enclosure, which would facilitate the integration of the

proposal into the landscape. A further boundary will be required along the northern part of the site; this will be included as a condition.

A planting scheme has been submitted along with this proposal including retention of existing hedges and supplementary trees and landscaping. The proposed landscaping will help to soften the critical viewpoints of the proposal to an acceptable degree.

The ancillary works include a garage which is subordinate in size and scale.

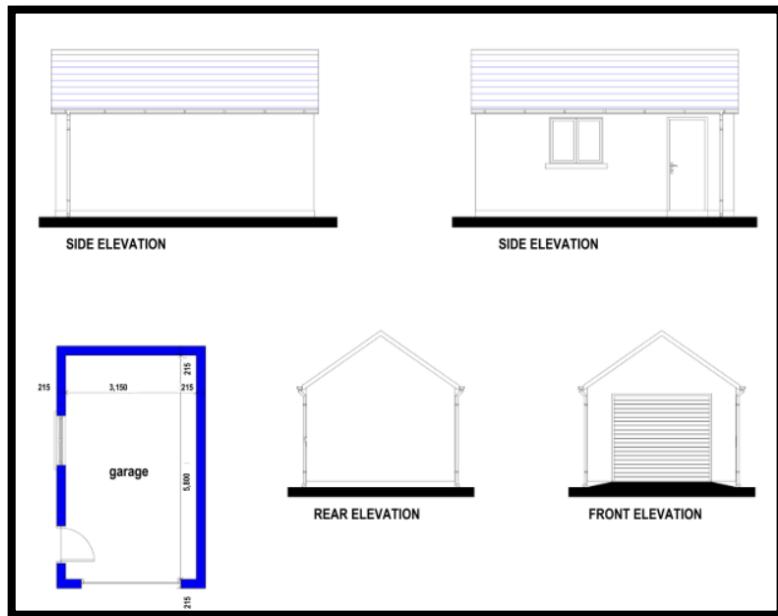


Figure 13: Proposed garage.

Rural Character

CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

On balance due to the roadside location and the open views of the site, together with the criteria of the policy CTY14, the design of the proposal is acceptable. The conversion to dwelling will not exacerbate the prominence of this building in the local landscape.

Residential Impact

CTY4 states - The reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings.

The closest neighbour is 31A Loughries Road, which is approx. 50m away. The proposal would not have any impacts on residential amenity. Its modest height and separation distance from neighbouring dwellings ensure that there will be no unacceptable impact,

Access, Movement and Parking

The proposal involves creating a new paired access onto the Drumawhey Road. DFI Roads have been consulted and have no objection to the proposal along with conditions. There is adequate space within the site for the car parking of at least 2 cars.

Water and Sewerage

The proposed development has a mains connection to the water supply, surface water will be disposed of via soakaways and a septic tank will dispose of foul sewage. Both NI Water and DAERA Water Management Unit were consulted on this application. The consultation responses did not raise any objections to the submitted proposals and the site and surrounding area are not identified as having a pollution risk.

Flood Risk

FLD1 - Development in Fluvial and coastal Flood Plains - Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – The site is bound along the northeastern boundary by a designated watercourse known to Rivers Directorate as “Loughries”. The site may be affected by undesignated watercourses of which we have no record.

Under 6.32 of the policy it is essential that a working strip of minimum width 5m from the top of the bank is retained. The applicant should contact the local Rivers Directorate area staff to establish their needs. Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip. Rivers Directorate requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

In addition, by way of a planning informative, prospective purchasers whose property is affected by this watercourse should be made aware of Rivers Directorate's obligations to maintain the watercourse.

FLD3 - Development and Surface Water – A Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

5. Representations

No letters of objection have been received.

6. Recommendation**Refuse Planning Permission****7. Refusal reasons**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted is not a locally important building.
2. The proposal is contrary to Policy CTY1 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.

Development Management Case Officer Report



Reference:	LA06/2023/2221/F	DEA:	Ards Peninsula
Proposal:	Farm shop including 1No. container and lean to building, 1No. portacabin, hardstanding and parking area (retrospective). New access to serve both farm traffic and farm shop traffic with the existing access to be closed up (proposed).		
Location:	60m south-east of 26 Inishargy Road, Kircubbin, Newtownards		
Applicant:	David Kerr		
Date valid:	06/10/2023	EIA Screening Required:	Yes
Date last advertised:	18/12/2025	Date last neighbour notified:	10/12/2025
Letters of Support: 0	Letters of Objection: 0	Petitions: 0	

Consultations – synopsis of responses:

DfI Roads	No objection to the most recently amended plan, subject to standard conditions.
DAERA	Confirmation of Farm Business ID identified on P1C has been in existence for 6 years or more.
DfI Rivers	No objections.
Environmental Health	No objections.
NI Water	No objections.
NIEA WMU	No objections.

Summary of main issues considered:

- Conformity with the Area Plan
- Farm Diversification
- Access and Parking
- Impact of the proposal on the character of the countryside
- Impact on Residential Amenity

Recommendation: Grant Planning Permission**Report Agreed by Authorised Officer**

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Public Register.

1. Site and Surrounding Area

The site is located on the northern side of Inishargy Road, outside the village of Kircubbin. The site includes 1no.container with a lean-to addition that is currently operating as a farm shop known as Farm Gate Fruit and Veg. A small portacabin is also on the site which is used for storage purposes. An area of hardstanding for parking and turning is also in place within the site, as well as a number of small outdoor cages for selling bags of timber and coal as well as seasonal plants. The site occupies a roadside position and shares an access onto the road with the access that serves the applicant's farmhouse and farm buildings at 26 Inishargy Road. The site also includes an area of the adjacent field to the west of the access which is to accommodate a new proposed access to serve both the farm traffic and farm shop traffic. The area to the north and west of the site are lands shown to be in association with the farm including the farmhouse and buildings.

The site is located outside any designated settlement limit as per Ards and Down Area Plan 2015. The wider surrounding area is predominantly rural in character and is within the designated Area of Outstanding Natural Beauty (AONB). Inishargy Road is not a protected route.

2. Site Location Plan



Figure 1: Site location plan

3. Relevant Planning History

On site

LA06/2022/0087/CA – alleged unauthorised hardstanding, erection of building in association with unauthorised market and alleged use of field for the parking of cars.

The farm shop is still operating at present however is subject to this current enforcement case which will be actioned / closed following the determination of this current planning application.

4. Planning Assessment

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

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

Ards and Down Area Plan 2015

Section 6(4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The application site is located in the countryside outside the nearby settlement limit of Kircubbin village, located a short distance to the south, as designated in the Ards and Down Area Plan. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty (AONB).

The Ards and Down Area Plan 2015 indicates that consideration of proposals within AONBs will take into account the prevailing regional policy. Planning policy states that new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. A Design and Access Statement was submitted as per Article 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015. Considering the modest scale of the proposal within the wider area of the AONB, for a modest single storey container and a single storey portacabin well screened from public views by existing hedging integrated with an existing group of buildings on the farm, it is considered that the proposal will not have an impact on the special character of the Area of Outstanding Natural Beauty and of the locality. On this basis the proposal is in line with both the Area Plan and Policy NH 6 of PPS 2 regarding this matter.

The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Strategic Planning Policy Statement for Northern Ireland

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.

Paragraph 6.73 of the SPPS identifies the strategic policies to be taken into account when considering residential and non-residential developments. In terms of non-residential development, the proposal is based on a farm diversification scheme.

The SPPS states that provision should be made for a farm diversification scheme where the farm business is currently active and established (for a minimum of six years) and the proposal is to be run in conjunction with the agricultural operations of the farm. The Council has consulted with DAERA and it confirmed that the farm business has had a Farm Business ID for more than six years and has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years. I am satisfied that the farm business is currently active and established and a farm diversification scheme is acceptable in principle in line with the SPPS.

Paragraph 6.73 goes on to say that proposals must involve the re-use or adaptation of existing buildings, with new buildings only being acceptable in exceptional circumstances.

The proposal is for a farm shop which is a form of retail use. Under paragraph 6.286 of the SPPS it is stated that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, it is further stated that as a general exception to the overall policy approach some retail facilities may be considered appropriate outside of settlement limits including farm shopping, craft shops and shops serving tourist or recreational facilities. The proposal is seeking retrospective permission for a farm shop (with associated parking and a new access) and so in this regard the principle of the proposal is in line with the SPPS.

In this respect, an assessment must be made relating to the nature of retailing occurring at the farm shop.

The supporting information states that 'the applicants' father had grown potatoes and vegetables for sale locally for many years in the area. With the trying time and difficulties brought about with covid, this was revived with a small stall with an honesty box for payment at the end of his lane which with the demand and popularity very quickly developed into a regular manned outdoor fruit and vegetable outlet in the form of an enclosed stall. Subsequently, with time and customer product requests, this has developed into the current onsite facility'.

The farm shop sells produce from the farm, mainly the applicant's own rare breed 'farm to fork' Dexter meats as well as fresh local produce including seafood from Portavogie and fruit and vegetables supplied by local farmers. There is a small range of home baked goods and honey. Potatoes and basic vegetables are still available daily in the

form of the honesty box and the shop has limited opening hours on Wednesdays 10am to 6pm, Fridays 12noon to 6pm and all day on Saturdays.

A site visit was carried out on 29 August 2025 and it is clear that the use of the container with the attached lean-to building is used as a farm shop – see photographs below and in Appendix 1. It is accepted that the container with the lean-to building is in use as a farm shop.



Figure 2: Photographs of some of the goods for sale

The facility also sells timber, coal and seasonal plants positioned outside the container. The portacabin is currently used for storage purposes, however during site visit, a cabinet displaying jewellery and other items described as giftware such as tea towels, China tea sets and paintings was observed. These items would not typically be for sale under the category of a farm shop and the agent has been advised of this and agreed the items would be removed from the site as soon as possible. In this aspect, it is considered that a condition to any approval could be attached limiting the type of goods on sale.

I am satisfied that the use of the farm shop is acceptable and in accordance with the SPPS.

Under the transitional arrangements, existing policy will also continue to apply and the provisions under PPS 21: Sustainable Development in the Countryside are also material to the assessment.

Farm Diversification – PPS21

Policy CTY1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations.

Policy CTY1 states that planning permission will be granted for non-residential development in the countryside in a number of cases and includes farm diversification proposals which are in accordance with Policy CTY 11 of PPS21.

The justification text under Policy CTY1 in paragraph 5.9 states that 'Agriculture continues to be of major importance to the economy of the rural area. With the restructuring of the industry ongoing....., agricultural diversification is likely to increase in importance as a means of maintaining or increasing farm income and employment. The planning system will therefore continue to sympathetically view appropriate farm diversification schemes.'

The SPPS and Policy CTY1 both state that the proposal is to be run in conjunction with the agricultural operations of the farm.

The supporting statement states that the applicant will manage this proposal in conjunction with the existing farm business, advising that the additional income from the farm shop will enable the applicant to supplement the farm business financially to progress improvement of the quality of the pedigree animals, capital investment to permit updating and refurbishment of the farm dwelling and improvement of the existing farm and buildings. I am satisfied that the farm shop is being run in conjunction with the agricultural operations of the farm.

Four criteria are specified in Policy CTY11 which a farm diversification proposal should comply with:

- a) *The farm business is currently active and established.*
- b) *In terms of scale and character, it is appropriate to its location;*

- c) *It will not have an adverse impact on the natural or built heritage;*
- d) *It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.*

These are considered below:

a) The farm business is currently active and established

As previously discussed in this report, it has been confirmed by DAERA that the farm business is currently active and established for at least six years. It has also confirmed that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years.

b) In terms of scale and character, it is appropriate to its location

In terms of scale and character, the scale of the proposal is relatively modest and is appropriate for its location. The floorspace of the farm shop is 61sqm, and the portacabin used for storage purposes is 26.3sqm. The height of the container and portacabins are all under 3m. As the farm shop is already in place, a site visit confirmed that due to its modest scale, it is integrated into the landscape and will not alter the rural character – see Photographs in Figures 3 and 4 below.



Figure 3: Photograph of the site on the right-hand side of the road. The natural screening from the roadside hedging prohibits views of the farm shop when travelling in this direction.



Figure 4: Photograph of the site on the left-hand side of the road.

The existing green shed that is visible in Photograph 4 is unlawful and is to be removed from the field. The existing natural screening provided by the hedging on the lane will still screen the container occupied by the farm shop. Figure 5 below shows the green shed on the right which will be removed, and the existing hedging along the lane that will screen the container for the farm shop which is visible on the right-hand side of the photograph.



Figure 5: Photograph showing the existing hedging along the lane that will screen the farm shop container.

The proposed new shared access is not yet in place. It is to be constructed to the west of the existing access and will serve both the farm shop traffic and the farm traffic, with the existing access being closed up – see Figure 6 below. DfL Roads advised that the existing access is sub-standard, and encouraged a new access for road safety reasons and so the site layout was amended to show this. The critical view of the proposed access will be when travelling west to east with the site on the left-hand side – see Figure 4 above. However, this view will only be over a short distance as it will only come into view once passed the bend in the road. The bend can be seen in the photograph in Figure 3 and shows the bend is just before the existing farm gate into the field. Furthermore, it is to be a replacement access of a sub-standard access, as such the road safety benefits are also an important material consideration.

The proposed shared access includes a new field gate into the adjoining field and this is to enable a farm access into the field and prevent the farm vehicles having to go onto the public road.

The proposed access will be landscaped with new field boundary fencing with hedging and trees. The trees are annotated on the proposed site plan to be of a standard form which means the trunk is already 2m offering an instant impact in terms of visual presence. Further screening will be provided as they continue to mature.

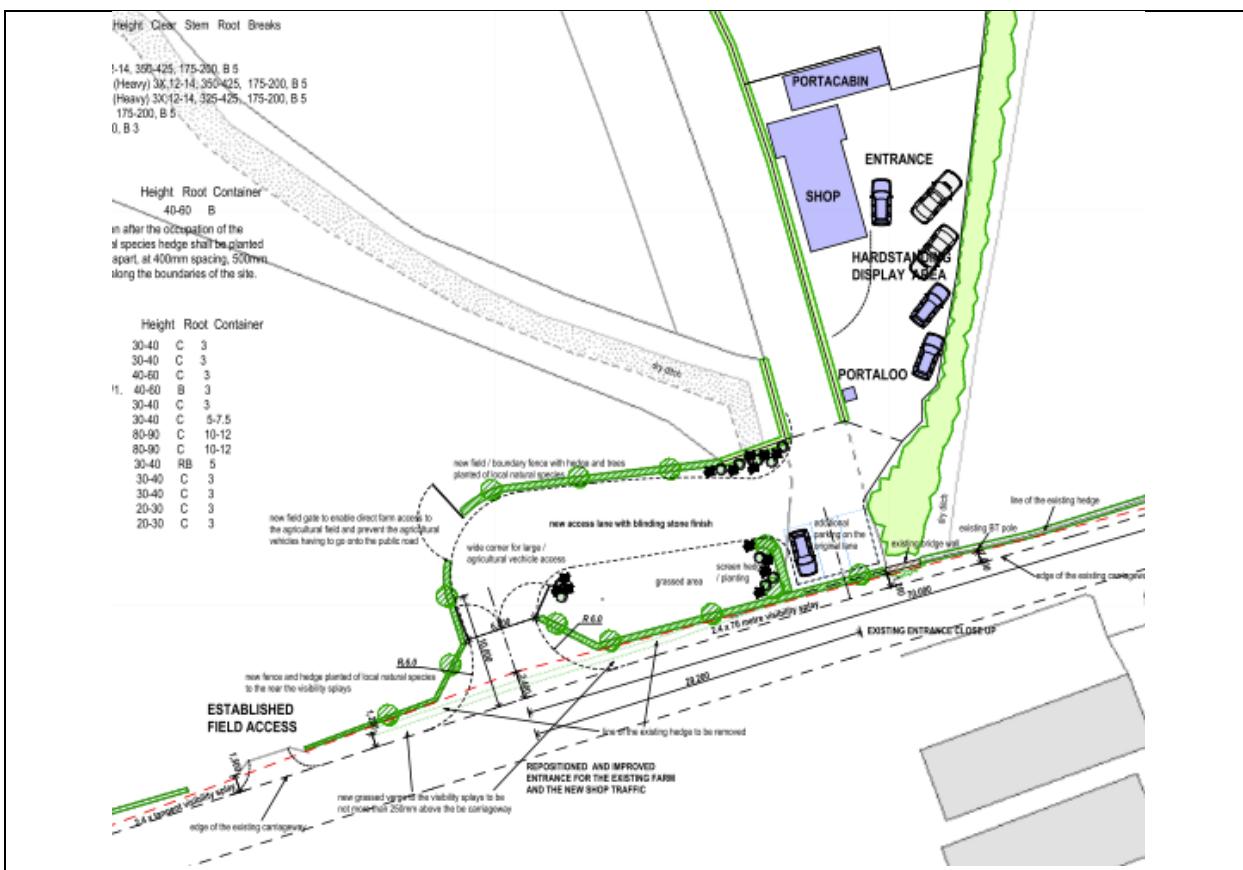


Figure 6: Proposed site layout showing the existing access to be closed up and the proposed access to serve both the farm and farm shop traffic.

In respect to the impact on the character of the area, Policy CTY13 (Integration and Design of Buildings in the Countryside) and Policy CTY 14 (Rural Character) of PPS 21 are material to the consideration.

It is not considered that the proposal will cause a detrimental change to or further erode the character of the area, given the facility is already in situ, is integrated into the countryside well screened from public views, it is not unduly prominent in the landscape and will not result in a suburban style build-up of development and does not create or add to a ribbon of development. The impact of the associated proposed access will not damage rural character as it is an agricultural access typical of its type and commonplace in a rural landscape. The proposal is considered to comply with Policy CTY 14 and all relevant guidance.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal is considered to meet Policy 13 as previously discussed in this report, as the container and portacabin are not prominent features in the landscape as they are well screened by existing natural hedging and appear tucked into the site, enclosed on the two front sides of the triangular shaped site, allowing it to be integrated into the landscape. The proposed new access will be a typical feature of the countryside as many farms already have a wide access to allow the agricultural vehicles to enter and exit onto a public road as safely as possible. However, in order to help integrate the proposed access, semi-mature trees and hedging are proposed to

be planted along the boundary of the access. The design of the facility is appropriate for the site and its location as the use of containers and portacabins are often used on farms and as this is a farm shop the use of a container and portacabin are deemed to be appropriate and in keeping with the farm diversification scheme. It is considered that the proposal is in line with Policy CTY 13 and all relevant guidance. Subsequently it is also considered that the proposal is compliant with criteria b of CTY 11.

c) It will not have an adverse impact on the natural or built heritage

In terms of any potential impacts to built heritage, there are no features of the built heritage located within close proximity to the site.

In terms of potential impacts on natural heritage, it is considered that there will not be an adverse impact on the natural heritage of the area. The provisions of PPS2 are also material to the consideration. Policy NH1 of PPS 2 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 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to harm a species protected by law. To this end, the NI Biodiversity Checklist has been used to identify whether the proposal is likely to adversely affect certain aspects of biodiversity including protected species. A completed checklist was submitted and it has concluded that no further ecological survey work is required. Shared Environmental Services was asked if it needed to be consulted regarding the proposal and it confirmed that it did not.

On this basis, it is considered that the proposed development will not have an adverse impact on the natural or built heritage of the area.

d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The closest dwellings are the applicant's dwelling at 26 Inishargy Road and the dwelling and outbuildings at 13 Inishargy Road on the opposite side of the road from the site. No objections have been received to date regarding the proposal. No complaints regarding waste or noise have been received by the Council in relation to any adverse impact that the proposal may have on the amenity of the residents of the adjacent detached residential property at 13 Inishargy Road. There is adequate space provided for the parking and turning of vehicles within the site to reduce the risk of vehicles being parked on the road that may in turn impact on the privacy of No.13.

It is considered that there will be no potential problems regarding any unacceptable impacts caused to the residential amenity of 26 or 13 Inishargy Road or any other nearby residential properties.

Policy CTY 11 also states that proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings with new buildings only being acceptable in exceptional circumstances. There are two agricultural buildings on the farm – see photographs below. One was under repair following storm damage. Neither of the buildings would be suitable for using as a farm shop even with adaptation. The agent has also stated that the two buildings are needed for the running of the farm and it would not be safe to have members of the public arriving and visiting the main farm yard and buildings. It is considered that the use of the container and portacabin as a farm shop is justified.



Policy CTY 11 goes on to state that where a new building is justified it should be satisfactorily integrated with an existing group of buildings. When standing on the road facing the farm shop, it is read with both the dwelling at No.26 and the two agricultural sheds. The container used for the farm shop and the dwelling and sheds are satisfactorily integrated and therefore the proposal meets this test.

Overall, I am satisfied that the proposal meets all the criteria set out in Policy CTY 11 of PPS21 in terms of being an acceptable farm diversification scheme.

Access and Parking

The existing access is sub-standard and is to be closed up and the proposed access is to serve both the farm and farm shop traffic. DfI Roads has been consulted and has not raised any objections to the proposed access and associated works as shown in Drawing 02C.

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the published standards or any reduction provided for in an area of parking restraint designated in a development plan. The proposed car parking area does not have any designated parking spaces. The Parking Standards document states that for Class A1: Shops, it is stated that 1 space is required per 20sqm of floorspace. The floorspace of the farm shop is 61sqm so only 4 spaces are required. The proposed site layout plan shows the parking area can accommodate the parking of five cars in the main parking area, together with two parking spaces at the closed up access. On this basis, I consider the proposed car parking provision to be acceptable.

Flood Risk

Policy FLD 1 – The Flood Maps (NI) indicates that the development does not lie within

the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. However, considering the proximity to the undesignated watercourses and adopting the precautionary approach embodied by PPS 15, DFI Rivers recommends that the applicant ensures that the proposals take into consideration measures to improve the resilience of new developments in flood risk areas by the use of suitable materials and construction methods. The proposal complies with Policy FLD 1.

Policy FLD 2 - There are undesignated watercourses located adjacent to the western and eastern boundary of the site. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Under 6.32 of the policy, it is essential that a working strip of minimum width 5m from the top of the bank is retained and it is noted that one has been provided on the proposed site layout plan. As such the proposal complies with Policy FLD 2.

5. Representations

No representations have been received to date.

6. Recommendation

Grant Planning Permission

7. Conditions

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

Reason: This is a retrospective application.

2. The proposed access, turning and parking area shall be provided in accordance with the details indicated on Drawing No.02C within 6 months of the date of the decision notice and will be permanently retained thereafter and used for no other purposes.

Reason: To ensure there is satisfactory access and in-curtilage parking provision in the interests of road safety and the convenience of road users.

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

4. The access gradient to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular

access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. Existing laneway to be closed and permanently stopped up prior to new access way becoming operational within 6 months of the date of the decision notice and will be permanently retained thereafter.

Reason: To ensure only one access serves the proposed development.

6. The farm shop hereby permitted shall only be operated in conjunction with the existing farm business and for no other purposes at any time.

Reason: To prevent the operation of an unauthorised use on the premises.

7. The farm shop hereby permitted shall only sell food and drink produce from the farm and local suppliers and for no other purposes at any time. The selling of food and drinks to members of the public for consumption on the premises is not permitted.

Reason: To prevent the operation of an unauthorised use on the premises.

8. A working strip of a minimum width 5m from the top of the bank of the local watercourse, located within the lands in blue shown on Drawing 02C and referenced as 'Dried Ditch' must be retained. Within this 5m wide strip, there will be no mixing of concrete nor any refuelling of machinery, nor any storage of oils, fuel or other chemicals.

Reason: To prevent polluting discharges entering the adjacent watercourses and adversely affecting site integrity of the Outer Ards Ramsar/SPA and the East Coast marine proposed SPA.

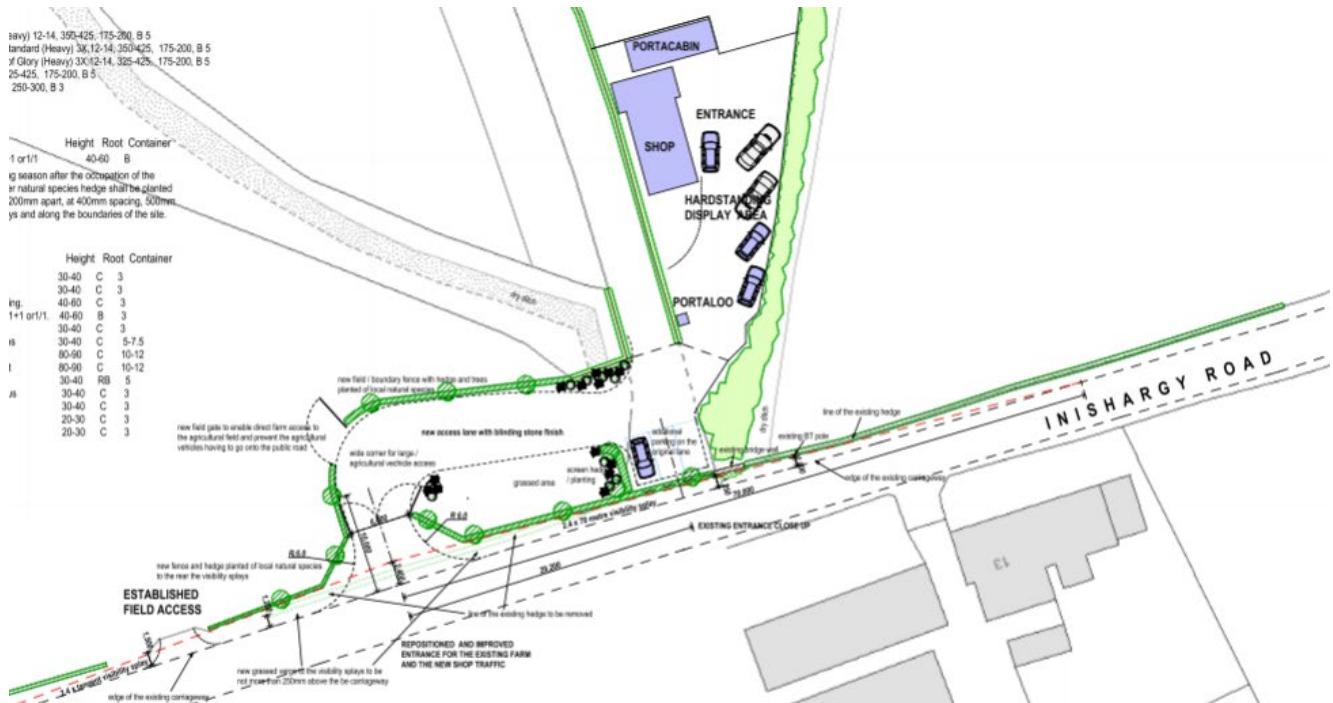
Informatics

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 informatics, advice or guidance provided by consultees, where relevant, on the Portal.

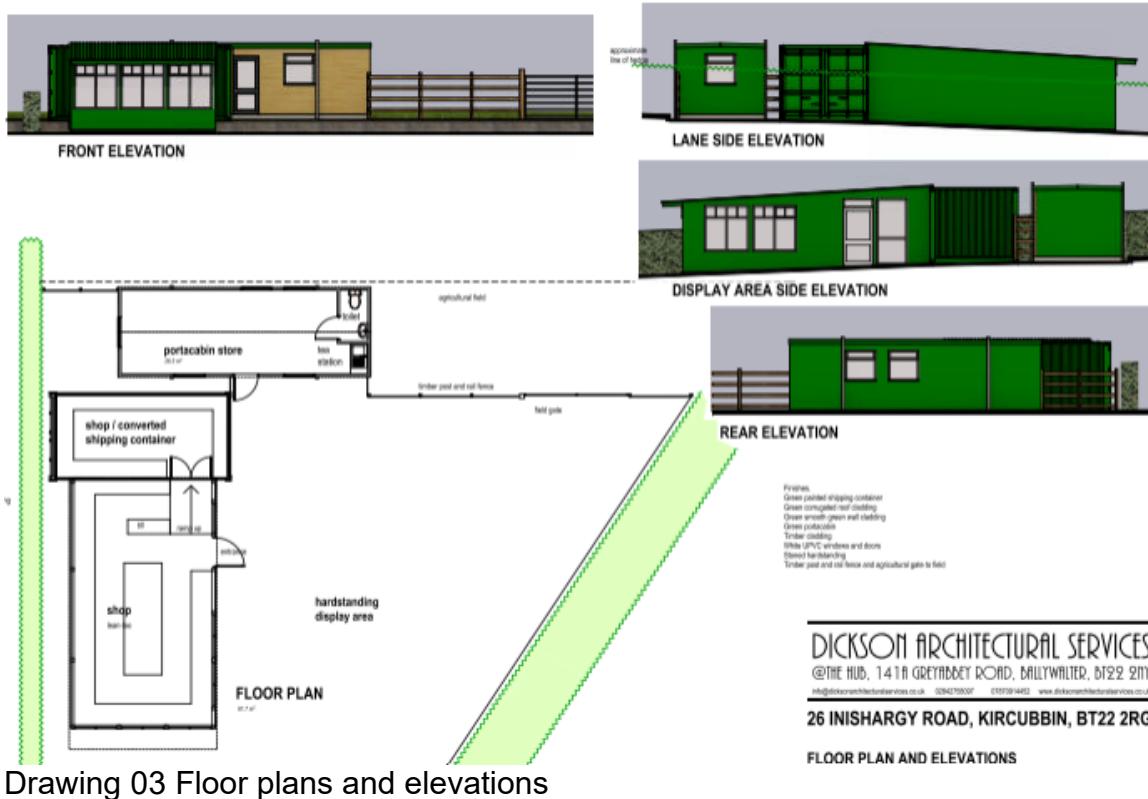
Plans



Drawing 01A Site location map



Drawing 02C Site layout plan



Drawing 03 Floor plans and elevations

Photographs



Photograph 1 shows the existing access and the adjacent area where the proposed new access will be located



Photograph 2 shows the existing access and the adjacent area where the proposed new access will be located.



Photograph 3 shows the existing access and the farm shop to the RHS.



Photograph 4 shows the view of the site when travelling towards it (on the LHS) and how it is well integrated into the landscape. The unauthorised green shed has since been removed.



Photograph 5 shows the view of the site when travelling towards it (with it on the RHS) and how it is well integrated into the landscape.



Photograph 6 shows the existing access with an honesty box and sign for the business.



Photograph 7 shows the existing farm shop



Photograph 8 shows the fruit and vegetables for sale in the shop.



Photographs 9 shows the meat products for sale in the shop.



Photograph 10 shows an example of the dexter beef produce for sale and also local seafood from Portavogie for sale.



Photograph 11 shows the list of items for sale, including dexter beef, local seafood and fresh fruit and vegetables.



Photograph 13 shows the existing agricultural building which forms part of the group of buildings adjacent to the farm shop.



Photograph 14 shows the agricultural buildings are located adjacent to the farm house and farm shop.

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2025/0789/F	DEA: Newtownards	
Proposal: Variation of Condition 13 of previously approved application LA06/2020/0940/F for a greenway for approximately 3km along a traffic-free route from Belvedere Road, Newtownards turning NE following the former railway track in the most part to the Somme Heritage Centre. A section of the former railway track between Victoria Road and Belvedere Road is also included. Widening of existing footways, new 3m wide paths, pedestrian crossings, fencing, ancillary car parking, a shared-use bridge and associated site, access and other ancillary works. From: Bridge: No other development hereby permitted shall be commenced operational until the road works indicated on Drawing No 27A bearing the date stamp 27/07/2021 have been fully completed in accordance with the approved plans. To: Bridge: No other development hereby permitted shall be operational until the road works indicated on drawing 60572431-SHT10-LD-3105 have been fully completed in accordance with the approved plans.			
Location: From Belvedere Road, Newtownards to the Somme Heritage Centre, 233 Bangor Road, Newtownards			
Applicant:	Ards and North Down Borough Council		
Date valid:	05.09.2025	EIA Screening Required:	Yes
Date last advertised:	25.09.2025	Date last neighbour notified:	18.09.2025
Letters of Support: 1		Letters of Objection: 0	
Consultations			
DfI Roads – No objections.			
Summary of main issues considered: <ul style="list-style-type: none"> The potential impacts of the proposed re-wording of the condition. The potential impacts to road 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 Planning Portal.

1. Site and Surrounding Area

The scheme is part of the overall greenway connecting Newtownards and Bangor. The route that was approved under the previous planning application Ref LA06/2020/0940/F begins on a section of the former Belfast and County Down railway line running from the rear of the South Eastern Regional College on Victoria Avenue and behind Victoria Road which will be upgraded as part of the proposal, and will then join the existing footpath between Belvedere Road and Victoria Road. It will continue north on the Bangor Road for approximately 420m before heading north-east following the path of the former Newtownards to Conlig section of the Belfast and County Down railway line to the rear of Rosevale, Hollymount and Beverley residential developments. The route then continues north for approximately 2km before heading west for approximately 300m to join the Bangor Road (A21). A car parking area is proposed adjacent to the south of properties at 237 and 284 Bangor Road and a shared-use bridge crossing the dual carriageway to facilitate access to the Somme Heritage Centre and Whitespots Country Park.

This application is seeking permission to amend Condition 13 of the planning approval for this greenway under LA06/2020/0940/F and therefore the same site outlined in red is required for this application. Condition 13 specifically relates to the car parking areas located adjacent to the bridge. Construction work has already commenced on site with the bridge in place and the area for the car park cleared in preparation for construction.





2. Site Location Plan

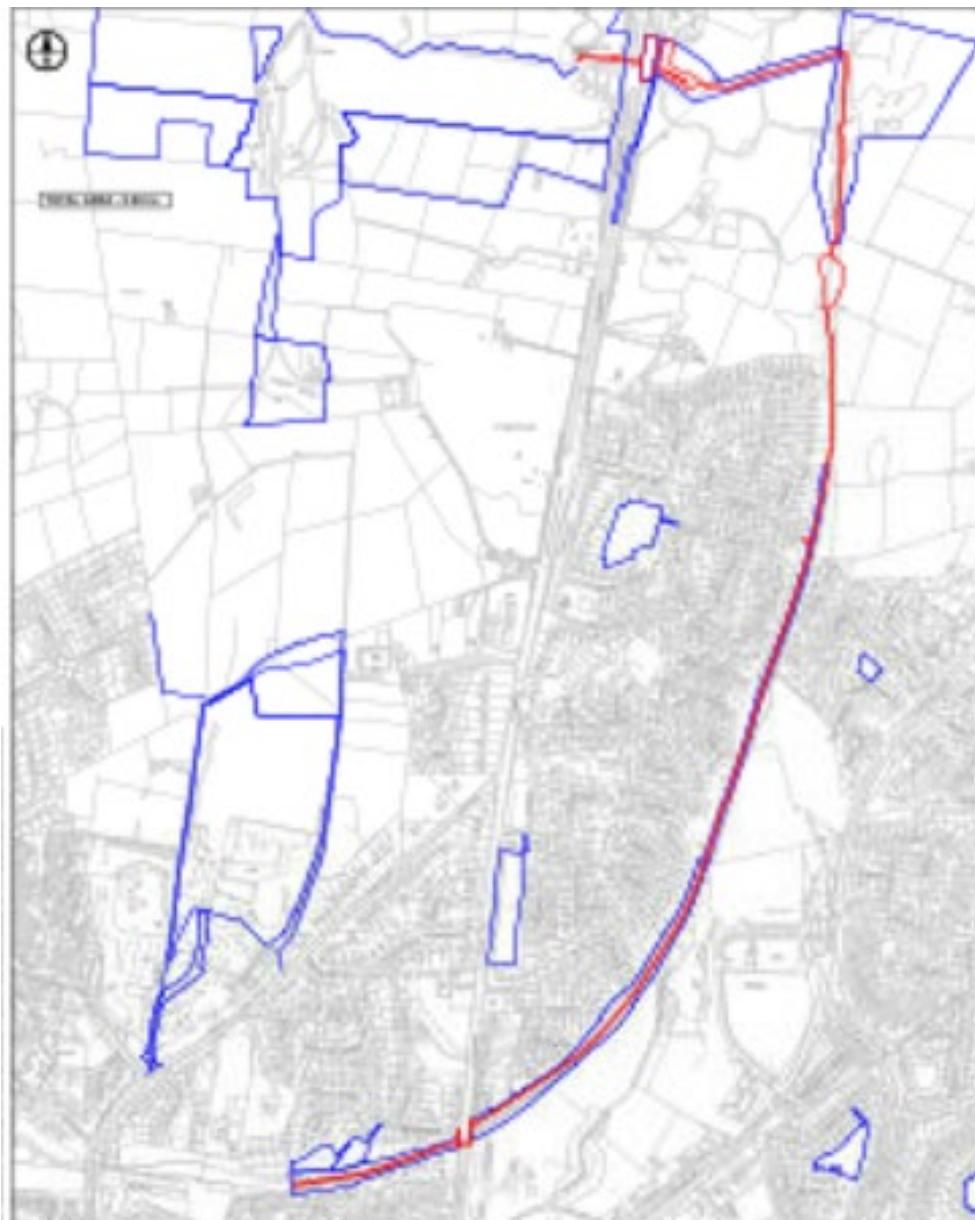


Figure 1: Site location plan

3. Relevant Planning History

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

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

Permission granted 01.09.2022

LA06/2023/2317/DC - Belvedere Road Newtownards to the Somme Heritage Centre Bangor Road Newtownards

Landscape and Maintenance Management Plan to discharge condition 18 of LA06/2020/0940/F.

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

Condition discharged 29.11.2023.

LA06/2023/2320/DC - Belvedere Road Newtownards to the Somme Heritage Centre Bangor Road Newtownards

Invasive Species Management Plan to discharge condition 5. of LA06/2020/0940/F. No development activity, including ground preparation or vegetation clearance, shall commence until the Invasive Species Management Plan, Newtownards to Somme Heritage Centre Greenway, produced by AECOM, dated the 19th February 2021, has been approved in writing by the Council. The ISMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved ISMP, unless otherwise approved in writing by the Council.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

Condition not discharged 29.01.2024 as an amended ISMP is required to meet the specific needs of this proposal and this site.

LA06/2024/0760/DC - Belvedere Road Newtownards to the Somme Heritage Centre Bangor Road Newtownards

Discharge of condition 2,3,4,5 and 16 of Planning Approval LA06/2020/0940/F (full description available to view within NI Planning Portal).

Condition partially discharged 23.01.2025.

Conditions 2 & 16 of planning approval are discharged and conditions 3, 4 & 5 are partially discharged.

Adjacent to the site

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

Extension to the Ark Open Farm consisting of indoor play barn, including ancillary café, kitchen, party rooms, retail/reception area, toilets, offices, and storage. New access/egress to Bangor Road, internal roadway, car parking, attenuation pond, landscaping, and all associated site works (Farm Diversification). Full permission granted on 10.07.2025.

The above permission includes a new access road from Bangor Road to serve an extension to the Ark Farm including a new car park. The approved access is to be located on lands that were already subject to the previous permission for the greenway (LA06/2020/0940/F) which were to be developed as an additional car park on the eastern side of Bangor Road. The Ark Farm took ownership of these lands to facilitate the new access and therefore the Council were required to submit an application to amend the permission by removing the additional car park area from the scheme. This is the context for the submission of this current application LA06/2025/0789/F.

4. Planning Assessment

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

- Ards and Down Area Plan 2015 (ADAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8: Open Space, Sport & Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Principle of Development

Compliance with the development plan Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Area Plan unless material considerations indicate otherwise. The relevant development plan is Ards and Down Area Plan 2015.

The assessment of the application for the greenway concluded that the greenway proposal was compliant with the Area Plan and would not have any adverse impact

upon the designations set out in the Area Plan and therefore this does not need to be revisited for this application.

The Proposal

Condition 13 requires that no construction should occur until such times as the road works indicated on Drawing No 27A have been fully completed in accordance with the approved plans. Drawing 27A includes a car park with over 60 spaces located on both sides of Bangor Road. On 10th July 2025, planning permission (ref: LA06/2024/0532/F) was granted for the extension of facilities at Ark Open Farm, east of the approved car park. That approval introduces a new access onto Bangor Road which overlaps onto the eastern section of the approved greenway car park. To address this overlap, the approved greenway car park layout needs to be revised, reducing the number of spaces and altering the internal arrangement. Furthermore, to maintain continuity of the construction works, it is important that construction work in other areas of the approved greenway can commence. These circumstances then require Condition 13 to be varied to allow construction works to commence. The variation relates to 'operational' as the greenway will not become operational until the construction works are fully completed. The proposed varied condition reads:

Bridge: No other development hereby permitted shall be operational until the road works indicated on drawing 60572431-SHT10-LD-3105 have been fully completed in accordance with the approved plans.

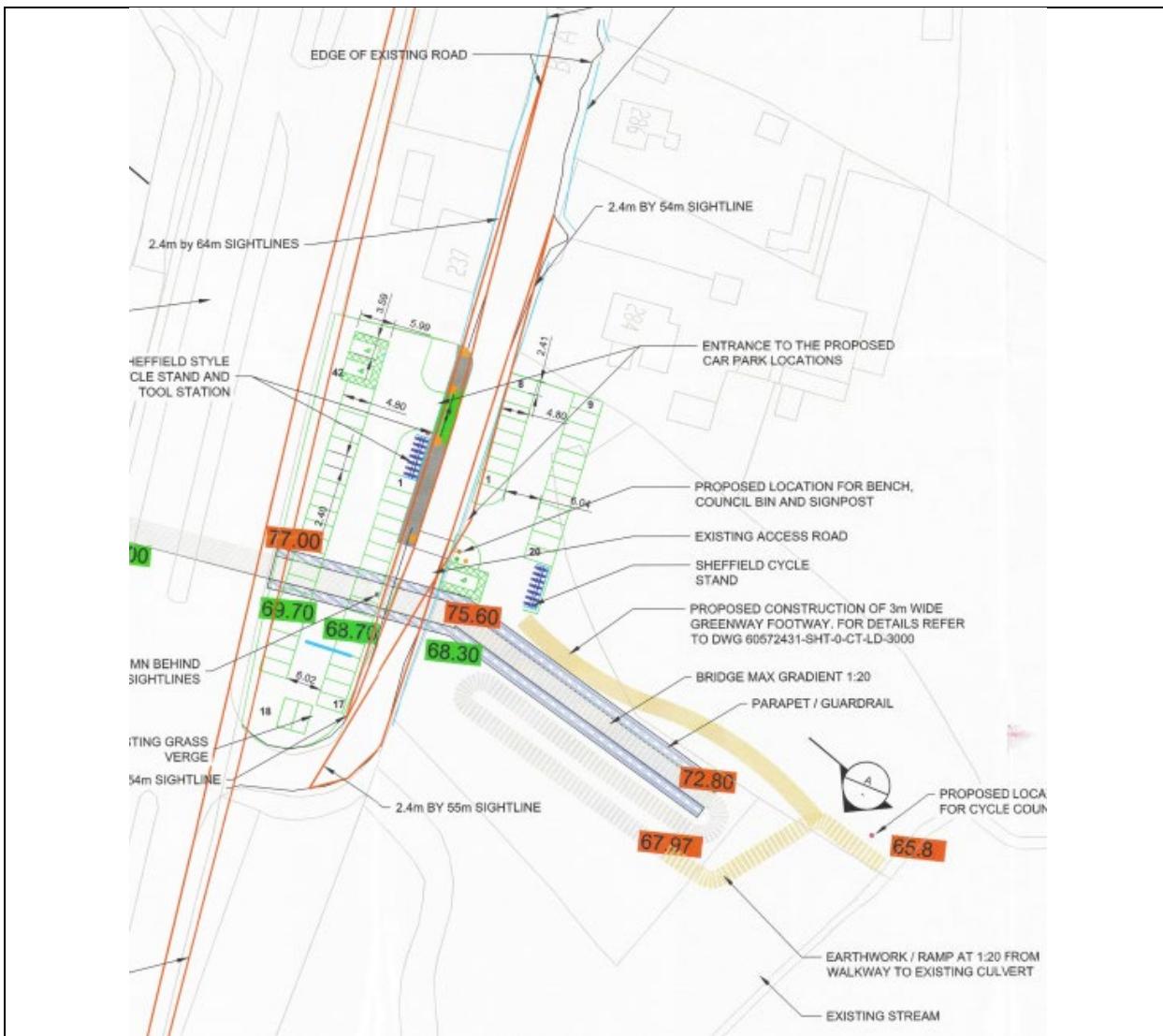


Figure 2: Approved car park layout as per LA06/2020/0940/F

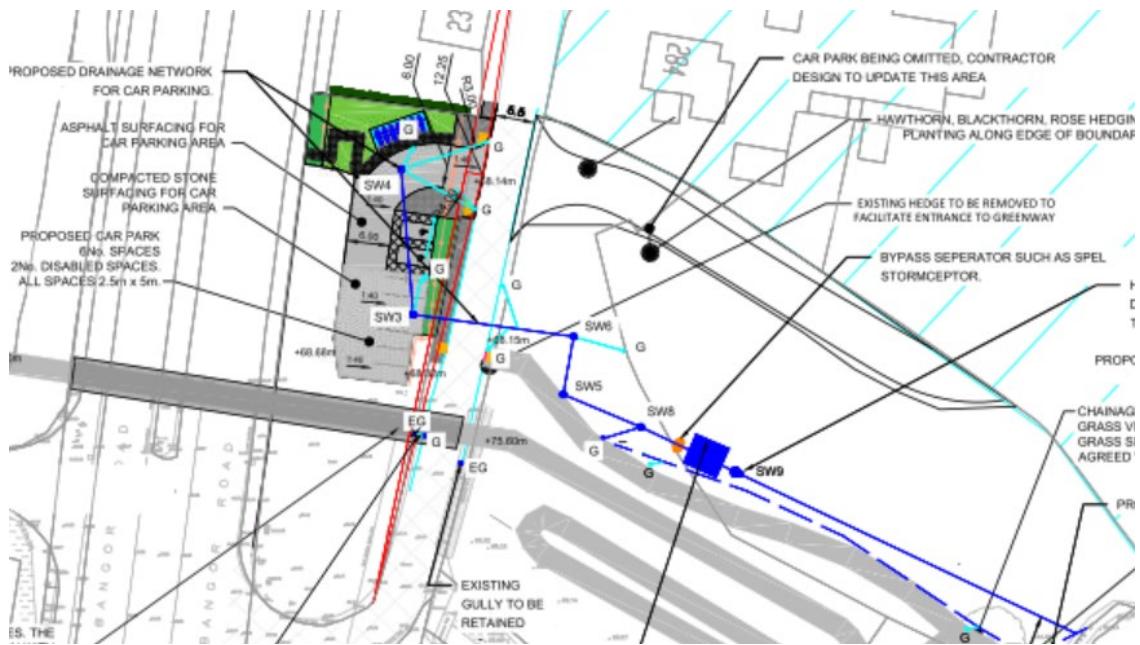


Figure 3: Proposed car park layout as per LA06/2025/0789/F

SPPS

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. Within paragraphs 6.199 – 6.213, it is acknowledged that open space, sport and outdoor recreation has an important societal role to play, supporting many cultural, economic, health and environmental benefits. The planning system has a contributing role to play in securing high quality and sustainable development schemes which do not damage the environmental features and qualities which are of acknowledged public importance and local amenity.

Impact on Parking Provision

This application involves a reduction in the car parking provision for the approved greenway. The approved scheme included a high number of car parking spaces that exceeded the standards required as per the Parking Standards document. The higher number of spaces was justified, as at peak times a significant number of vehicles were observed parking along the Bangor Road, largely due to visitors to the adjacent Ark Open Farm. The greenway car park was therefore seen as a means to alleviate on-street parking pressure noted at that time. However, the subsequent Ark Open Farm approval will significantly reduce this pressure by providing a new on-site car park with 102 spaces (including 5 disabled spaces), cycle parking, and a bus layby.

However, the approved Ark Open Farm access road to its new car park overlaps the approved car park for the approved greenway on this side of the road, necessitating the removal of this car park from the greenway scheme. This has been shown on the amended Drawing 27A, with the area being grassed instead.



Figure 4: Site Layout showing how the area will be finished

A further proposed change is for the reduction in car parking spaces in the approved car park on the opposite side of the road (western side of Bangor Road) from 42 spaces and 2 disabled spaces with 7 cycle stands to 6 spaces and 2 disabled spaces with space for 7 cycle stands. The remainder of the area not developed by the car park will be finished in grass as shown in the Site Layout Plan in Figure 4 above. The Parking Standards document advises that for public open space, 4 spaces are required per hectare. The application site is measured to be 0.99ha so the reduced car parking provision is still above the Parking Standard requirement.

DfI Roads has been consulted and has no objections.

Proposed Variation of Condition 13

This proposal seeks to vary Condition 13 of LA06/2020/0940/F, replacing Drawing 27A with a revised plan showing the new proposed layout. The purpose and intent of Condition 13 would remain intact, ensuring delivery of necessary road works prior to the operation of the greenway. It will allow the approved greenway to proceed without conflict with the adjacent permission for the Ark Open Farm, while ensuring parking and access remain adequate.

Designated Sites and Natural Heritage

Policy NH1 of PPS 2 relates to European and Ramsar sites. A Biodiversity Checklist was completed and assed as part of the previous application LA06/202/0940/F. 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). As this application is for a reduction in the area developed for car parking provision than that previously approved, it is considered that the proposal will not result in any adverse impact on any European designated site.

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, this was assessed as part of the previous application 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.

5. Representations

One representation of support has been received to date. The comments are summarised below:

- I fully support the proposed changes.
- Parking has become an even greater issue with the loss of 1.5metres off an already narrow road to facilitate a footpath for the greenway which subsequently removes a considerable amount of parking.

- For the greenway to work it is essential that the Ark Open Farm parking plans are given top priority.
- Families should not have to park and get out unto a 70mph carriageway as has happened before.

The Parking Standards document advises that only 4 spaces are required for this greenway and as there will be 6 spaces and 2 disabled spaces and 7 cycles stands provided, the proposed change to the car parking provision exceeds the Parking Standard requirement.

6. Recommendation

Grant Planning Permission

7. Condition

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun by 31 August 2027.

Reason: Time Limit.

2. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include:

- a. Construction Method Statement(s) - including details of construction and excavation;
- b. Pollution Prevention Plan; including details of a suitable buffer between the location of all construction works, storage of excavated spoil and construction materials/machinery, any refuelling, storage of oil/fuel, concrete mixing and washing areas and the watercourses/ponds within or adjacent to the site;
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery on site.

This list is not exhaustive but should merely be used as a starting point for considerations to be made.

Reason: To protect the site features of Strangford Lough ASSI/SAC/SPA and aquatic environment

3. No development activity, including ground preparation or vegetation clearance, shall commence until the Invasive Species Management Plan, Newtownards to Somme Heritage Centre Greenway, produced by AECOM, dated the 19th

February 2021, as part of the permission granted under LA06/2020/0940/F, has been approved in writing by the Council. The ISMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved ISMP, unless otherwise approved in writing by the Council.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

4. No development activity, including ground preparation or vegetation clearance, shall take place until a final Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Council. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Council. The BMP shall include the following:
 - a. Provision of 25m buffers from all development activity to all retained Badger setts (clearly shown on plans);
 - b. Details of any proposed sett closures;
 - c. Details of wildlife corridors to allow movement of Badgers to and from setts and/or foraging areas;
 - d. Details of appropriate fencing to protect Badgers and their setts/wildlife corridors;
 - e. Details of appropriate measures to avoid illumination of Badger setts and the retention of dark corridors;
 - f. Details of appropriate measures to protect Badgers from harm during the construction phase;
 - g. Details of the appointment of a competent ecologist to oversee the implementation of Badger mitigation measures during the construction phase, including their roles, responsibilities and timing of visits.

Reason: To protect Badgers and their setts.

5. No vegetation clearance/arboricultural works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

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

7. Essential lighting during construction shall be positioned to ensure illumination/light spill of less than 1 LUX onto the adjacent watercourses, ponds, badgers setts, trees and scrub.

Reason: To protect bats, otters and badgers.

8. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing all remediation works under Condition 8 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

10. Toucan crossing & footway widening. No other development hereby permitted shall be commenced operational until the road works indicated on Drawing No 17A bearing the date stamp 23/08/2022 of permission LA06/2020/0940/F have been fully completed in accordance with the approved plans.

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

11. No development activity, including ground preparation or vegetation clearance, shall take place until details have been submitted to and approved in writing by the Council for consideration by DfI Roads, to demonstrate that all structures which fall within the scope of the current version of CG300 of Design Manual for Roads and Bridges have Technical Approval. The Technical Approval shall be implemented in accordance with the approved details and all roadworks on site shall conform to the approval, unless otherwise approved in writing by the Council.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

12. Structures. The development hereby permitted shall not be commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

13. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02A prior to the commencement of development hereby permitted.

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

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

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

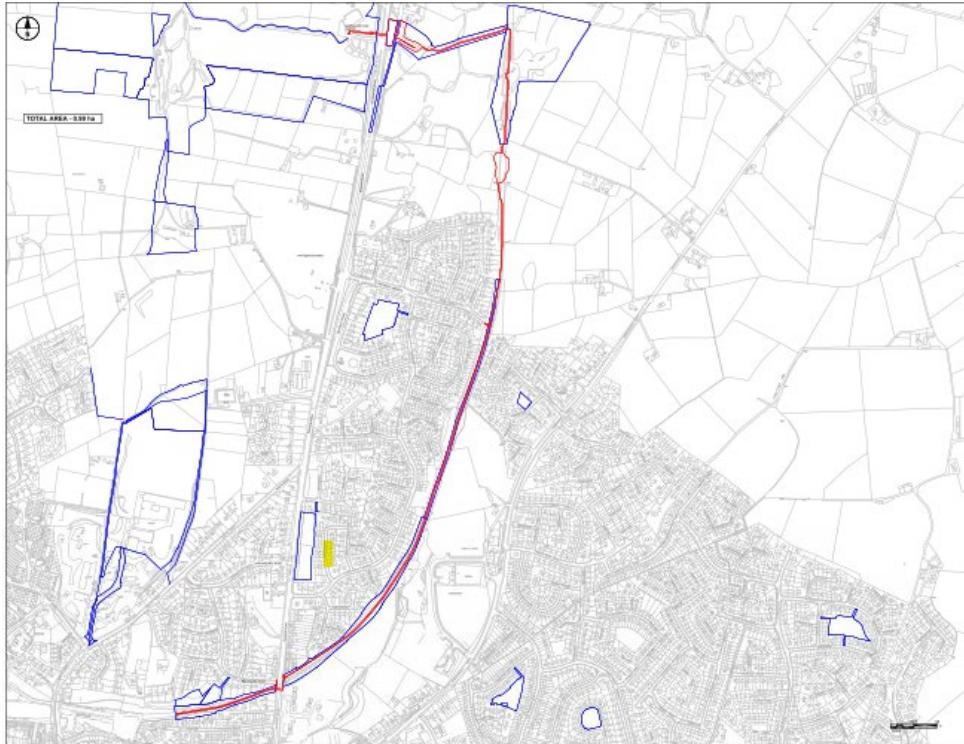
15. The gates for the car parking areas shall be closed every night at 2200hrs.

Reason: To safeguard the living conditions of residents in nearby properties.

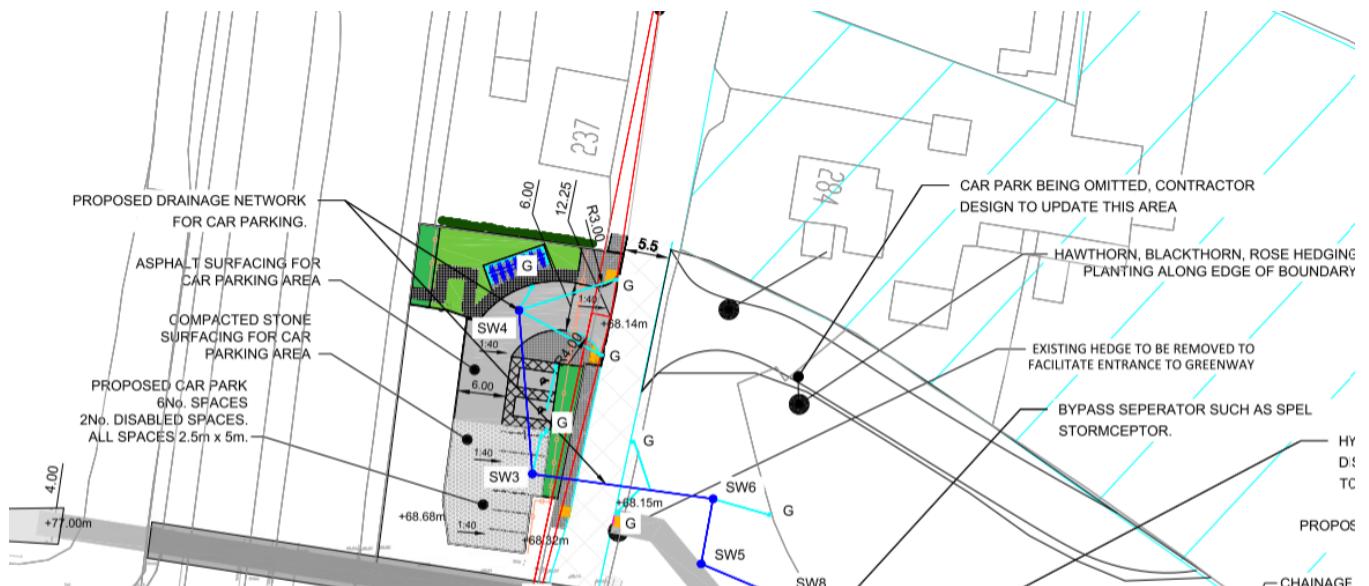
16. A landscape management plan for the development, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, in addition to a plan showing all landscaping details, shall be submitted to and approved by the Council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

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

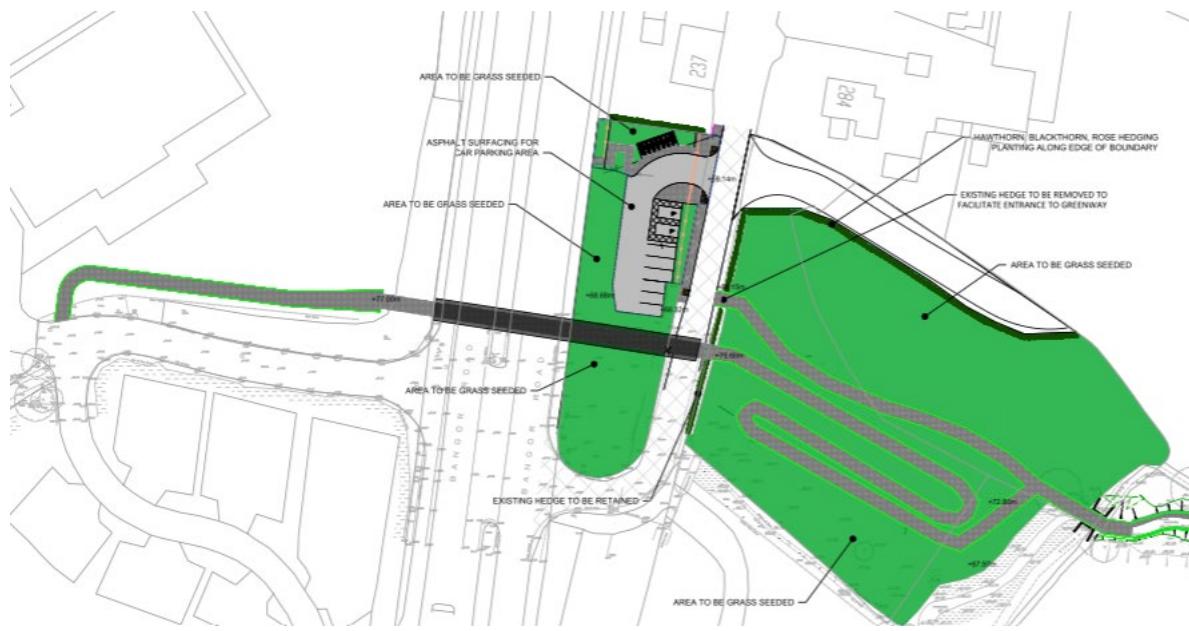
Plans



Drawing 01 Site location map



Drawing 02A Site layout



Drawing 03 Grassed areas

Development Management Case Officer Report			 Ards and North Down Borough Council
Reference:	LA06/2025/0914/F	DEA: Bangor Central	
Proposal:	Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (planning permission reference LA06/2024/0559/F)		
Location:	Approx. 46m northwest of 12 Queen's Parade, Marine Gardens, Queen's Parade, Bangor.		
Applicant:	Ards and North Down Borough Council		
Date valid: 03/11/2025 EIA Screening Required: N/A			
Date last advertised:	13/11/2025	Date last neighbour notified:	03/11/2025
Letters of Support: 0 Letters of Objection: 0 Petitions: 0			
Consultations – synopsis of responses:			
Environmental Health	Content, subject to conditions		
DFI Rivers	Advice		
Historic Environment Division (HED)	Content		
Shared Environmental Services (SES – Informal Consultation)	No concerns, full consultation not required.		
Summary of main issues considered:			
<ul style="list-style-type: none"> Principle of Development Impact on existing dwelling and character of the area Impact on privacy and amenity of neighbouring residents Impact on trees/landscape features Impact on amenity space/parking Impact on designated sites/natural heritage assets 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			

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

1. Site and Surrounding Area

The application site is located approx. 46m northwest of 12 Queen's Parade, within the settlement of Bangor and the proposed Bangor Central ATC (as designated under dBMAP). At present, the site is under development as part of the Marine Gardens public realm scheme, with the site having previously been a large surface-level public car park. It sits directly south of the Bangor Marina, with the surrounding area set to be occupied by varying public realm aspects, such as lawns, benches and pathways (as approved under LA06/2024/0559/F).



Figure 1 – View into site from Queen's Parade (south – north)

The wider surrounding area comprises a mixture of uses, with retail / commercial uses along Queen's Parade, and residential uses further away, along Mount Pleasant and Seacliff Road.

2. Site Location Plan

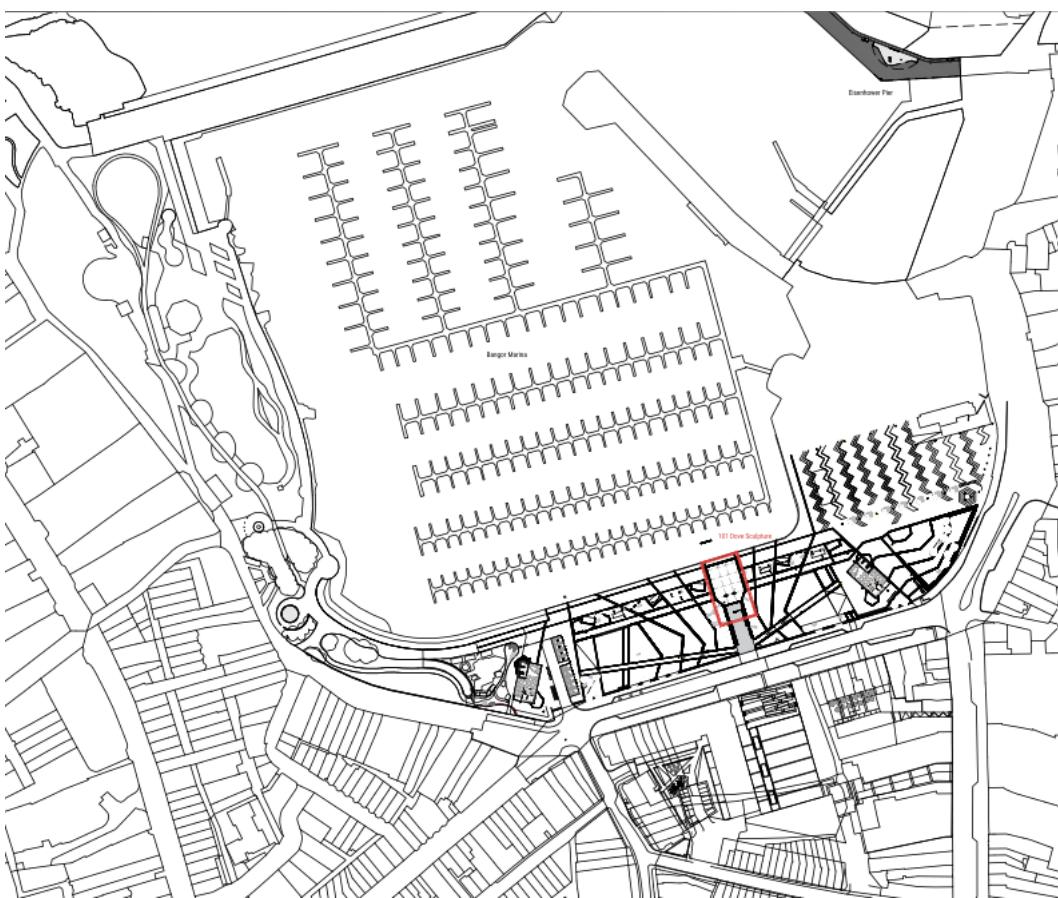


Figure 2 – Site Location Plan

3. Relevant Planning History

LA06/2025/0520/PAD – Artwork installation with associated surfacing and lighting (dove sculpture) – **Advice provided – no objection to the principle of artwork at this location. Historic Environment Division supportive in principle.**

LA06/2025/0913/F – Public open space approximately 10m East of 1-6 Mount Pleasant, Bangor - Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (planning permission reference LA06/2024/0559/F) – **Under Consideration**

LA06/2024/0559/F - Lands at and to the rear of 18 – 52 Main Street (Reeds Rain to TK Maxx), 2 – 34 King Street, 5 -17 Southwell Road, 5 – 41 Queen's Parade, Marine Gardens car park, the Esplanade Gardens, and area around McKee Clock, Bangor, BT20 3BJ –

Demolition of existing buildings at 5-12 and 35-41 Queen's Parade, 22-30 Main Street (formerly B & M Bargains), 34-36 Main Street (Oxfam and Hospice shops), 6-34 King Street and 5-17 Southwell Road; minor extension and elevational changes to 40-42 Main Street (Caffe Nero); creation of new means of escape and installation

of rooflights to 20 Main Street (Halifax); creation of new bin storage and basement access together with minor facade works to 48 Main Street (TK Maxx); erection of a mixed use development comprising culture and leisure facilities (class D), a 66 bedroom hotel, retail units, food and beverage outlets, offices (class B1- (a)), 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments along King Street, creation of a new vehicular access onto Southwell Road to serve undercroft car park comprising 217 spaces together with 14 courtyard spaces and 24 on street, creation of new vehicular access onto King Street to serve residential parking, minor modifications to the Main Street and King Street junction and creation of a two-way street along Southwell Road from the junction with Primrose Street, creation of a new service vehicle access onto Main Street, creation of new public squares and courtyards including new pedestrian access points; and the redevelopment of Marine Gardens Car Park including partial demolition of sea-wall to create a public realm space comprising gardens and lawns, play areas, events spaces, covered shelters, 4 kiosks and 2 pavilions (housing food and beverage operators), together with other ancillary development:

Variation of condition No. 2 of LA06/2020/0097/F - Amended phasing of development

Variation of condition No. 3 of LA06/2020/0097/F - Minor landscape layout amendments to public realm

Variation of condition No. 6 of LA06/2020/0097/F - Minor amendments to hard and soft landscaping within public realm

Variation of condition No. 14 of LA06/2020/0097/F - Amendment to drawing references showing plant rooms

Variation of condition No. 16 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition No. 43 of LA06/2020/0097/F - Amended drainage proposals

Variation of condition No. 44 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition No. 45 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition Nos. of 48, 49, 54 and 56 of LA06/2020/0097/F - Amended phasing of roadworks

Variation of condition No. 57 of LA06/2020/0097/F - Amendment to reflect updated drawing reference



Figure 3 - Approved Landscape Layout (LA06/2024/0559/F)

LA06/2024/0617/NMC - Non Material Change to the planning approval

LA06/2020/0097/F: Update to the landscape design for Marine Gardens to remove water feature, update to the description of development to remove reference to a water feature, amendments to footprint/roof plan of pavilion buildings, other minor landscaping design changes, updates to relevant drawing references within Conditions 2, 3, 4, 5, 6, 9, 10, 11, 12, 16, 43, 44, 45, 49, 54, 56 and 57 of LA06/2020/0097/F – **Approved**

LA06/2025/0451/NMC - Variation to description of development to include 'betting office' use, minor updates to approved drawings 15c, 22b, 53a and 62a to reflect the change - **Approved**

4. Planning Assessment

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

Planning Policy

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- Bangor Town Centre Plan (BTCP)1995

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15: Planning and Flood Risk

Supplementary Guidance

- Living Places

The Proposal

The proposal includes the provision of the following:

- 2 No. 6m tall bronze hand sculptures
- 1 No. 10m tall lighting column
- 1 No. 1.2m information panel
- Paving alterations

Principle of Development and Development Plan Context

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

Paragraph 4.26 of the SPPS outlines that design is an important consideration in the assessment of all proposals however paragraph 4.29 states that Planning Authorities should not attempt to impose a particular architectural taste or style arbitrarily.

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable along with the Bangor Town Centre Plan. The site is located within the settlement limit and town centre of Bangor within both plans.

Specifically in relation to the urban environment, the NDAAP states that the nature of future growth should ensure that existing assets are preserved and should contribute to the improvement of the quality of the urban environment. New development should be carefully designed to respect the scale and character of existing buildings using sympathetic materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of the town.

The Bangor Town Centre Plan was adopted in 1995 and, whilst like the NDAAP it is past its end date, it remains a material consideration in determining planning applications until such time as BMAP is formally adopted or the Council has adopted its own Local Development Plan.

There are a number of policies within the BTCP which are of relevance to the proposal under consideration. These include:

- Policy SEA1 - Development proposals should support the provision of appropriate tourist and recreational facilities at appropriate locations on the seafront.
- Policy SEA3 - Development proposals should support the introduction of environmental enhancement measures on Bangor Seafront.
- Policy TE1 – To enhance the environment of the town centre by means of landscaping schemes and environmental improvements.
- Policy TE2 – To ensure that proposals for new development respect the scale and character of existing development within the town centre.

There are also a number of designations and policies contained within draft BMAP which are of relevance in the consideration of the proposal including:

- Bangor Urban Waterfront (BR32)
- Bangor Town Centre Urban Design Criteria (BR48)
- Bangor Central Area of Townscape Character (ATC) (BR49)

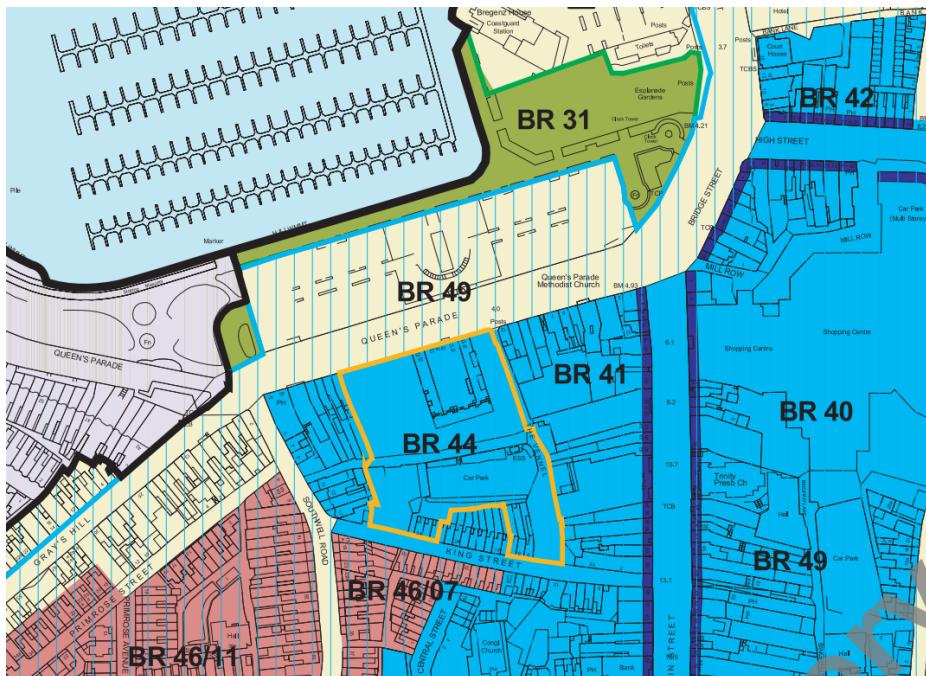


Figure 4 - Draft BMAP – Map 3I Bangor Town Centre

The Urban Waterfront Area identified in Draft BMAP is focused on Bangor Marina and its surroundings. The Plan identifies the area as offering potential for the development of a vibrant and attractive waterfront in association with tourism and recreation. Policy for the control of development within the area is set out in policy COU5 of the Plan. The policy states that within the designated urban waterfronts, planning permission will only be granted for development proposals that:

- Enhance and regenerate the urban waterfront

- Enhance the environmental quality of the waterfront with the careful siting and design of new development and by the implementation of appropriate and attractive landscaping schemes
- Retain and where possible further develop public access to the coast
- Protect existing coastal open space
- Enhance tourism potential and recreational facilities
- Protect important heritage features

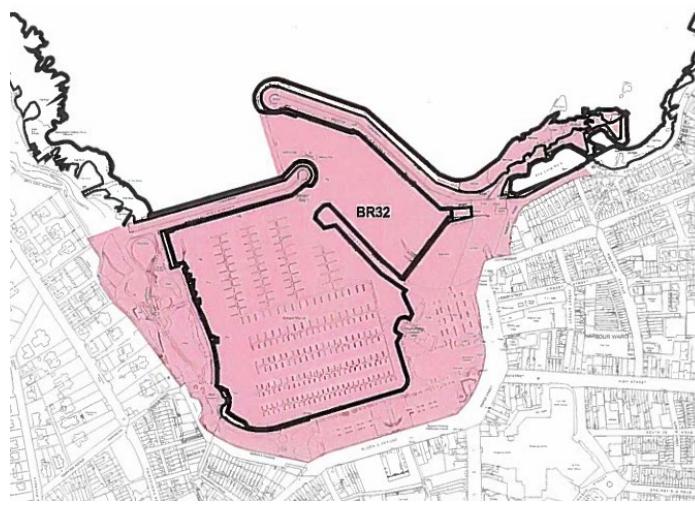


Figure 5 – Draft BMAP - Map 3m Bangor Urban Waterfront

With regard to the Bangor Town Centre Urban Design Criteria (BR48), the criteria set out in Draft BMAP all relates to the design of buildings and is therefore not applicable to the current proposal for an artwork installation.

With regard to the proposed ATC designation, Draft BMAP identifies an extensive list of key features found within the proposed ATC however those which would be of relevance to the development site are limited to the following:

- Views over the Bay from High Street and Main Street.
- The Methodist church and a number of original three storey Victorian terraces on Queen's Parade

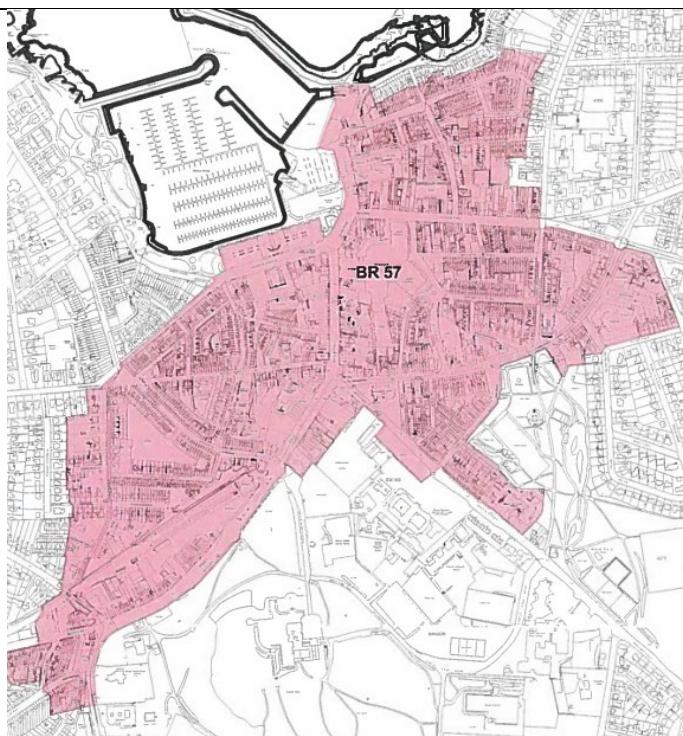


Figure 6 – Draft BMAP – Map 3H Proposed Bangor Central ATC

The Planning Appeals Commission considered a general objection to all proposed ATC designations within the then North Down district in its report on the BMAP public inquiry. The Commission recommended no change to the plan. It is therefore likely, if, and when BMAP is lawfully adopted, a Bangor Central ATC designation would be included. The proposed ATC designation is therefore a material consideration. The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. The Commission recommended that Policy UE3 be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would therefore 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 detailing the key features of the Bangor Central ATC will be repeated.

As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP or Council Local Development Plan. The policies within APPS6 and the related provisions of the SPPS also refer to ATCs and no reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. Therefore Policy ATC2 of APPS6 and the provisions of the SPPS are not applicable to the consideration of the development. However, regardless of the lack of a policy context, the impact of the development on the overall appearance of the proposed ATC remains a material consideration and can still be objectively assessed.

The impact of the proposal on the environmental quality of the waterfront area, the character and appearance of the town centre/proposed ATC and important heritage features within the vicinity of the site is considered in detail below under the relevant headings having regard to all of the above criteria set out in the SPPS, NDAAP, BTCP and Draft BMAP.

Background

In March 2024, the Council obtained funding from the Department for Communities and commissioned a trio of public art installations for Bangor Waterfront to be designed by artist Colin Davidson. The trio, named 'Eclipse' has, as its centrepiece, a bronze sculpture of hands (referred to as 'The Dove') to be located in a central position within the new Marine Gardens Public Realm. The remaining two pieces include sculptures adjacent to Pickie Fun Park (referred to as 'The Swan') and at the Eisenhower Pier (referred to as 'The Crab'). This current planning application submitted by the Council for consideration is for the central hands sculpture. A separate planning application has been submitted and is also currently under consideration for the sculpture at Pickie Fun Park however an application has yet to be submitted for the sculpture at Eisenhower Pier.

The Council has outlined that the sculptures are intended to symbolise peace, resilience, and Bangor's journey of renewal, celebrating grace and community and honouring Bangor's coastal heritage.

The Council has advised that production of the sculptures is already underway, with installation planned for Autumn 2026.

It is also noted that, under LA06/2020/0097/F, the Marine Gardens development was originally intended to include a water feature in the same location as the current proposed Dove Hands sculpture:



Figure 7 – Zoomed Landscape Plan from LA06/2020/0097/F

Under LA06/2024/0614/NMC, this water feature was removed, leaving this part of the Marine Gardens public realm open, hence the proposed Dove Hands sculpture is sited within this central focal area, to form a point of attraction and interest for visitors in the centre of the overall Marine Gardens scheme.

Visual Impact and Impact on the Character and Appearance of the Area

The proposed hand sculptures, if approved, will be the largest bronze sculptures on the island of Ireland, with a height of 6 metres. The intention, with the use of the proposed 10m lighting column set to the south of the sculptures, is to project a shadow in the shape of a dove on the paving to the north of the sculptures. The information panel is to be finished in white polished concrete with a galvanised steel panel on top, set to the southwest of the sculptures. The site will be laid out as shown in Figure 8 below and figures 9-14 below show detailed design of the sculpture.

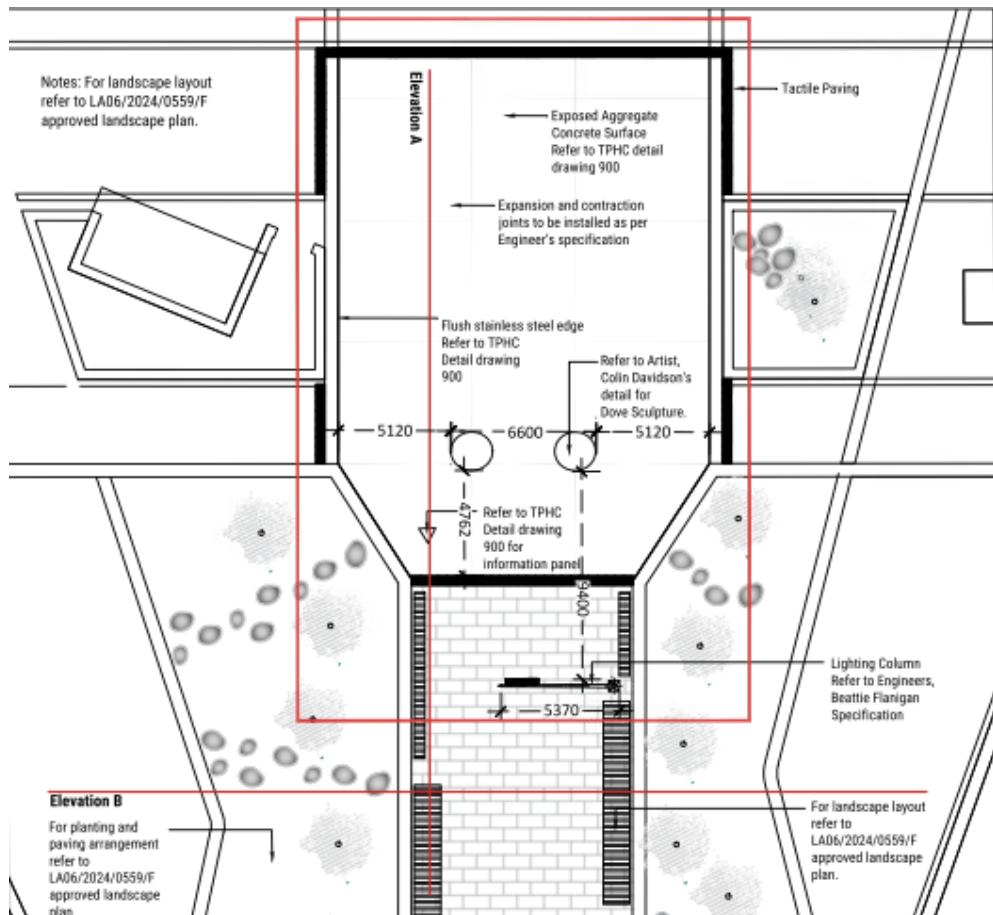


Figure 8 - Proposed Layout

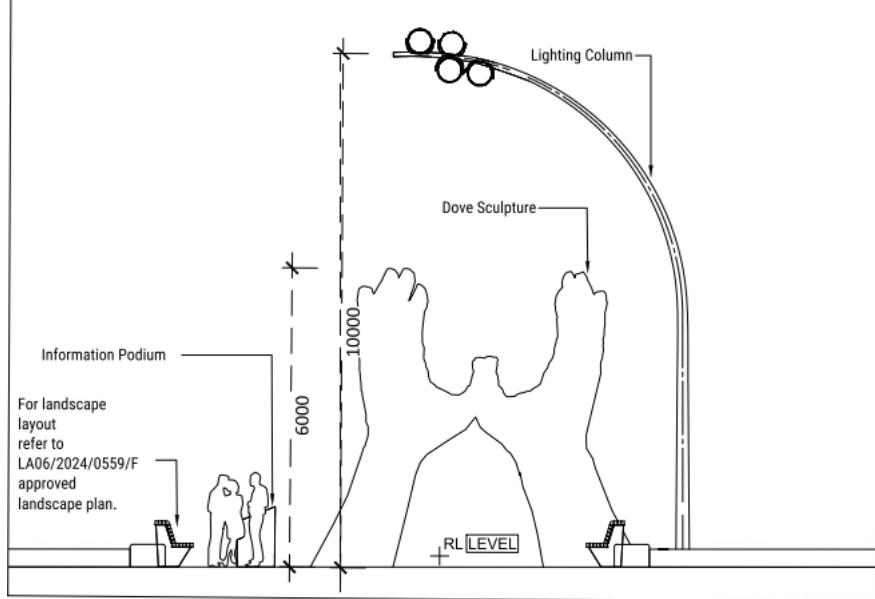


Figure 9 - Proposed Elevation

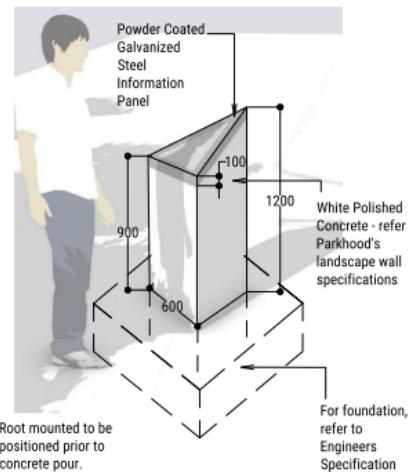


Figure 10 - Proposed Information Panel

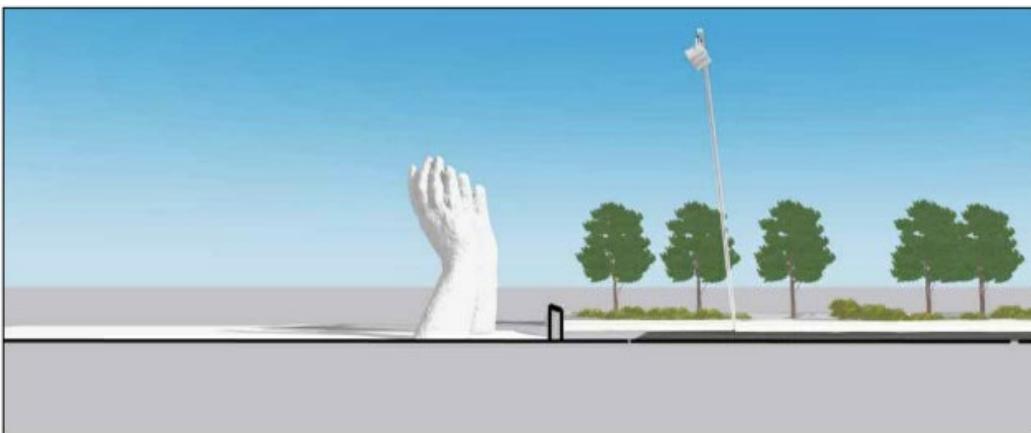
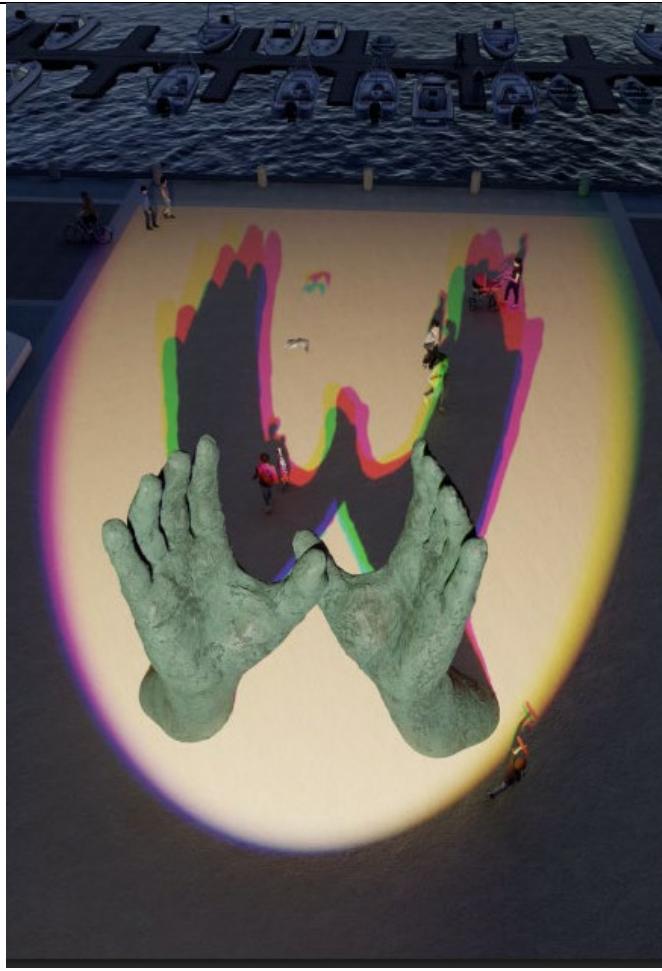


Figure 11 - Proposed 3D View





Figures 12 – 14 – Artist's Illustrations and Demonstrative render of shadows from sculptures

The artist has provided an artwork design statement along with the application. The overarching intention is for the hand sculpture to be viewed alongside the associated swan and crab sculptures, which are subject to separate planning applications, and located elsewhere along the waterfront, with the intention of the spaced-out sculptures to attract visitors to explore the newly-developed Marine Gardens once completed. The information panel will contain a QR code, which will open a website giving information on the artworks and the history of the area.

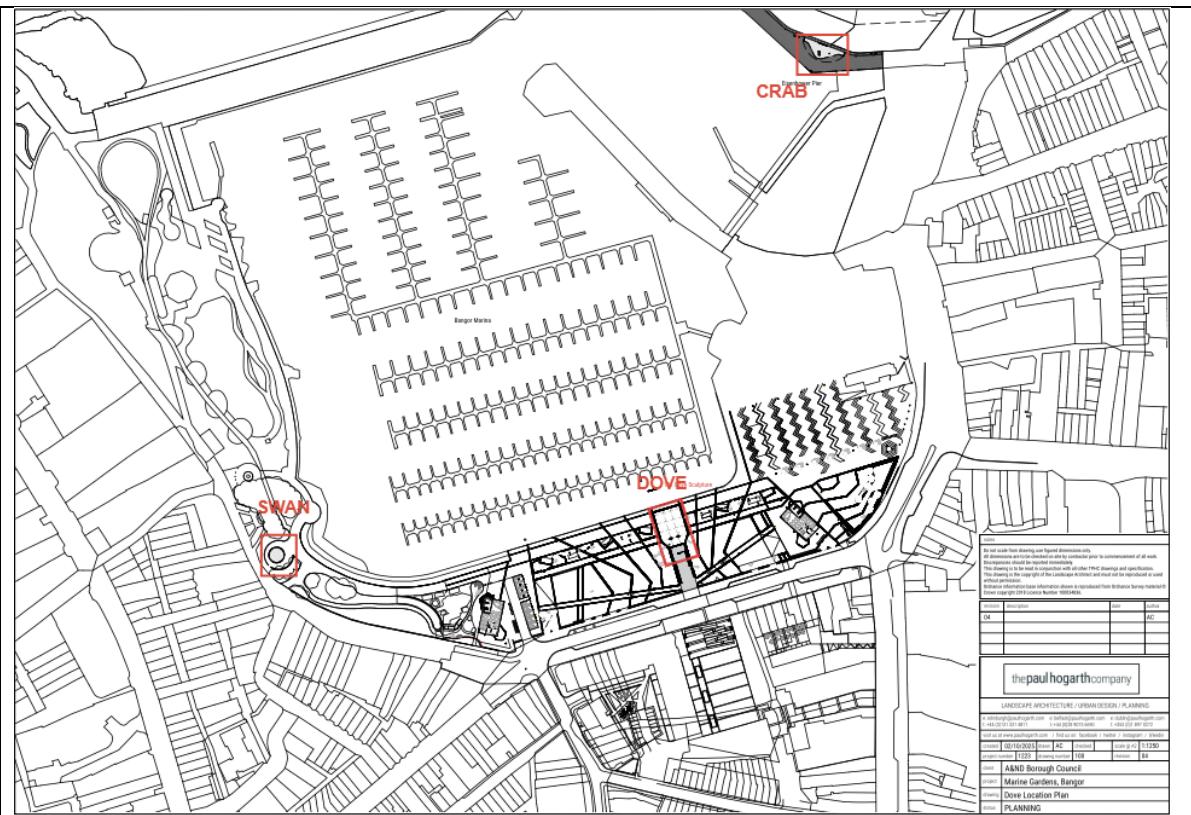


Figure 15 – Site Layout showing approximate locations of each proposed sculpture

The design statement advises that:

“The Hands will be located on paving that acts as a screen, onto which the shadow will be cast. The surface will in essence be flat, with a gentle gradient to shed water. It will be framed with a stainless steel edge, which will deliberately ‘interrupt’ the wider landscape. The surface material will be an ‘almost white’ exposed aggregate concrete, which will facilitate maintenance and be robust. The surface will have an anti-graffiti application, to further aid ongoing maintenance.”

The new light-coloured aggregate surface will replace the previously approved silver grey and white granite natural stone paving originally intended for this area (see Figure 16 below).

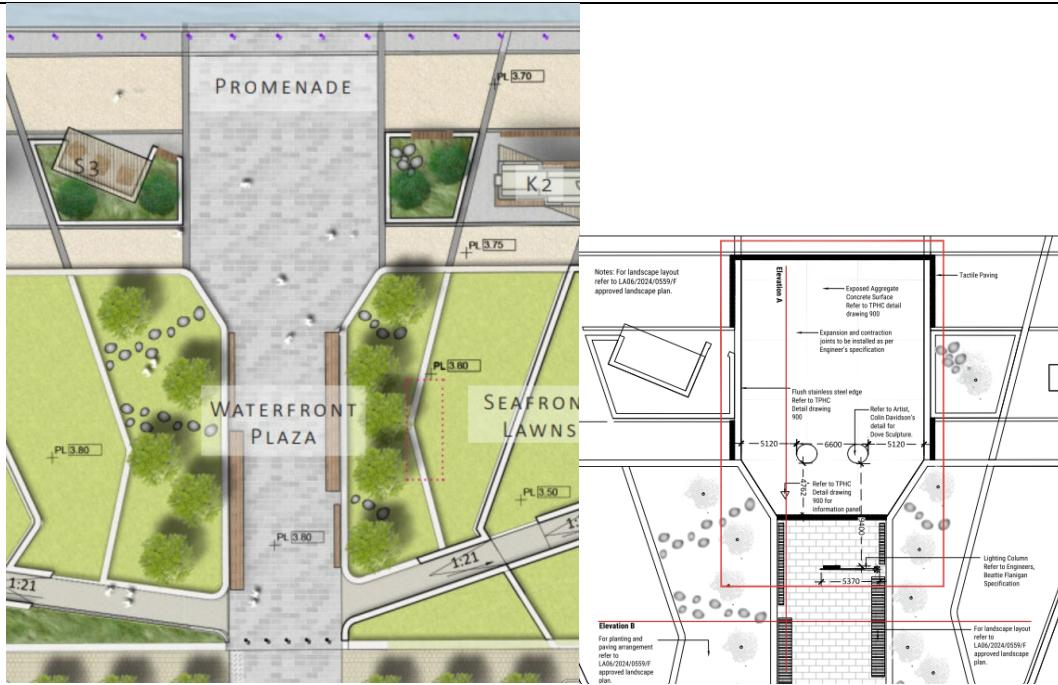


Figure 16 – Previously approved and proposed hard surfacing

It is clear, that while the proposal is of such a scale that it will undoubtedly be prominent in its surroundings, this is done by intention, in order to create a focal point of interest within the Marine Gardens redevelopment scheme. The sculpture will be visible from a considerable number of viewpoints within the wider area as well as from within the new public realm area, including views from Queen's Parade and the raised 'Market Place' of the new redevelopment scheme, the bottom of High Street, the Marina area, junction of Quay Street/Main Street and Grays Hill. While it would not be considered to blend in with its surroundings, the proposal serves a purpose to attract interest within the public realm. The proposed lighting column associated with the sculpture will not have any greater visual impact than that of typical streetlighting.

The Council has commissioned the artwork at this location as it considers that it is acceptable in terms of its visual impact on the character and appearance of the town centre, proposed ATC and the urban waterfront area. In light of this, the Planning Department determines that it could not be argued that the proposal would result in any unacceptable degree of harm which would warrant grounds for the refusal of the application.

Impact on Amenity of Neighbouring Residents

The proposal is not in particularly close proximity to any neighbouring residential properties, and it is noted that the proposed lighting will face north, over the marina. Environmental Health was consulted and, following the receipt of additional lighting information from the agent, has advised that it is content in this regard, subject to conditions (seen in Section 7 of this report).

Impact on Historic Environment

The SPPS states that archaeological and built heritage are important sources of information about our past and are often significant landmarks in the present

townscape and countryside. It is acknowledged that the archaeological and built heritage constitutes an irreplaceable record which contributes to our understanding of both the present and the past, adds to the quality of our lives and promotes a sense of self.

The application site is located in reasonably close proximity to the McKee Clock Tower (Grade B1 Listed – HB23/05/010). As such, the proposal has the potential to impact the setting of the clock and therefore must be considered against Policy BH 11 'Development affecting the Setting of a Listed Building'. HED was consulted and advised that it is content given the listed assets are a considerable distance from the proposal and the lighting column is directed down and facing away from the listed assets. As such, HED considers that the proposal presents negligible impacts upon the adjacent listed assets.

Impact on Flooding and Drainage

As the application site is located within the 1 in 200-year coastal flood plain and the 1 in 200-year coastal climate change floodplain, DFI Rivers was consulted for comment. It was noted in their consultation response that the site is also within a potential area of inundation emanating from both Ballysallagh Upper and Clandeboye Lake Reservoirs. They advised that their comments for the current proposal remain the same as their response to previous approval LA06/2024/0559/F. Considering the overall Queen's Parade redevelopment scheme and associated public realm were subject to a Flood Risk Assessment and Drainage Assessment during the processing of the previous planning application, I am of the opinion that these assessments and the detailed consideration undertaken for the development as a whole, still stands and is also applicable to the current proposal which I am satisfied will not result in any greater impact in terms of flooding or drainage issues.

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.

Maintenance

In regard to the ongoing maintenance of the proposal once complete, it was confirmed by the agent that Ards and North Down Borough Council would be responsible for the maintenance of both the sculptures and the proposed lighting, as part of their wider public realm maintenance associated with the Marine Gardens development.

5. Representations

No neighbouring properties were notified of the proposal due to the site's distance from any neighbouring buildings.

As of writing, no representations have been received.

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. Vertical Lux levels at nearest receptors shall not exceed Environmental Zone E3, as specified in 'Table 3: Maximum values of vertical illuminance on premises', in the Institute of Lighting Professionals – Guidance Notes for the Reduction of Obtrusive Light GN01/21.

Reason: To protect the amenity of occupants of nearby residential dwellings.

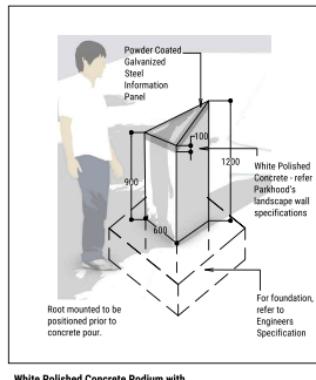
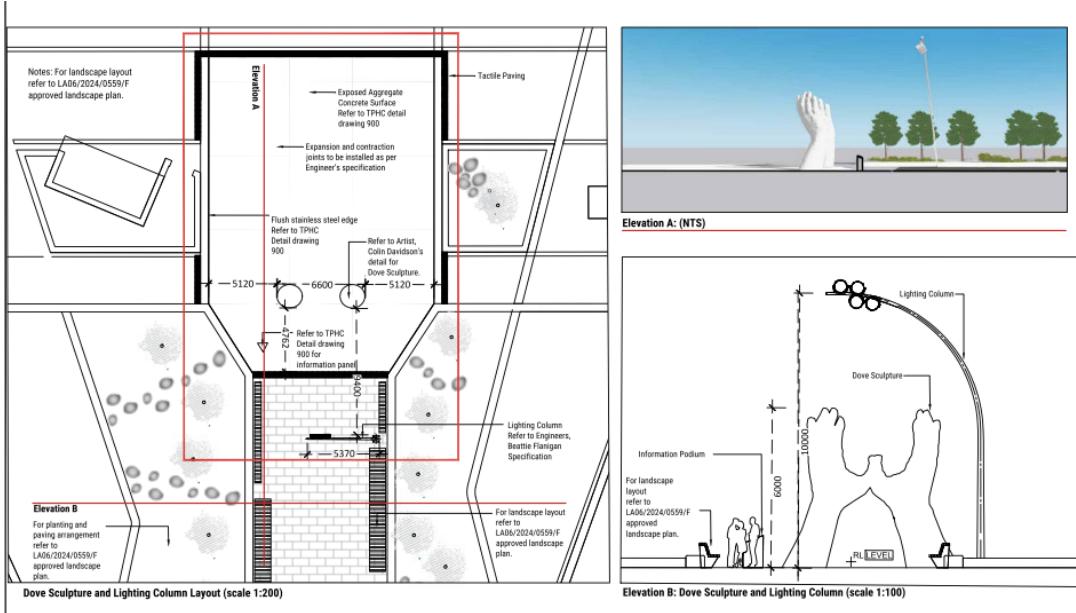
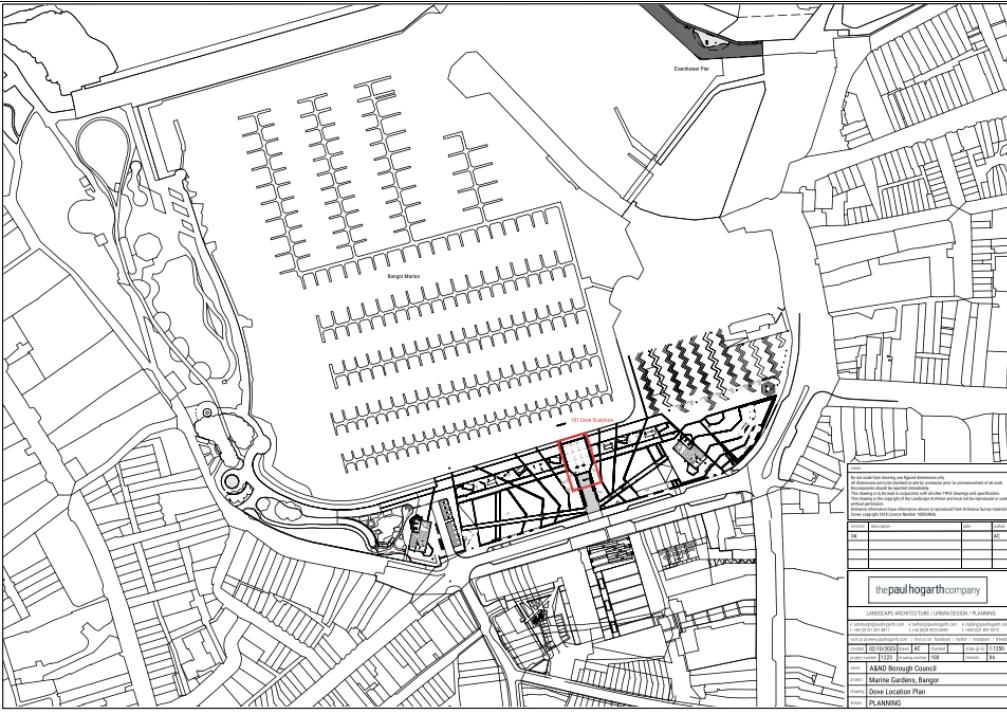
Informative

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

ANNEX A – SITE PHOTOGRAPHS

All photographs taken from Queen's Parade to south of site

ANNEX B – RELEVANT PLANS / DRAWINGS



Development Management Case Officer Report			Ards and North Down Borough Council
Reference:	LA06/2025/0913/F	DEA: Bangor Central	
Proposal:	Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (planning permission reference LA06/2024/0559/F)		
Location:	Public open space approximately 10m East of 1-6 Mount Pleasant, Bangor		
Applicant:	Ards and North Down Borough Council		
Date valid:	16/10/2025	EIA Screening Required:	N/A
Date last advertised:	13/11/2025	Date last neighbour notified:	03/11/2025
Letters of Support: 0	Letters of Objection: 5 (from 4 addresses)	Petitions: 0	
Consultations – synopsis of responses:			
Environmental Health	Content, subject to conditions		
DFI Rivers	Content		
Historic Environment Division (HED)	Content		
Shared Environmental Services (SES – Informal Consultation)	No concerns, full consultation not required.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of Development • Impact on existing dwellings and character of the area • Impact on privacy and amenity of neighbouring residents • Impact on trees/landscape features • Impact on amenity space • Impact on designated sites/natural heritage assets 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			

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

1. Site and Surrounding Area

The application site is located approximately 10m east of the easternmost boundaries of dwellings at 1-6 Mount Pleasant, within the settlement of Bangor. The site consists of an area of public open space, in a circular shape to the west of the path leading around Bangor Marina. It is at a considerably lower ground level than the road at Queen's Parade to its west, with a set of steps leading up to this. The site has decorative vegetation including hedging, trees and bushes to its north, south and west, with benches along these boundaries. Due to this boundary vegetation, the site is largely out of view when walking along the Marina.



Figure 1 – view of site east-west (Mount Pleasant in background)



Figure 2 – view northeast from site



Figure 3 – view southeast from site



Figure 4 – view southwest – northeast across site (from Queen's Parade)

The surrounding area comprises a mixture of uses, with an open-air church directly northwest of the site, and dwellings further west along Mount Pleasant (with the dwellings set over 40m away at a considerably higher topography).

2. Site Location Plan

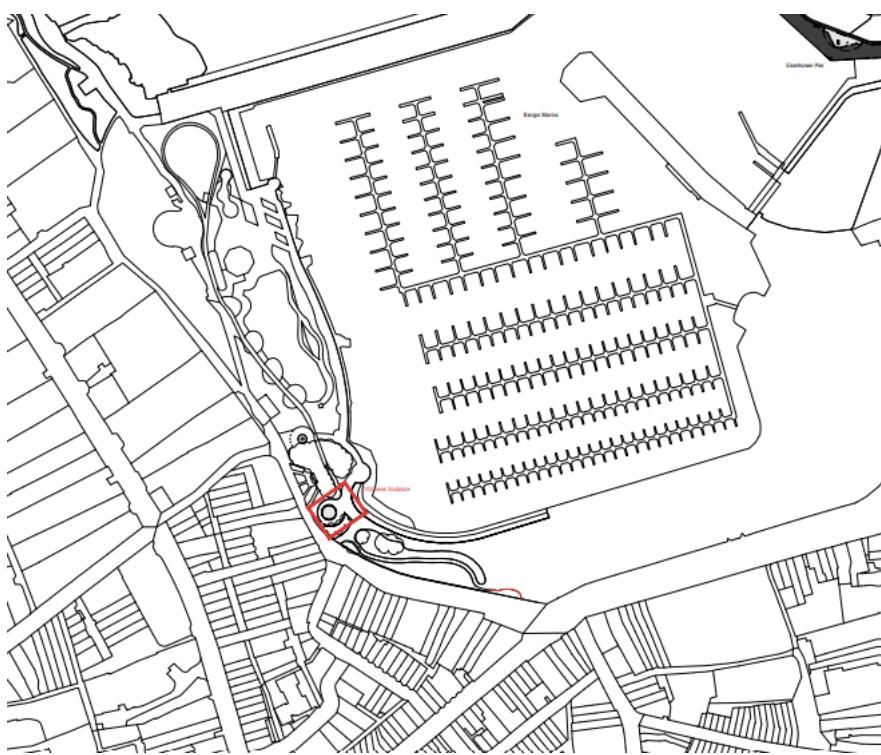


Figure 5 – Site Location Plan

3. Relevant Planning History

LA06/2025/0522/PAD – Artwork installation with associated surfacing and lighting (swan sculpture) – **Advice provided. No objection in principle to an artwork installation at this location.**

LA06/2025/0914/F – Approx 46m northwest of 12 Queen's Parade, Marine Gardens, Queen's Parade, Bangor, BT20 3BJ - Erection of art installation with associated lighting and site works within proposed public realm associated with Queen's Parade redevelopment (planning permission reference LA06/2024/0559/F) – **Under Consideration**

LA06/2024/0559/F - Lands at and to the rear of 18 – 52 Main Street (Reeds Rain to TK Maxx), 2 – 34 King Street, 5 -17 Southwell Road, 5 – 41 Queen's Parade, Marine Gardens car park, the Esplanade Gardens, and area around McKee Clock, Bangor, BT20 3BJ –

Demolition of existing buildings at 5-12 and 35-41 Queen's Parade, 22-30 Main Street (formerly B & M Bargains), 34-36 Main Street (Oxfam and Hospice shops), 6-34 King Street and 5-17 Southwell Road; minor extension and elevational changes to 40-42 Main Street (Caffe Nero); creation of new means of escape and installation of rooflights to 20 Main Street (Halifax); creation of new bin storage and basement access together with minor facade works to 48 Main Street (TK Maxx); erection of a

mixed use development comprising culture and leisure facilities (class D), a 66 bedroom hotel, retail units, food and beverage outlets, offices (class B1- (a)), 137 residential units comprising 113 apartments in 3 blocks and 12 duplex apartments along King Street, creation of a new vehicular access onto Southwell Road to serve undercroft car park comprising 217 spaces together with 14 courtyard spaces and 24 on street, creation of new vehicular access onto King Street to serve residential parking, minor modifications to the Main Street and King Street junction and creation of a two-way street along Southwell Road from the junction with Primrose Street, creation of a new service vehicle access onto Main Street, creation of new public squares and courtyards including new pedestrian access points; and the redevelopment of Marine Gardens Car Park including partial demolition of sea-wall to create a public realm space comprising gardens and lawns, play areas, events spaces, covered shelters, 4 kiosks and 2 pavilions (housing food and beverage operators), together with other ancillary development:

Variation of condition No. 2 of LA06/2020/0097/F - Amended phasing of development

Variation of condition No. 3 of LA06/2020/0097/F - Minor landscape layout amendments to public realm

Variation of condition No. 6 of LA06/2020/0097/F - Minor amendments to hard and soft landscaping within public realm

Variation of condition No. 14 of LA06/2020/0097/F - Amendment to drawing references showing plant rooms

Variation of condition No. 16 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition No. 43 of LA06/2020/0097/F - Amended drainage proposals

Variation of condition No. 44 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition No. 45 of LA06/2020/0097/F - Amendment to reflect updated drawing reference

Variation of condition Nos. of 48, 49, 54 and 56 of LA06/2020/0097/F - Amended phasing of roadworks

Variation of condition No. 57 of LA06/2020/0097/F - Amendment to reflect updated drawing reference



Figure 6 - Approved Landscape Layout (LA06/2024/0559/F)

LA06/2024/0617/NMC - Non Material Change to the planning approval

LA06/2020/0097/F: Update to the landscape design for Marine Gardens to remove water feature, update to the description of development to remove reference to a water feature, amendments to footprint/roof plan of pavilion buildings, other minor landscaping design changes, updates to relevant drawing references within Conditions 2, 3, 4, 5, 6, 9, 10, 11, 12, 16, 43, 44, 45, 49, 54, 56 and 57 of LA06/2020/0097/F – **Approved**

LA06/2025/0451/NMC - Variation to description of development to include 'betting office' use, minor updates to approved drawings 15c, 22b, 53a and 62a to reflect the change - **Approved**

4. Planning Assessment

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

- North Down and Ards Area Plan 1984-1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage (PPS 2)
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15: Planning and Flood Risk

- Living Places

The Proposal

The proposal includes the provision of the following:

- “Swan Sculpture”, consisting of 2no. bronze hands
- A lighting column
- An information panel
- Paving alterations
- A screen wall with exposed aggregate finish

Principle of Development and Development Plan Context

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

Paragraph 4.26 of the SPPS outlines that design is an important consideration in the assessment of all proposals however paragraph 4.29 states that Planning Authorities should not attempt to impose a particular architectural taste or style arbitrarily.

NDAAP currently acts as the LDP for this area, despite its end date, with dBMAP remaining a material consideration where applicable. The site is located within the settlement limit of Bangor within both plans.

Specifically in relation to the urban environment, the NDAAP states that the nature of future growth should ensure that existing assets are preserved and should contribute to the improvement of the quality of the urban environment. New development should be carefully designed to respect the scale and character of existing buildings using sympathetic materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of the town.

Within draft BMAP the site is located within an area zoned as existing open space and is also located within the proposed Bangor Urban Waterfront (BR32).

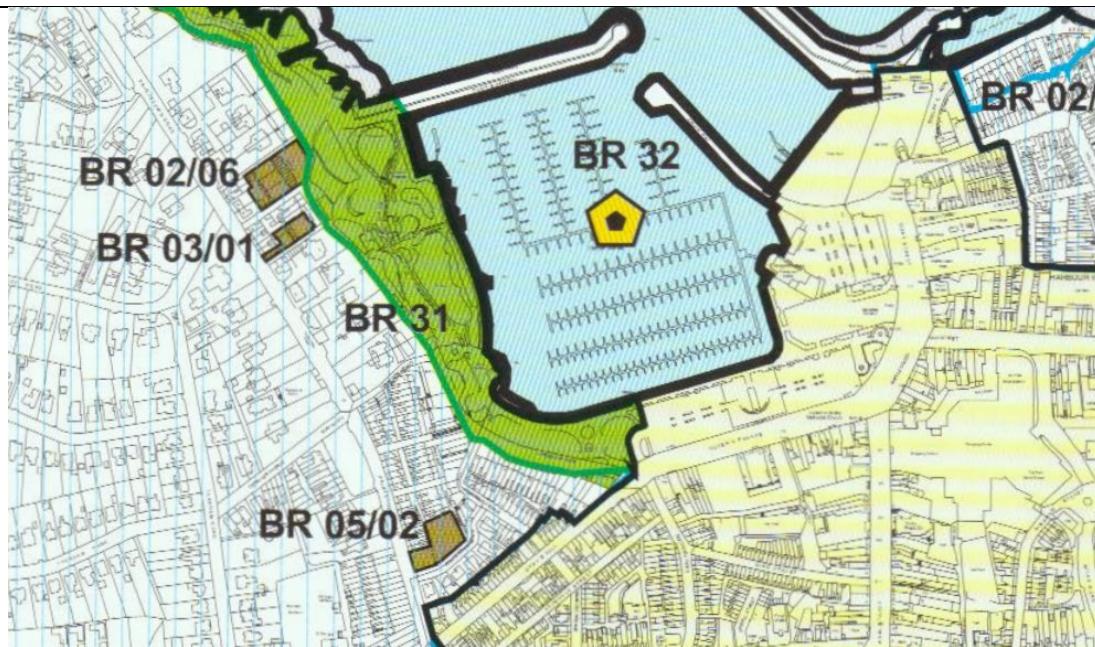


Figure 7 - Draft BMAP – Map 3a Bangor

The Urban Waterfront Area identified in Draft BMAP is focused on Bangor Marina and its surroundings. The Plan identifies the area as offering potential for the development of a vibrant and attractive waterfront in association with tourism and recreation. Policy for the control of development within the area is set out in policy COU5 of the Plan. The policy states that within the designated urban waterfronts, planning permission will only be granted for development proposals that:

- Enhance and regenerate the urban waterfront
- Enhance the environmental quality of the waterfront with the careful siting and design of new development and by the implementation of appropriate and attractive landscaping schemes
- Retain and where possible further develop public access to the coast
- Protect existing coastal open space
- Enhance tourism potential and recreational facilities
- Protect important heritage features

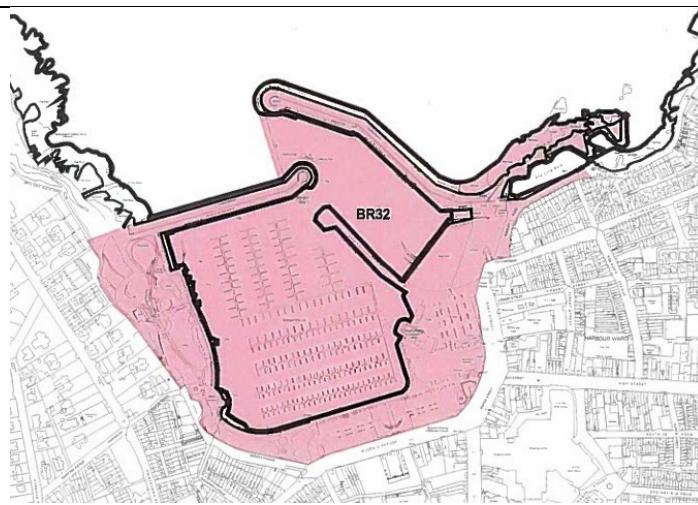


Figure 8 – Draft BMAP - Map 3m Bangor Urban Waterfront

The site is located just outside of the proposed Bangor West and Bangor Central ATCs.

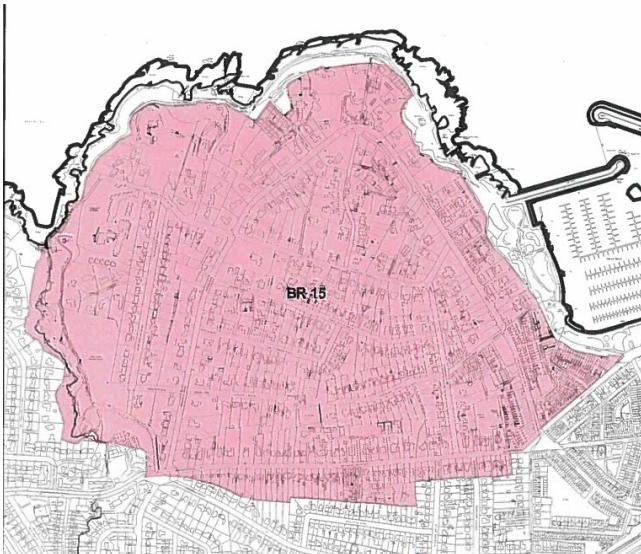


Figure 9 – Draft BMAP – Proposed Bangor West ATC

The impact of the proposal on the environmental quality of the waterfront area, the character and appearance of the established area and important heritage features within the vicinity of the site is considered in detail below under the relevant headings having regard to all of the above criteria set out in the SPPS, NDAAP and Draft BMAP.

Background

In March 2024, the Council obtained funding from the Department for Communities and commissioned a trio of public art installations for Bangor Waterfront to be designed by artist Colin Davidson. The trio, named 'Eclipse' has, as its centrepiece, a bronze sculpture of hands (referred to as 'The Dove') to be located in a central position within the new Marine Gardens Public Realm. The remaining two pieces include sculptures adjacent to Pickie Fun Park (referred to as 'The Swan') and at the Eisenhower Pier (referred to as 'The Crab'). This current planning application

submitted by the Council for consideration is for the 'swan' sculpture. A separate planning application has been submitted and is also currently under consideration for the main sculpture 'The Dove' however an application has yet to be submitted for the sculpture at Eisenhower Pier.

The Council has outlined that the sculptures are intended to symbolise peace, resilience, and Bangor's journey of renewal, celebrating grace and community and honouring Bangor's coastal heritage.

The Council has advised that production of the sculptures is already underway, with installation planned for Autumn 2026.

Visual Impact and Impact on the Character and Appearance of the Area

The proposed sculptures will be approx. 2.8m in height (at their highest point), set to the centre of the site. The screen wall will measure 3m in height and is set to the west of the proposed sculptures, with the lighting column (4.5m) set to the east. It is the intention that when the light is cast upon the hand sculptures, it will form a swan-shaped shadow on the screen wall. The information panel is to be 1.4m in height, set to the northeastern corner of the site.

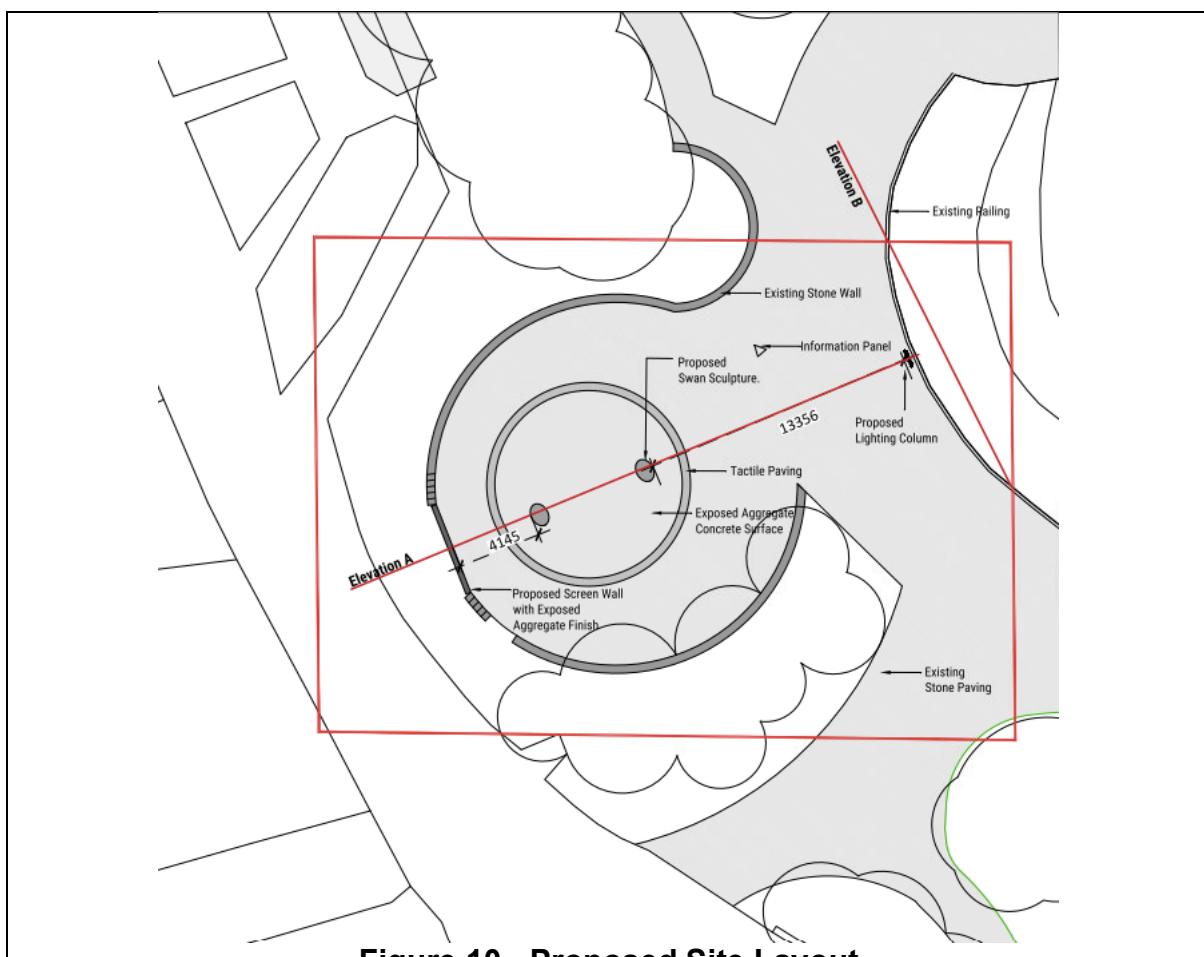


Figure 10 - Proposed Site Layout

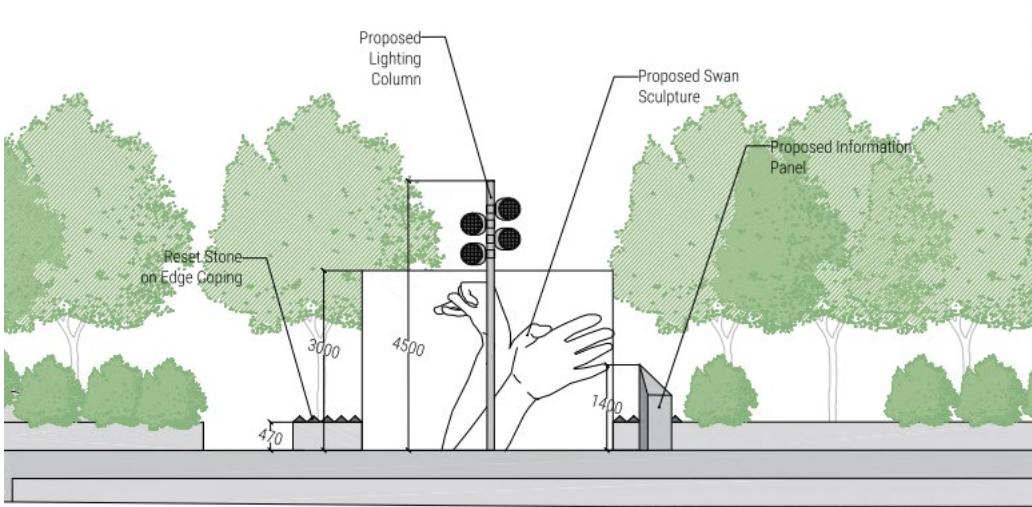


Figure 11 - Proposed Elevation (East – West)

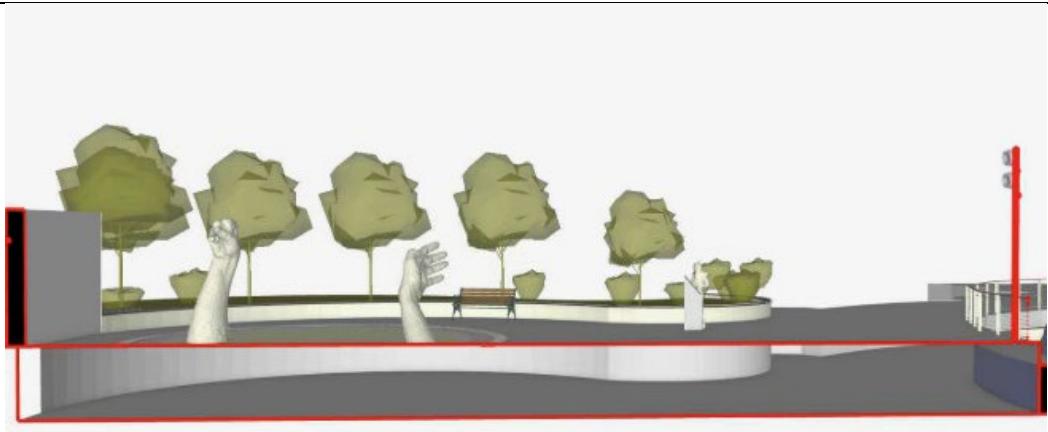


Figure 12 - Proposed Elevation (South – North)



Figure 13 - Proposed 3D View

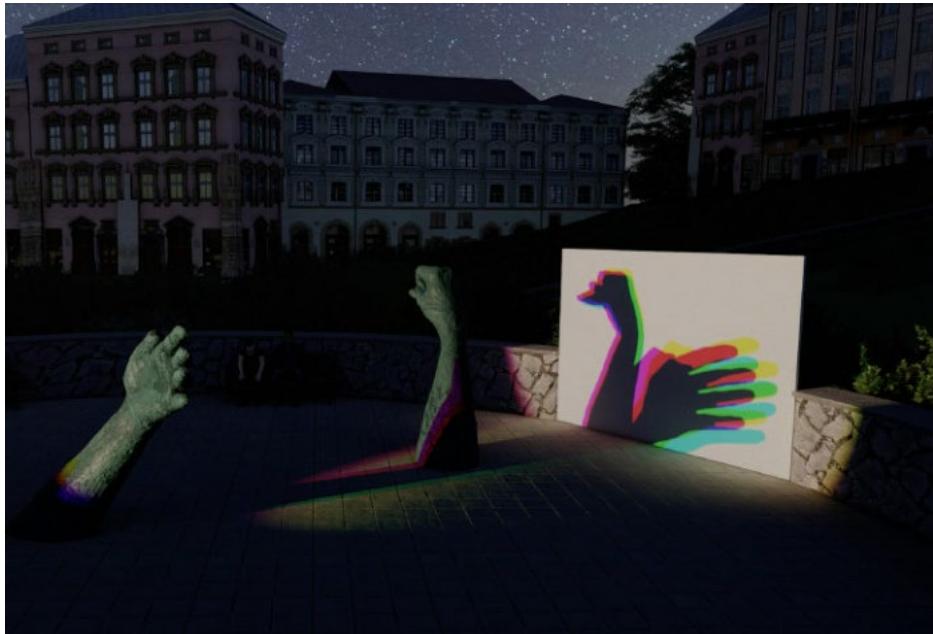


Figure 14 - Demonstration of shadow being cast

The artist has provided an artwork design statement along with the proposal. The overarching intention is for the swan sculpture to be viewed alongside the separate crab and dove hand sculptures (both of which are subject to separate planning applications), to attract visitors to explore the redeveloped waterfront. The

information panel will contain a QR code, which will open a website giving information on the artworks and the history of the area. It is also noted that the proposed screen wall is to be finished with an anti-graffiti application, which would be conditioned as such as part of an approval.

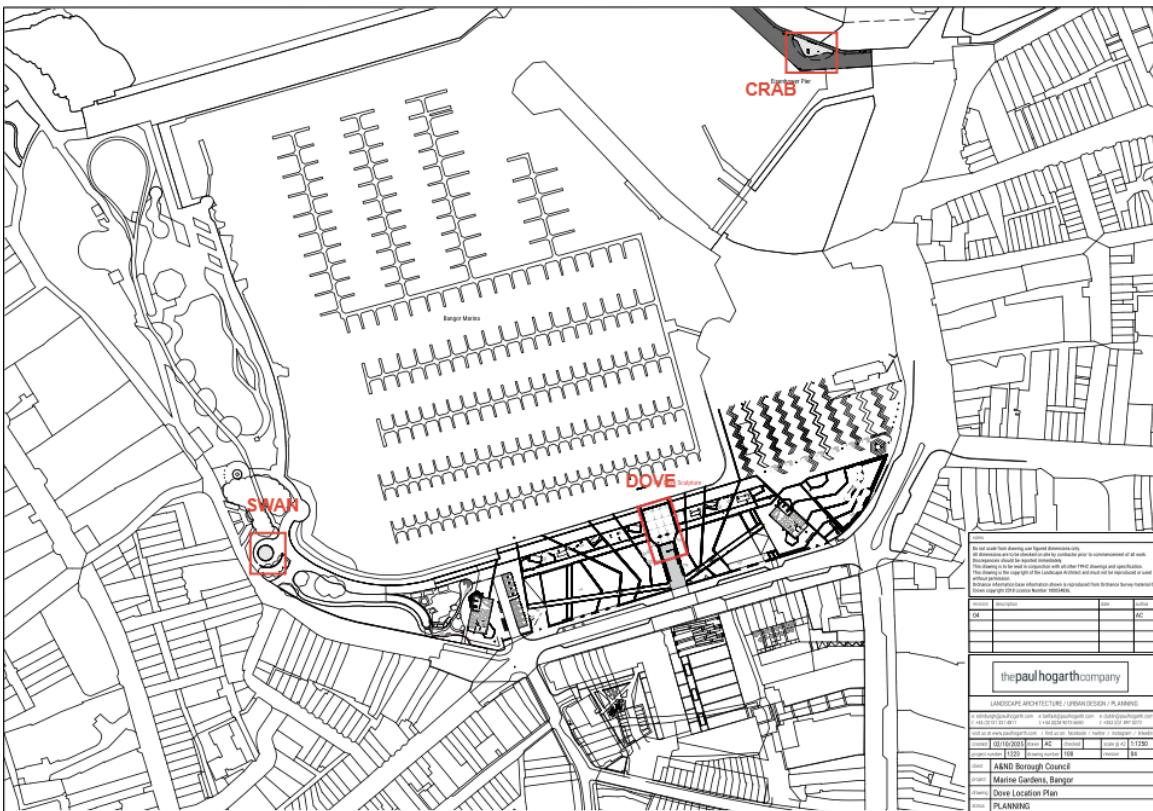


Figure 15 – Site Layout showing approximate locations of each proposed sculpture

In terms of visual impact, it is unquestionable that the proposal will be somewhat prominent, due to its scale. However, in this location, which is set below the ground level of Queen's Parade to its west / south, its main visibility will come from the east when walking along the waterfront. The sculptures are intended to disrupt the landscape to some degree to draw attention to them, and enhance the public realm associated with the Marine Gardens development. While the 3m screen wall may look slightly out of character with its surroundings, I am satisfied that it serves a purpose alongside the sculptures, and due to the topography of the land to the north, south and west, it also will largely only be visible from the east, where it will be read in the context of the sculptures. The proposed lighting column will sit to the easternmost portion of the site, and, while 4.5m in height, will have no greater impact than any standard street lighting in the area.

The Council has commissioned the artwork at this location as it considers that it is acceptable in terms of its visual impact on the character and appearance of the urban waterfront area. In light of this, the Planning Department determines that it could not be argued that the proposal would result in any unacceptable degree of harm which would warrant grounds for the refusal of the application. I am therefore of the opinion that the proposal will not result in an unacceptable adverse impact on the appearance of the surrounding area.

Impact on Amenity of Neighbouring Residents

While the application site is located approx. 10m from the front boundaries of the dwellings at 1-6 Mount Pleasant, it is noted that the actual dwellings are set considerably back, over 40m away. It is also noted that these dwellings are at a significantly higher topography than the site. The proposal is not perceived to result in any demonstrable impacts in relation to loss of light, overlooking, overshadowing or dominance of these dwellings. The main consideration in this instance is how the dwellings will be impacted by the proposed lighting column. Environmental Health was consulted in this regard and, upon receipt of additional lighting information provided by the agent they advised that it is content with the proposal as presented, subject to the stipulation of conditions (see Section 7 of this report).

Impact on Historic Environment

The SPPS states that archaeological and built heritage are important sources of information about our past, and are often significant landmarks in the present townscape and countryside. It is acknowledged that the archaeological and built heritage constitutes an irreplaceable record which contributes to our understanding of both the present and the past, adds to the quality of our lives and promotes a sense of self.

The application site is located in reasonably close proximity to the McKee Clock Tower (Grade B1 Listed – HB23/05/010), as well as the listed dwellings at 7-10 Mount Pleasant, all of which are Grade B2 Listed, and 47 - 62 Queen's Parade, which are also Grade B2 Listed and therefore must be considered against Policy BH 11 'Development affecting the Setting of a Listed Building'. HED was consulted and advised that it is content. The listed dwellings at Mount Pleasant are at 70m distance and approximately 10m elevation from the local ground level at the proposed lighting column. At Queens Parade they are at 50m distance and have extensive extant screen planting, approximately 5 to 8m high, between the assets and the proposed lighting column. Additionally, HED HB has assumed the lighting installation is aimed at the proposed screen wall. HED Historic Buildings are content that the proposal will present negligible impact upon the adjacent listed assets.

Impact on Flooding and Drainage

Considering the site's proximity to the waterfront (albeit sitting slightly outside the coastal floodplain), DFI Rivers were consulted for comment in relation to PPS 15. Their response indicates that, due to the site's location outside of climate change and coastal floodplains, they would have no concerns with the proposed development in relation to PPS 15.

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.

Maintenance

In regard to the ongoing maintenance of the proposal once complete, it was confirmed by the agent that Ards and North Down Borough Council would be responsible for the maintenance of both the sculptures and the proposed lighting, as part of their wider public realm maintenance associated with the Marine Gardens development.

5. Representations

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

As of writing, two comments and five letters of objection have been received (from four separate addresses). One comment was received from an unspecified address.

The main concerns raised are summarised and considered as follows:

- **The site is associated with antisocial behaviour problems, with the overgrown trees giving cover for such behaviour. Will security cameras be fitted in the area and will the problems associated with existing overgrown trees be addressed? The sculpture will be in a remote location, potentially increasing late-night congregation and loitering – increased noise, littering and public disturbance. Has the council conducted a formal assessment against CPTED principles for this location?**

Response:

From my site visit, while I did note vegetation around the site's boundaries, I do not consider it to be overgrown. No new planting is proposed with this development, and the maintenance of existing landscaping is outside the remit of the planning system. Any ongoing issues in relation to alleged anti-social behaviour at the site are outside the remit of this planning application and would be a matter to be reported to the PSNI. The proposal is for the installation of artwork which would not in any way be related to anti-social behaviour at the site. The proposal does not involve the introduction of security cameras, and there would be no planning grounds upon which the inclusion of these would be considered necessary for this proposal.

- **Concerns in regard to the cost of the sculptures and the decision-making process in terms of design.**

Response:

The decision-making process in terms of the cost and design of the sculptures is not a material planning consideration and is therefore outside the remit of the planning process. Concerns of this nature would need to be raised with the relevant department within the Council.

- **Could the fingers of the hands be used as a slingshot to damage my property by simply attaching elastic and a projectile?**

Response:

This is not a material planning consideration. Any damage caused to property as a result of anti-social behaviour would be a matter for the PSNI.

- **Impact of lighting. Clarification is required on the lighting specification, ie beam direction, intensity and operating hours. There should be an assessment of light spill into neighbouring properties.**

Response:

In regard to the comments about lighting, further detail was provided by the agent with Environmental Health advising that they are content with this, subject to a condition requiring that vertical lux levels at the nearest receptors shall not exceed Environmental Zone E3, as specified in 'Table 3: Maximum values of vertical illuminance on premises', in the Institute of Lighting Professionals – Guidance Notes for the Reduction of Obtrusive Light GN01/21. Environmental Health is content that this condition will ensure that the amenity of the occupants of nearby residential dwellings will be protected. The agent has confirmed that the lighting will be during night time hours only, controlled via daylight and a timer, programmable wifi sensors and controls. The agent has also advised that the light fitting is dimmable and that the beam angle of the fitting is very tight at 7.2° so the distribution of lighting is extremely controlled onto the sculpture and the level of lighting is fully controllable. Outside of the beam angle the source intensity is hidden from view by the utilisation of the cylindrical screen accessory which will be fitted to each projector. The site sits at a significantly lower level than the nearest dwellings on Queen's Parade with the front of the dwellings located a significant distance from the proposed lighting column at approximately 70m. Taking account of the specifications of the lighting as outlined above, the condition restricting lux levels, the significant distance from the nearest dwellings and the significant difference in ground levels, I am satisfied in this case that the proposed lighting will not cause unacceptable amenity issues to neighbouring residents.

- **Without a clear landscape management plan, vegetation could obscure the view from residential properties and obscure the artwork itself. What height will the trees/shrubs be allowed to grow to?**

Response:

In regard to the comments surrounding landscape management and screening, it is noted that the proposal does not actually involve any new landscaping, there are simply trees and shrubs shown on the plan to show the context of the site's surroundings. Private views are not a material consideration in the determination of a planning application. The maintenance of existing vegetation is not within the remit of the planning process however, as no new landscaping is proposed and no existing landscaping is impact by the proposal, I would see it as unreasonable to request a landscape management plan alongside this application.

- **There should be a maintenance plan for the swan sculpture area and its access points and measures put in place to help prevent vandalism.**

Response:

In regard to the comments on long-term maintenance and vandalism, it is noted that anti-graffiti coatings are to be utilised, and these will be conditioned as part of a planning approval. The sculpture will be maintained in the long term by the Council.

- **The scale of the sculpture is excessive given its proximity to residential properties.**

Response:

The proposed sculpture is located over 40m from the dwellings on Mount Pleasant. The swan sculpture, to which this application relates, is approx. 2.8m tall. In any case, the distance to the dwellings means that there would be no adverse impacts to the privacy or amenity of existing dwellings.

- **6 metre hands and lights adjacent to the residential property at 1 Mount Pleasant will devalue the price of the property.**

Response:

The sculpture is not 6 metres tall. The dove sculpture located approx. 46m northwest of 12 Queen's Parade (and subject to a separate planning application) is this height. The swan sculpture will be 2.8m in height. Private financial interests, such as property value, are not a material consideration in the determination of a planning application.

- **Impact on views from neighbouring properties**

Response:

The impact of a proposal on a private view is not a material planning consideration.

- **The artwork should have gone to tender and should not have just been commissioned to one artist.**

Response:

The process for the commissioning of the artwork is not a material planning consideration and is outside the remit of the planning process. Any concerns of this nature should be directed towards the relevant department within the Council.

- **The proposed plans lack scale and contextual details such as buildings and walls, making a proper assessment impossible**

Response:

Scaled plans have been provided, with further 3D renders provided for context (these are not to scale, as is typical for 3D renders submitted alongside planning applications). Considering the distance to the dwellings at Mount Pleasant, and the topography they sit at in comparison to the application site, I do not find it pertinent to request further contextual drawings. The proposed screen will be 3m in height and the sculpture 2.8m which is not considered to be excessive with the existing urban context.

- **Wildlife impact – no assessment of how artificial light at night will affect nocturnal species such as bats or local birds. Artificial light inhibits plant repair processes, alters carbon balance and delays seasonal rhythms, damaging ecosystem health.**

Response:

The site is located within an urban area at the edge of the town centre which has lighting already in place including streetlights along Queen's Parade and other lighting within the Marine Gardens Area. It is not considered that the proposed lighting will result in any significantly greater impact. The proposed lighting has been designed to be directed specifically at the sculptures and screen and therefore it is not anticipated that there would be any significant light spillage which would be likely to create any significantly greater impact within the immediate area.

- **Lack of environmental engagement – why was a swan chosen over a seabird or ecologically resonant subject? Effective public art should educate visitors on local environmental challenges, not just serve as decoration.**

Response:

Not a material planning consideration

- **The wall's height in relation to existing walls/planting is unclear and could risk visual obstruction to Mount Pleasant.**

Response:

The proposed wall is 3m in height. During my site inspection, I noted that the highest part of the wall and planting abutting Queen's Parade sits approximately 2.5m above

the ground level at Marine Gardens therefore only approximately 0.5m of the wall would be directly visible over the existing planting, which is not deemed to be visually obtrusive.

- **Impact on current community uses (such as exercise groups and nursery activities) in this small, heavily utilised space.**

Response:

The proposal will not result in any loss of open space. A significantly greater area of open space for a variety of informal uses will be incorporated into the new Marine Gardens Public Realm, marking an overall improvement in the provision of open space in this area.

6. Recommendation

Grant Planning Permission

7. Conditions

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

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

2. The proposed screen wall, as highlighted in RED on DRG 02, shall be finished with an anti-graffiti application, as specified in the submitted Artwork Design Statement.

Reason: In the interest of visual amenity.

3. Vertical Lux levels at nearest receptors shall not exceed Environmental Zone E3, as specified in 'Table 3: Maximum values of vertical illuminance on premises', in the Institute of Lighting Professionals – Guidance Notes for the Reduction of Obtrusive Light GN01/21.

Reason: To protect the amenity of occupants of nearby residential dwellings.

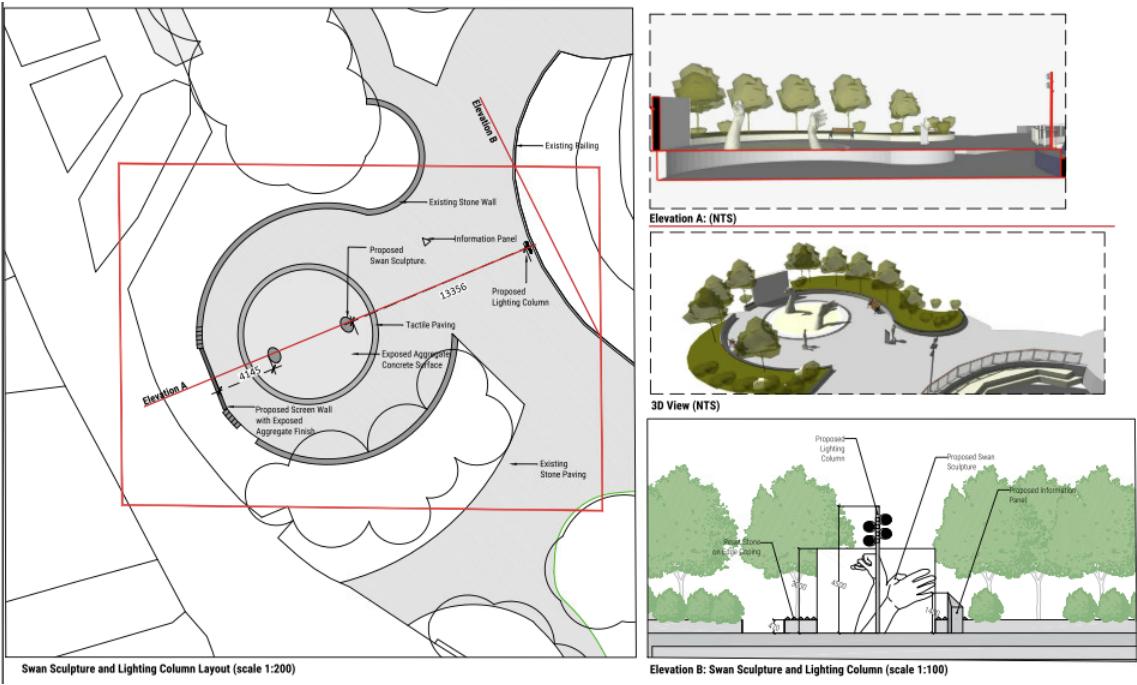
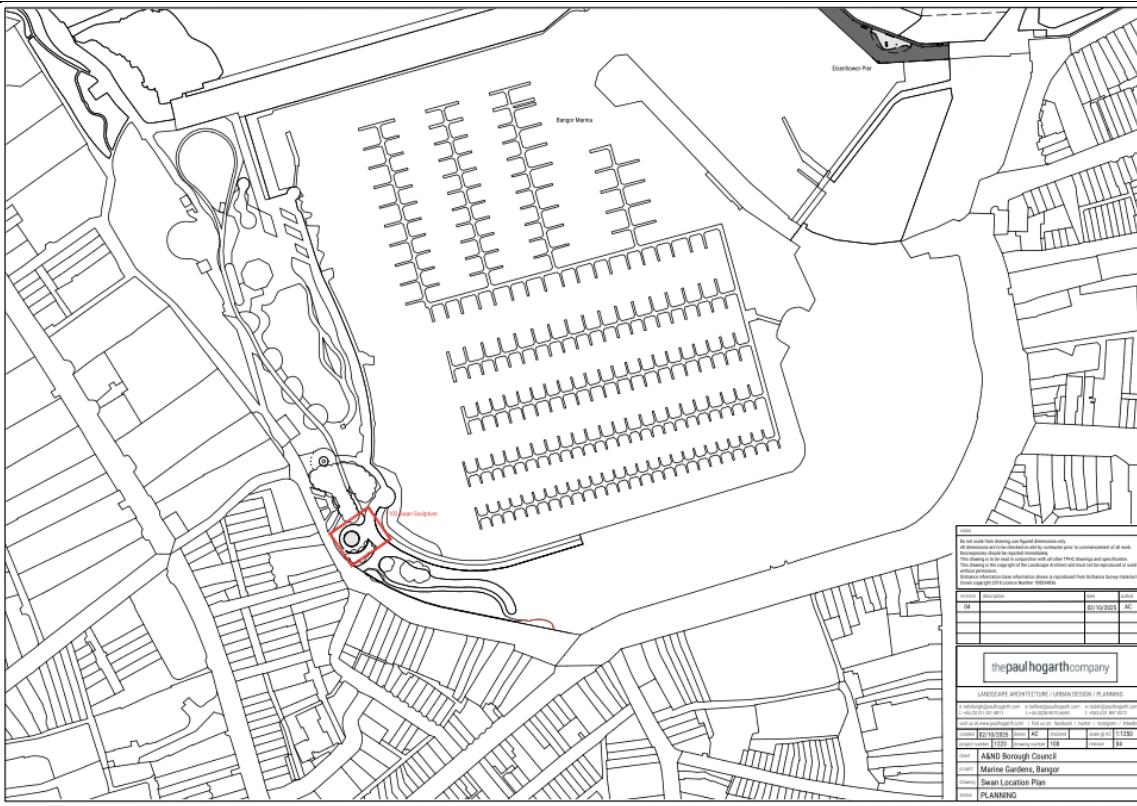
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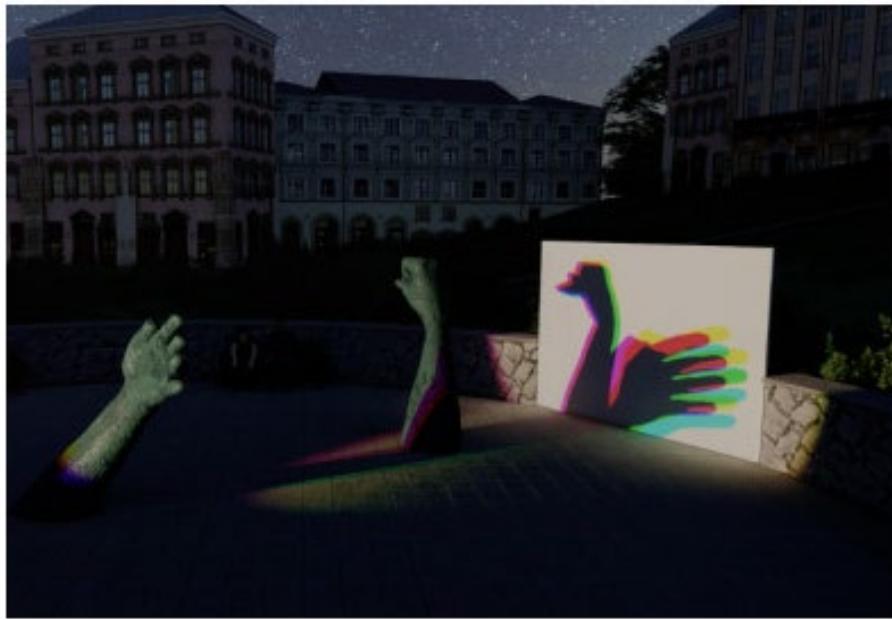
This Notice relates solely to a planning decision and does not purport to convey any other approval or consent which may be required under the Building Regulations or any other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where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

ANNEX A – SITE PHOTOGRAPHS



ANNEX B – RELEVANT PLANS / DRAWINGS





Unclassified

253

ITEM 5**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 February 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Date of Report	18 January 2026
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	Request for Nominations to NILGA's Planning Learning and Engagement Programme
Attachments	Letter from NILGA 13 Jan 2026

The NILGA Executive Committee has written to Council Planning Committee Chairs to advise of DFI and NILGA developing an enhanced and coordinated approach to planning learning, engagement and continuous improvement for councillors, building on the Planning Improvement Programme.

Details of the proposed approach are set out in the attached letter, and the request is for nomination of up to two Members from Planning Committee to participate in a Task and Finish Advisory Group of councillors drawn from across all councils. The NILGA Executive is seeking details of nominations by **28 February**.

RECOMMENDATION

It is recommended that Council nominates up to two members of Planning Committee to the Task Force as detailed in the attached letter

Sent by email only to:

Chair of Council Planning Committees

cc: Council Chief Executives

Council Heads of Planning

13 January 2026

Dear Chair,

Planning Learning and Engagement Programme – Request for Nominations

On behalf of the NILGA Executive, we are writing to you in your capacity as Chair of the Planning Committee to seek your Council's active involvement in a strategically important piece of work being jointly progressed by the Department for Infrastructure (DfI) and the Northern Ireland Local Government Association (NILGA).

Planning is one of the most significant and high-profile functions exercised by local government, and the role of councillors in planning decision-making is critical to ensuring outcomes that are lawful, robust, transparent and reflective of local priorities. Against a backdrop of increasing complexity, public scrutiny and challenge within the planning system, there is a clear need for stronger, more consistent engagement with elected members across all councils.

DfI and NILGA are therefore developing an enhanced and coordinated approach to **planning learning, engagement and continuous improvement for councillors**, which places elected members at the centre of planning improvement activity. This work builds on ongoing engagement with councillors, the Department's Planning Improvement Programme, and the Minister's clear support for deeper, more structured engagement with elected members and closer partnership working with NILGA.

Proposed approach

The proposed approach is designed to support councillors across all councils to exercise their planning responsibilities with confidence and consistency, and will include:

- Ongoing, structured engagement between DfI, NILGA and elected members on planning improvement, reform and future challenges, including engagement with the Infrastructure Minister as appropriate.
- A blended programme of learning and engagement for councillors, combining:
 - Short, accessible written and digital learning materials;
 - Thematic online engagement sessions on emerging, specialist and high-risk planning issues;
 - In-person engagement with individual Planning Committees focused on development management, decision-making and good practice;

- Improved sharing of good practice between councils, recognising the value of learning from different committee structures, schemes of delegation and approaches to member–officer working; and
- Stronger alignment between councillor learning, officer development and the Department’s Planning Improvement Programme.

Task and Finish Advisory Group

Central to the success of this work is meaningful input from councillors who are directly involved in Planning Committee decision-making. To that end, DfI and NILGA propose to establish a **Task and Finish Advisory Group of councillors drawn from across all councils**.

This group will play a key advisory role in shaping the learning and engagement programme, ensuring it reflects the realities faced by Planning Committees, and helping to identify priority areas where councillor leadership and shared learning can make the greatest impact. Representation from across councils will be essential to ensure the work is informed by a broad range of local contexts, experiences and challenges.

We would therefore request that you to **nominate up to two councillors** from your Planning Committee to participate in this Advisory Group. Nominees should be a current Planning Committee member, have experience of Planning Committee work and a willingness to contribute constructively to regional planning improvement on behalf of local government.

The Advisory Group will operate on a time-limited basis and it is expected to meet a number of times during 2026. Given the regional nature of this work and pressures on councillors’ time, it is expected that online attendance can be facilitated if needed.

We would be grateful if nominations could be submitted by **28 February 2026** including the name, role and contact details of each nominee.

Your Council’s engagement in this work will be vital to ensuring that the resulting approach is credible, relevant and firmly rooted in elected member experience. We look forward to working closely with you and your nominated members as this important programme is taken forward.

Yours sincerely

Cllr Billy Webb, MBE JP
President (All)

Cllr Matt Garrett
Vice-President (Sinn Fein)

Cllr Alison Bennington
Vice-President (DUP)

Ald Hazel Legge
Vice-President (UUP)

Cllr Carl Whyte
Vice-President (SDLP)

Unclassified

256

ITEM 6

Ards and North Down Borough Council

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 February 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Date of Report	16 January 2026
File Reference	
Legislation	Planning Appeals Commission (Decisions on Appeals and Making of Reports) (No. 2) Rules (Northern Ireland) 2006 (as amended)
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input checked="" type="checkbox"/> If other, please add comment below: N/A
Subject	Planning Appeals Update
Attachments	PAC decisions 2024/A0098, 2025/A0073, 2024/A0139

Appeal Decisions

1. The following appeal was dismissed on 05 December 2025.

PAC Ref	2024/A0098
Council Ref	LA06/2021/0490/O
Appellant	Paul McGouran
Subject of Appeal	Refusal of planning permission for: Proposed farm dwelling and domestic garage
Location	50m NW of 100 Carrickmannon Road, Ballygowan

The Council refused the application via the delegated list on 29 August 2024 for the following reasons:

Not Applicable

257

- i. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- ii. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal if permitted, would result in an extension of ribbon development along Carrickmannon Road.
- iii. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a), (b) and (c) of Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted result in a prominent feature in the landscape, the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it would rely primarily on the use of new landscaping for integration.
- iv. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and criteria (a), (b) and (d) of Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be unduly prominent in the landscape, would result in a detrimental change to the rural character of the countryside and create a suburban style build-up of development when viewed with existing and approved buildings and would extend a ribbon of development along Carrickmannon Road.

Whilst the proposal fulfilled all the policy criteria for a dwelling on a farm under Policy CTY 10 of PPS 21, it was found to fall foul of Policy CTY 8 which states that planning permission will be refused for a building which creates or adds to a ribbon of development. The policy allows for a gap site, however, no case was advanced that the exception was engaged.

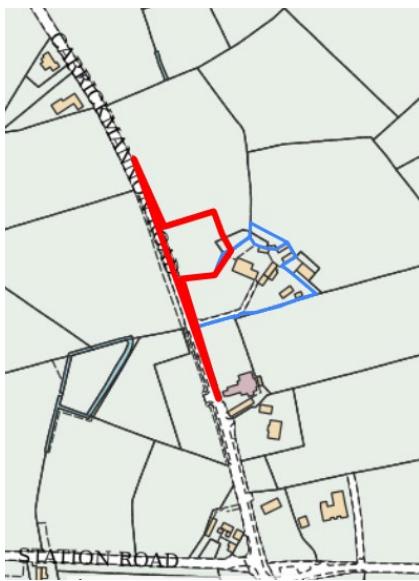
It was accepted that there was a substantial and continuously built-up frontage at this location for the purposes of the policy; however, 3no. roadside trees were to be felled at the request of the PSNI in the interests of pedestrian and road safety, and their removal would create a visual linkage on the ground between the appeal site and the qualifying buildings in the frontage, thus adding to an existing ribbon of development.

Lack of enclosure for the proposed site, contrary to Policy CTY 13 on Integration, and removal of c32m of existing roadside hedge, was also fatal to the proposal. The proposal also failed under Policy CTY 14 on Rural Character given that the proposal would result in a suburban style build-up of development when viewed with existing buildings and extend a ribbon of development along Carrickmannon Road.

All four of the Council's reasons for refusal were sustained.

Not Applicable

258



50NW of 100 Carrickmannon Road, Ballygowan

2. The following appeal was dismissed on 15 January 2026.

PAC Ref	2025/A0073
Council Ref	LA06/2025/0228/O
Appellant	Phillip Kerr
Subject of Appeal	Refusal of planning permission for: Replacement Dwelling
Location	13A (Approx 500m NE of No. 13) Cunningham Road, Newtownards

The Council refused the application via the delegated list on 04 June 2025 for the following reasons:

- i. 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 this development is essential in this rural location and could not be located within a settlement.
- ii. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it has not been demonstrated that the building was ever used as a dwelling, the building does not exhibit the essential characteristics of a dwelling.

Whilst the Commissioner found that historical maps showed something present on the site at the time of the 1860 valuation, even if the in-situ building were the same building, given the limited level of detail the Commissioner found this evidence of itself to be inconclusive and of little assistance in demonstrating that the building to be replaced exhibited the essential characteristics of a dwelling. If there were internal dwelling characteristics such as walls and a fireplace or chimney they have now been removed; and even if the building had been used as a dwelling in the past, those essential characteristics can no longer be observed. As such the building to be replaced did not exhibit the essential characteristics of a dwelling as required by

Not Applicable

259

Policy CTY 3 of PPS 21, and therefore the Council's reasons for refusal were sustained.

3. The following appeal was dismissed on 16 January 2026.

PAC Ref	2024/A0139
Council Ref	LA06/2024/0676/F
Appellant	Robert Anderson
Subject of Appeal	Refusal of planning permission for: Extension to residential curtilage and erection of single storey detached ancillary residential accommodation
Location	55 Woburn Road, Millisle

The Council refused the application on 04 December 2024 via the delegated list for the following reasons:

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

An application for Outline Planning Permission had previously been submitted in 2023 in the same location as the appeal proposal, but was subsequently withdrawn.

The appeal proposal for a 94.5m² single storey building, consisting of a hallway, kitchen/living area, two bedrooms, and a shower/wet room, was proposed as being required to provide ancillary residential accommodation for an immediate family member with ongoing health issues, whereby providing a degree of independence whilst allowing immediate family to meet their future care needs.

The J&A to the policy is explicit that 'ancillary' residential accommodation is within the existing curtilage of the host dwelling and planning unit – in this case the Commissioner noted a considerable separation from the host dwelling outside of the established residential curtilage

Given that it is a self-contained unit physically removed from the host dwelling with a generous kitchen/living area and two bedrooms with separate W/C, the Commissioner judged that the appeal building could quite easily operate as a completely separate planning unit with no need to share facilities.

The appellant asserted reasons as to why an extension to the host dwelling was not practicable, but the Commissioner, in the absence of any structural/ground survey

Not Applicable

260

analysis, was not persuaded that an extension could be provided or conversion of the stables or outbuildings undertaken.

Notwithstanding that the appeal proposal satisfies the criteria in Policy EXT 1 of APPS 7, given that a separate unit of accommodation is being proposed rather than attached to the host dwelling as advocated by the J&A of Policy EXT 1 of APPS 7, the J&A goes on to state that such a separate dwelling will not be acceptable unless it would be granted planning permission in its own right.

Both of the Council's reasons for refusal were sustained.

New Appeals

4. The following appeal was lodged on 04 January 2026:

PAC Ref	2025/A0112
Council Ref	LA06/2025/0549/F
Appellant	J McNinch
Subject of Appeal	Refusal of planning permission for: Replacement Dwelling (retrospective)
Location	14 Ballyvester Road, Donaghadee

5. The following appeal was lodged on 02 January 2026:

PAC Ref	2025/E0064
Council Ref	LA06/2021/0360/CA
Appellant	Peter Kelly
Subject of Appeal	Appeal against Enforcement Notice – alleged unauthorised agricultural shed and area of hardstanding
Location	Land adjacent to the rear boundary of 2A Ballyblack Road, Portaferry

6. The following appeal was lodged on 16 December 2025:

PAC Ref	2025/A0109
Council Ref	LA06/2022/0262/F
Appellant	Ronald Shields
Subject of Appeal	Refusal of planning permission for: Retention of private amenity/shelter building made from sustainable recycled materials, wildlife hide, timber footbridge and associate landscaping and planting
Location	Land approx 200m South-East of 110 Kempe Stones Road, Newtownards with existing access to Greengraves Road

7. The following appeal was lodged on 05 December 2025:

PAC Ref	2025/A0104
Council Ref	LA06/2022/0708/O

Not Applicable

261

Appellant	W J Law Bespoke LLP
Subject of Appeal	Refusal of planning permission for: Erection of 5No. detached dwellings with associated landscaping, internal road layout and access provision
Location	Lands to the south and adjoining No. 90 Crawfordsburn Road and to the west of No's 71, 83, 85, 87, 89, 91 and 97 Crawfordsburn Road, Newtownards

8. The following appeal was lodged on 02 December 2025

PAC Ref	2025/A0103
Council Ref	LA06/2023/2012/F
Appellant	Peter Thompson
Subject of Appeal	Refusal of planning permission Dwelling - change of house type from approval W/2011/0015/RM (Retrospective)
Location	Land between 3 and 4 Sheridan Grove, Helen's Bay

9. The following appeal was lodged on 18 November 2025:

PAC Ref	2025/A0095
Council Ref	LA06/2025/0326/O
Appellant	Hugh Torney
Subject of Appeal	Refusal of planning permission 2 No. infill dwellings & garages, access and associated site works
Location	Between 18 & 22 Upper Ballygelagh Road, Kirkistown

Appeals Withdrawn

10. The following appeal was withdrawn on 16 December 2025:

PAC Ref	2025/E0046
Council Ref	LA06/2022/0262/F
Appellant	Ronald Shields
Subject of Appeal	Appeal against Enforcement Notice re alleged: 1. Unauthorised erection of outbuildings being used for recreational purposes; 2. Unauthorised provision of pathway and hardstanding area with fixed picnic tables, barbecue area and playframes; 3. Unauthorised pergola/outbuilding being used as a nature hide with associated jetty area; 4. Unauthorised laying of hardcore in areas; 5. Unauthorised erection of two bridge structures;

Not Applicable

262

	6. Unauthorised erection of fixed picnic tables
Location	Land approx 200m South-East of 110 Kempe Stones Road, Newtownards

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.



Appeal Decision

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263

Appeal Reference:	2024/A0098
Appeal by:	Mr Paul McGouran
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed farm dwelling and domestic garage
Location:	50m NW of 100 Carrickmannon Road, Ballygowan, BT23 6JR
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2021/0490/O
Procedure:	Written representations with Accompanied Site Visit on 20 th May 2025
Decision by:	Commissioner Kevin Gillespie, dated 5 th December 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal development would:
 - Be acceptable in principle in the countryside.
 - Extend ribbon development.
 - Be visually integrated into its surrounding and maintain rural character.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site is in the countryside outside any defined settlement limit. As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out transitional arrangements that will operate until a Plan Strategy (PS) for the Council area is adopted. In this Council area, no PS has been adopted. Accordingly, during the transitional period, the SPPS retains certain Planning Policy Statements including Planning Policy Statement 21: Sustainable

Development in the Countryside (PPS 21) and sets out the arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the two must be resolved in favour of the SPPS. As no conflict arises between the policy provisions of the SPPS and retained policy in PPS 21 in so far as it relates to the appeal proposal, the latter provides the relevant policy context for the appeal proposal.

6. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. These include the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8 - Ribbon Development and Policy CTY 10 - Dwelling on a Farm of PPS 21.
7. The appeal site comprises the southern portion of a larger roadside agricultural field. It is located on the eastern side of Carrickmannon Road. Its western roadside boundary is defined by a well-maintained roadside hedge with an agricultural gate. The southern side boundary is defined by mature vegetation. Its northern side boundary is undefined and its eastern rear boundary is part mature vegetation and part undefined. The site rises away from the road towards the rear boundary which forms the crest of a modest undulation. Beyond the appeal site to the south lies No. 100 Carrickmannon Road which comprises a detached dwelling and associated agricultural outbuildings, St. Joseph's Church and graveyard, No. 104 Carrickmannon Road which comprises a storey and a half detached dwelling and detached garage and outbuilding and No. 47 Kilcarn Road which comprises a single storey detached dwelling. No. 47 Kilcarn Road has frontage onto both Carrickmannon Road and Kilcarn Road.
8. Policy CTY 10 of PPS 21 states that planning permission will be granted for a dwelling house on a farm subject to several criteria. The DEARA consultation response dated 8th September 2022 states that the Category 1 Farm Business ID was allocated in March 1996 and that the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last six years. It also states that the appeal site is on land for which payments are currently being claimed by the farm business. I am therefore satisfied that the farm business is currently active and has been established for at least 6 years. I also note that the Council accept that no dwellings or development opportunities have been sold off from the farm holding outside the 10-year period as required under the policy and that the proposed dwelling would be visually linked or sited to cluster with an established group of buildings on the farm. For these reasons, I therefore conclude that the appeal proposal complies with Policy CTY 10 of PPS 21 to the extent specified.
9. The Council contend that the proposed development would result in an extension of ribbon development along Carrickmannon Road, contrary to Policy CTY 8, which states that planning permission will be refused for a building which creates or adds to a ribbon of development. The policy allows for an exception to accommodate a gap site, however, no case has been advanced that the exception is engaged.
10. The Justification and Amplification (J&A) to the policy goes on to state that a 'ribbon' does not necessarily have to be served by individual accesses nor have a

continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked.

11. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane. On the ground, I noted that Nos. 100 and 104 Carrickmannon Road and No. 47 Kilcarn Road have frontage to the road. The appellant asserts that the graveyard at No. 102 Carrickmannon Road is not a qualifying building for the purposes of policy. Whilst I agree that the graveyard is not a qualifying building, nonetheless, St. Joseph's Church in whose grounds the graveyard is located is a qualifying building and abuts Carrickmannon Road. Given therefore that Nos. 100 and 104 Carrickmannon Road, St. Joseph's Church and No. 47 Kilcarn Road all share a common boundary with Carrickmannon Road and are also visually linked, I conclude that there is a substantial and continuously built-up frontage at this location for the purposes of policy.
12. The Council contend there would be transient views of the aforementioned existing buildings and the appeal proposal when travelling north to south along the Carrickmannon Road, particularly given the elevated nature of the appeal site with the proposed dwelling in the forefront. The appellant disagrees. He contends that the roadside garden of No. 100 Carrickmannon Road and the graveyard break any potential for ribbon development. Notwithstanding this, and in any event, he goes on to assert that the mature southern side boundary would screen the appeal proposal from visual linkages to Nos. 100 and 104 Carrickmannon Road and St. Joseph's Church.
13. From the evidence, I note that 3No. roadside trees within the southern boundary are to be felled at the request of the PSNI in the interests of pedestrian and road safety. In these circumstances, once these trees are removed, I consider that the visual linkage on the ground between the appeal proposal and the qualifying buildings would be clearly discernible. For these reasons, and irrespective of the positioning of the dwelling and garage within the site, I conclude that the appeal proposal would add to the existing ribbon of development along this part of Carrickmannon Road as it would visually link with Nos. 100, 102 (St. Joseph's Church) and 104 Carrickmannon Road and No. 47 Kilcarn Road contrary to Policy CTY 8 of PPS 21 and the related provisions of the SPPS. For these reasons, the Council's second reason for refusal is sustained.
14. Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It goes on to state that a new building will be unacceptable in seven stated circumstances. In this case, the Council raised no concerns in respect of criteria (d) – (g) of the Policy. The crux of the Council's concern however is grounded upon criteria (a), (b) and (c) of the policy in so far as they assert that, if allowed, the appeal proposal would be a prominent feature in the landscape, that the appeal site would be unable to provide a suitable degree of enclosure for the building to visually integrate into the landscape and that it would rely primarily on the use of new landscaping for integration.
15. When travelling north to south along Carrickmannon Road, and once past No. 93 Carrickmannon Road, due to the undulating topography a dwelling and domestic

garage on the appeal site would be prominent features in the landscape. This would be reinforced by the lack of vegetation along the northern side boundary and subsequent lack of enclosure, particularly given that some 32 metres of the existing roadside hedge would also be required to be removed to necessitate the access arrangements and visibility splays. Given this lack of enclosure and the sites elevated position within the landscape, I agree with the Council that the appeal proposal would not visually integrate into the landscape contrary to Policy CTY 13 of PPS 21. Accordingly, the Council's third reason for refusal is sustained.

16. Policy CTY 14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It adds that a new building will be unacceptable in five stated circumstances. The Council raised no concerns in respect of criteria (c) and (e) of Policy CTY 14. However, they contend that the appeal proposal would, if allowed result in a suburban style build-up of development when viewed with existing buildings and would extend a ribbon of development along Carrickmannon Road (see Policy CTY 8) contrary to criteria (a), (b) and (d) of the policy.
17. The dwellings at Nos. 100 and 104 Carrickmannon Road, St. Joseph's Church and No. 47 Kilcarn Road share a common frontage to the road and are visually linked to an extent that a ribbon of development exists. This ribbon of development already appears suburban in nature and consequently has had a detrimental impact on rural character. As I have already previously concluded that a dwelling and garage on the appeal site would be visually linked with this existing ribbon of development particularly once the roadside trees have been removed, the appeal proposal would add to this existing ribbon of development. This would add to the suburban style build-up of development that already exists at this location further eroding rural character. For these reasons, the Council's fourth reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 is sustained.
18. The appellant refers to a number of Council planning application decisions which he asserts provides support to his appeal case. Planning Application LA06/2020/0735/O was approved under a different policy context. Moreover, and in respect of X/2015/0021/F, LA06/2022/1136/O and LA06/2023/2524/O, the development pattern in these applications does not correspond with that on the ground in the appeal case. In any event, each appeal must be assessed on its own merits and in its own evidential context. Accordingly, these do not assist the appellant's case.
19. For the reasons given above, the appeal proposal fails to satisfy the requirements of Policies CTY 8, CTY 13 and CTY 14 of PPS 21 and the related provisions of the SPPS. As I have also previously concluded that the appeal proposal would not integrate sympathetically with its rural surroundings, it is also contrary to Policy CTY 1 of PPS 21 and the related provisions of the SPPS. Therefore, the Council's first reason for refusal is also sustained in so far as stated.
20. As the Council has sustained all four reasons for refusal, the appeal must fail.

This decision is based on the following drawing numbers:

267

Drawing No.	Title	Scale	Received by the Council
A 4236	Dwelling on a farm and domestic garage	1:2500	21 st April 2021

COMMISSIONER KEVIN GILLESPIE

List of Appearances**Planning Authority:-****Mrs. C. Hamilton (Senior Planning Officer)
Ards and North Down Borough Council****Appellant:-****Mr. David Burgess (Agent)
Mr Paul McGouran (Appellant)**List of Documents**Planning Authority:-****Ards and North Down Borough Council -
Statement of Case****Ards and North Down Borough Council –
Rebuttal Statement****Appellant:-****Mr David Burgess (Agent) -
Statement of Case****Mr David Burgess (Agent) -
Rebuttal Statement**



Appeal Decision

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269

Appeal Reference:	2025/A0073
Appeal by:	Philip Kerr
Appeal against:	The refusal of outline planning permission
Proposed Development:	Replacement Dwelling
Location:	13A (Approx 500m NE of No. 13) Cunningham Road, Newtownards
Planning Authority:	Ards & North Down Borough Council
Application Reference:	LA06/2025/0228/O
Procedure:	Written representations with site visit on 8 th January 2026
Decision by:	Commissioner Carrie McDonagh, dated 15 th January 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 (the Act) states that regard must be had to the local development plan (LDP), as far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. Whilst Ards and North Down Borough Council have published their draft plan strategy (dPS) a final version has not yet been adopted. The Ards Down Area Plan 2015 (ADAP) therefore continues to operate as the LDP for the area. In it the site is within the countryside. The ADAP contains no specific policies for residential development in the countryside and advises that the policy content of Planning Policy Statement 21 "Sustainable Development in the Countryside" (PPS 21) will take precedence over the plan.
5. On 11 December 2025, the Department for Infrastructure published the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) Edition 2, which included new policy provisions on Renewable and Low Carbon Energy. Its Preamble makes clear that all other policy provisions within the former SPPS are unchanged. It is material to all decisions on appeals and transitional arrangements are set out in it until a planning authority has adopted a Plan Strategy (PS). As there is no conflict between the provisions of the SPPS and retained policies on the issues raised in the appeal, in accordance with the transitional arrangements, the appeal

proposal should, in the main, be determined under the retained policies within PPS 21. Supplementary planning guidance contained within 'Building on Tradition' (DoE 2012) also remains material.

6. The appeal development proposes a linear single storey dwelling on the same footprint as an existing building on the appeal site. Located outside the settlement of Newtownards, the site is located in a rural area, with dispersed dwellings and farm buildings of varying scale and character. Set on elevated land, four fields back from Cunningham Road, the flat appeal site is relatively small, overgrown in appearance and enclosed from the surrounding agricultural land by native hedging. The site is accessed via an existing laneway, rising over a length of 500m which is defined on either side by native hedging.
7. The single storey building proposed to be replaced comprises of natural stone walls. Dense vegetation fully covers its end gables and the northern/rear elevation. Three doors are set within the 20 metre long southern/front elevation, along with four windows, some of which have broken glass. A door and window on the northern elevation are only visible from inside the building due to the dense vegetation. The roof comprises of metal corrugated sheets and wooden rafters.
8. Policy CTY 1 "Development in the Countryside" identifies a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these types is individual dwelling houses in the countryside, including a replacement dwelling in accordance with Policy CTY 3.
9. Policy CTY 3 "Replacement Dwellings" states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. This is a conjunctive test with two limbs. It then goes on to say that for the purposes of this policy, all references to "dwellings" will include buildings previously used as dwellings. It also states that buildings designed and used for agricultural purposes, such as sheds or stores, will not be eligible for replacement under this policy.
10. Taking the latter test first, notwithstanding the fact that the building is overgrown in vegetation, the building has four intact external walls and a roof. Thus, for the purposes of the policy this test is satisfied. The issue of contention rests with whether the building to be replaced exhibits the essential characteristics of a dwelling.
11. The appellant did not supply a statement of case, thus I can only rely on their Design and Access Statement (D&AS) supplied in the background papers and the P1 form for a "*replacement of existing traditional Irish cottages by single dwelling and garage, both of contemporary form and character*". The reliance within the D&AS on the building offering the fundamentals of cover, shelter and accommodation does not address whether the building to be replaced exhibits the essential characteristics of a dwelling and offers little support in this regard because the fundamental of shelter applies equally to buildings designed and used for agricultural purposes.

12. I can surmise from the D&AS that the appellant considers that the building holds thematic cues in its character and fabric to its design as a domestic dwelling and is “unquestionably vernacular in form, proportion, materials, etc”. Based on my observations, some of the primary characteristics of “Vernacular Buildings” as set out in Annex 2 of PPS 21 are present, such as the linear plan, restricted gable depth (4.7 metres) and vertical openings on front and back long walls, with a low proportion of ration of void to mass. However, vernacular form is not the test as it equally applies to vernacular agricultural buildings. The key policy test is whether the building to be replaced exhibits the essential characteristics of a dwelling.
13. The Council’s list of absent dwelling features includes internal portioning of walls, insulation, plasterwork and any remains of a fireplace, hearth or chimney breasts. They also refer to the unfinished floors and lack of a readily distinguishable main front door as agricultural characteristics. The building contains a total of 3 no. single width openings in the front elevation. I observed a form of simple porch type shelter projecting around the eastern door, which notwithstanding the visible join and connection to the replacement roof indicating it is a later addition make that door the most discernible feature. However, multiple doors and the nature of the floor, which is at different levels within a single space, with a mix of concrete and clay finishes with openings along the base of the rear wall are not characteristic of a dwelling.
14. In support of their position that the building was never at any point used as a dwelling, the Council rely on its rebuilding from a derelict state in 2005. A previous Commission decision 2007/A0591, dated 8th March 2010, relates to *“retention of works to derelict structure and change of use to agricultural store”*. The decision references evidence of its previous state, including the absence of a roof and walls intact only to sill height and concludes that the extent of the works carried out were such that the structure is essentially a new building on the footprint of the previous one. On that basis, they found Policy CTY 4, which related to the sympathetic conversion with adaption of a suitable non-residential building did not apply. In dismissing the appeal, the previous Commissioner also determined the policy test in CTY 12 was not met as the structure was not necessary for the efficient use of the agricultural holding.
15. The modifications and repairs do not in themselves demonstrate that the building was never a dwelling. I also do not place significant weight on “the Commissioner’s continuous references to the structure” in support of the Council’s position that it was not used as or considered to have the essential characteristics of dwelling as the use of “structure” throughout the decision relates to the development as described i.e. the retention of works to a derelict structure (my emphasis). The appellant on that appeal had confirmed that it had not been used for agricultural purposes and sought such a use, distinct to a residential use. My description as a “building” in this decision relates only to its evidential context and my observations of its appearance has no bearing on its lawful state or use.
16. The Council refer to the absence of any alternative evidence to support residential use, yet do not provide an evaluation of the Griffiths Valuation Record and map extracts in the D&AS or the appellant’s position that the building served as possibly four dwellings in the 1860’s, reducing to a single dwelling in its eastern end by the 1930’s.

17. An extract for holding No. 6 in Cunningburn townland is provided, along with the corresponding record referring to an office and land (a) and four houses, two with yard and one with garden (b to e), with the appellant arguing that some, possibly all, were located within the building identified on site. They further refer to the first revision of 1878 demonstrating the holding amalgamated into a single tenancy with holding No. 7, the continued occupancy of houses (a) and (e), with (b)-(d) no longer recorded. It also references a change in ownership in 1928, with a reduction to a single dwelling in its eastern end.
18. Holding No. 6 appears to relate to a large field to the south of the appeal building. The footprint on the 1860 valuation map does not appear to exactly correlate to the building on site, in particular there is a gap between the building and the eastern edge of the curtilage which is not currently on site, with that curtilage incapable of direct comparison as the map includes a second vertical field boundary to the north which no longer exists on site. However, I am satisfied that the historical maps show something present on the site at the time of the 1860 valuation. Notwithstanding, even if the in-situ building is the same building, given the limited level of detail I find this evidence of itself to be inconclusive and of little assistance in demonstrating that the building to be replaced exhibits the essential characteristics of a dwelling. If there were internal dwelling characteristics such as walls and a fireplace or chimney they have now been removed. Even if the building had been used as a dwelling in the past, those essential characteristics can no longer be observed. I agree with the Council that the building to be replaced does not exhibit the essential characteristics of a dwelling. Accordingly, I must conclude that Policy CTY 3 is not met. The Council has sustained its second reason for refusal.
19. The appeal proposal does not constitute one of the exceptions listed at Policy CTY 1 and there are no overriding reasons why it is essential. It does not satisfy Policy CTY 1, and the first refusal reason is also sustained. Accordingly, the appeal fails.

This decision is based on the following drawings: -

- 01A Site Location Plan at scale 1:1250
- 02 Block Plan at scale 1:500
- 03 Proposal - Plans and Elevations at scale 1:100 @A3

COMMISSIONER CARRIE MCDONAGH

List of Documents

Planning Authority: - “A” Ards and North Down District Council statement of case and Appendix



Appeal Decision

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274

Appeal Reference:	2024/A0139
Appeal by:	Mr Robert Anderson
Appeal against:	The refusal of full planning permission
Proposed Development:	Extension to residential curtilage and erection of single storey detached ancillary residential accommodation
Location:	55 Woburn Road, Millisle, BT22 2HZ
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2024/0676/F
Procedure:	Written representations with Accompanied Site Visit on 1 st July 2025
Decision by:	Commissioner Kevin Gillespie, dated 16 th January 2026

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the appeal development would:
 - Be acceptable in principle in the countryside.
 - Constitute a self-contained unit of accommodation in addition to the existing (host) dwelling.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area within which the appeal site lies. In it, the appeal site is in the countryside outside any defined settlement limit. As the rural policies in the plan are now outdated, having been overtaken by a succession of regional policies for rural development, no determining weight can be attached to them. There are no other provisions in the operating LDP that are material to the determination of the appeal.
5. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals and transitional arrangements are set out in it. On 11 December 2025, the Department for Infrastructure published the SPPS, Edition 2 (SPPS 2), which included new policy provisions on Renewable and Low

Carbon Energy. The Preamble to the SPPS 2 makes clear that all other policy provisions within the former SPPS are unchanged. Paragraph 1.9 of the SPPS 2 states that where a Council adopts its PS, existing policy retained under the transitional arrangements shall cease to have effect in the district of that Council. As no PS has been adopted during the transitional period, the SPPS 2 retains certain Planning Policy Statements including Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (APPS 7) and sets out the arrangements to be followed in the event of a conflict between the SPPS 2 and retained policy. Any conflict between the two must be resolved in favour of the SPPS 2. As no conflict arises between the policy provisions of the SPPS 2 and retained policies in PPS 21 and APPS 7 in so far as it relates to the appeal proposal, the latter provides the relevant policy context for the appeal proposal.

6. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an extension to a dwellinghouse where this is in accordance with APPS 7.
7. The appeal site is irregularly shaped, comprising the curtilage of No. 55 Woburn Road together with a rough area of grazing to the side. It is set back from the road by some 60 metres and is generally flat across its extent. The proposed site is located some 18 metres to the north-east of the host dwelling which is a detached dwelling, primarily single storey in nature, with attached stables and detached outbuildings. Its northern boundary is part defined by a ranch style fence atop a 0.5 metre high concrete wall, an agricultural gate and the gable end of a detached 2-bay garage/shed. Its eastern boundary is defined by a ranch style fence, its western boundary is defined by mature vegetation and its southern boundary is undefined. No. 55 is accessed directly from the Woburn Road. The driveway branches with one 'spur' providing access to the appeal site, the outbuildings and concrete yard and the other 'spur' providing access to the host dwelling itself.
8. The appeal proposal seeks full planning permission for a detached, single storey building, 12.5m x 8.5m (94.5m² in floor area). The proposed accommodation comprises an entrance hallway, a kitchen/living area, two bedrooms and a shower/wet room. The building would be finished with a materials palette including sand/cement render walls, natural slate roof, UPVC double glazed oak windows and a hardwood door. Access to the accommodation would be via a pedestrian access taken from the 'spur' which provides access to the appeal site and the two outbuildings/workshops. A ranch style fence would be erected to form a new southern boundary for the site.
9. The Council assert that the appeal proposal would not represent subordinate ancillary accommodation dependent upon the host dwelling but rather it would be a separate dwelling in its own right contrary to Policy EXT 1 of APPS 7. The appellant disagrees. He contends that the appeal proposal is intended to provide ancillary residential accommodation only for an immediate family member who has ongoing health issues. The proposed accommodation would afford the person a degree of independence whilst allowing the immediate family to meet their future care needs.

10. Policy EXT 1 'Residential Extensions and Alterations' of APPS 7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of 4 criteria are met. It goes on to state that the guidance set out in Annex A will be taken into account when assessing proposals against the 4 criteria.
11. In regard to the various requirements of Policy EXT 1, and in my judgement, the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property. It will not detract from the appearance and character of the surrounding area. Criterion (a) is met. From my assessment on site what is proposed will not unduly affect the privacy or amenity of neighbouring residents, thus criterion (b) is met. There was no suggestion that the proposed development would cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. Criterion (c) is met. There remains sufficient space within the curtilage of the property for recreational and domestic purposes, including the parking and manoeuvring of vehicles, satisfying criterion (d). The appeal development satisfies Policy EXT 1 of APPS 7 to the extent specified.
12. Paragraph 2.9 of the justification and amplification (J&A) to Policy EXT 1 provides guidance expressly on ancillary accommodation. It states that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Whilst the guidance envisages such additional accommodation to be normally attached to the existing dwelling, it does allow for other scenarios. It goes on at Paragraph 2.10 of the J&A to state that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right. It concludes at Paragraph 2.11 of the J&A that in all cases, the Council will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property and that careful consideration will be given to the impact of proposals on neighbouring dwellings. Where permission is granted, it will be subject to a condition that the proposed accommodation will only be used for ancillary residential purposes in connection with the main dwelling and not as a separate unit of accommodation. As detailed previously, I have already concluded that the appeal proposal would not unduly affect the privacy or amenity of neighbouring dwellings.
13. Paragraph A49 'Extensions and Alterations to provide for Ancillary Uses' of Annex A generally mirrors the J&A to the policy. It states that an extension or alteration to a residential property to provide an ancillary use, such as additional living accommodation for elderly or dependant relatives, should be designed to demonstrate dependence on the existing residential property. It goes on to state that ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property and concludes that ancillary uses that could practically and viably operate on their own will not be acceptable.
14. The APPS 7 refers to ancillary residential accommodation as being functionally supplementary to a main dwelling. The dictionary meaning of 'ancillary' is having a subordinate, subsidiary or secondary nature. It is implicit that ancillary residential

accommodation is within an existing curtilage of the host dwelling and the planning unit. Fundamentally, the policy does not envisage the creation or extension of an existing curtilage for ancillary accommodation. The Council contend that the appeal site lies outside of the established residential curtilage of the host dwelling. Although the appellant seemingly also accepts this given the description of the application proposal, he nonetheless asserts that the appeal site 'has always been a garden'. On the ground, I observed that although the appeal site would be served by the same access/egress onto Woburn Road as the host dwelling, given a combination of its separation from the host dwelling, its physical demarcation and also its functional distinction, in my judgement, the appeal site lies outside the established residential curtilage of the host dwelling for the purposes of policy. I was not provided with any robust persuasive evidence to support the appellant's claim that it was a domestic garden. In contrast, the Council's photographic evidence shows the site being used for animal grazing rather than a domestic garden.

15. The appellant asserts that because the appeal building would be fully dependent upon the host dwelling for all utilities, car parking, amenity space and access from the public road, it would be 'impossible' for it to practically and viably operate as a separate dwelling contrary to the Council's viewpoint. However, whilst no contrary evidence was provided by the Council to dispute the appellant's claim regarding the sharing of utilities with the host dwelling, given that it is a self-contained unit physically removed from the host dwelling with a generous kitchen/living area and two bedrooms with separate W/C, in my judgement, the appeal building could quite easily operate as a completely separate planning unit with no need to share facilities.
16. As detailed previously, the appellant stated that the appeal proposal is intended to provide ancillary residential accommodation for an immediate family member who has health concerns. Although he accepted that the family member currently lived in the upper level of the host dwelling, at the hearing he asserted that this arrangement would be unsatisfactory to provide for the future care needs of the person moving forward. To support his case for ancillary residential accommodation, the appellant submitted two letters from medical practitioner's detailing the nature of the person's ongoing medical condition(s) and their future treatment. Reviewing the evidence, however, I note that neither letter expressly referred to the appeal proposal. I am therefore not persuaded that the appeal proposal is the only option available to the family member to meet their ongoing/future medical care needs.
17. At the hearing, the appellant was asked why an extension to the host dwelling was not practical. He stated that it was not feasible for functional and technical reasons including the proximity of an underground concrete tank associated with a former stud farm at No. 55, the existing underground drainage system, the difficulty in connecting any extension to the eastern portion of No. 55 due to the current internal layout of rooms and that it would be highly visible from Woburn Road and could not be visually integrated into the landscape due to its open aspect and lack of mature boundary vegetation. Notwithstanding this, and in the absence of any structural or ground survey analysis to support the appellant's position, I am not persuaded that there would be no technical solutions available for the construction of an extension to the host dwelling or the conversion of the stables or outbuildings.

18. For the reasons given above, the appeal proposal is therefore contrary to Policy EXT 1 of APPS 7 to the extent specified. The Council's second reason for refusal is sustained.
19. The appellant refers to 'Planning Policy 'HOU 1 – Accommodating New Homes' which identifies the need for 29,600 new homes in the Greater Belfast area (2020 – 2035). Whilst he accepts that this housing shortage is not directly linked to the appeal proposal, he contends that approval of the appeal proposal would 'free up' a dwelling in the Council area for a family trying to get on the property ladder. Notwithstanding that the appellant did not provide evidence of the policy and its publication in his evidence, housing need does not outweigh a proposal which is not in accordance with prevailing planning policy and therefore this argument does not assist his case.
20. The appellant also refers to another Council planning application decision (LA06/2022/1262/F) which he asserts provides support to his appeal case. However, planning application LA06/2022/1262/F was approved for a different development proposal than the subject appeal proposal, that is, for replacement ancillary residential accommodation where the principle of development was previously accepted. In any event, each appeal must be assessed on its own merits and in its own evidential context. Accordingly, this does not assist the appellant's case.
21. Notwithstanding that the appeal proposal satisfies the criteria in Policy EXT 1 of APPS 7, given that a separate unit of accommodation is being proposed rather than attached to the host dwelling as advocated by the J&A of Policy EXT 1 of APPS 7, the J&A goes on to state that such a separate dwelling will not be acceptable unless it would be granted planning permission in its own right. In this case, no reasons were advanced under Policy CTY 1 of PPS 21 as to why the appeal proposal is essential in the countryside and could not be located within a settlement. The proposal is therefore unacceptable in principle as it is contrary to Policy CTY 1 of PPS 21 and the related provisions of the SPPS 2. Accordingly, the Council first reason for refusal is also sustained in so far as stated.
22. As the Council has sustained both reasons for refusal, the appeal must fail.

This decision is based on the following drawing numbers:

Drawing No.	Title	Scale
PL-07 Rev 1	Site Curtilage Map	1:1250
PL-02 Rev 1	Block Plan	1:500
PL-03 Rev 2	Proposed Site Plan	1:250
PL-04 Rev 2	Plan/Elevations	1:100

COMMISSIONER KEVIN GILLESPIE

List of Appearances**Planning Authority:-**

**Ms. N. Keizer (Senior Planning Officer)
Mr. D. Farragher (Planning Officer)
Ards and North Down Borough Council**

Appellant:-

**Mr. G. Hunt (Agent)
Mr. R. Anderson (Appellant)**

List of Documents**Planning Authority:-**

**Ards and North Down Borough Council -
Statement of Case**

Appellant:-

**Mr. G. Hunt (Agent) -
Statement of Case**

**Mr. G. Hunt (Agent) -
Rebuttal Statement**

Unclassified

280

ITEM 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 February 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Date of Report	18 January 2026
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	SPPS Edition 2 and draft Plan Strategy
Attachments	a - DFI Letter to Chief Executives 21 Oct 2025 b -Table 1 - Implications for dPS re Renewable and low carbon energy

Background

On 11 December 2025 the Minister for Infrastructure published a policy revision to the Strategic Planning Policy Statement for NI (“the SPPS”), marking the conclusion of a focused review of the former SPPS (2015) on the subject of renewable and low carbon energy.

The new policy, agreed by the Executive Committee, is contained in the SPPS, Edition 2, and set out at pages 86-91. Consequently, the former subject policy titled “Renewable Energy” ceases to have effect from the date of this publication and the SPPS (2015) is now revoked. All other policy provisions within the former SPPS are unchanged, except for some technical changes, such as amendments to the contents page, paragraph numbers, and factual clarifications, where relevant.

Not Applicable

281

Planning Policy Statement (PPS) 18: Renewable Energy (August 2009) is now cancelled and its provisions cease to have effect however, the guidance contained in Best Practice Guidance to PPS 18 - Renewable Energy will continue to have effect (where relevant) unless and until such guidance is updated, revised or replaced by new Departmental guidance on this planning issue.

The provisions of the SPPS, Edition 2, take immediate effect and must be taken into account in the preparation of Local Development Plans and are also a material consideration to all decisions on individual planning applications and appeals.

The SPPS, Edition 2 can be accessed following this link:

<https://www.infrastructure-ni.gov.uk/publications/strategic-planning-policy-statement>

DFI Advice / Guidance

In a letter to Council Chief Executives dated 21 October 2025 (reported to Planning Committee 04/11/25 and reattached to this report), DFI (Regional Planning Policy and Casework) highlighted to councils the importance of considering the SPPS, and any forthcoming revisions to it, during plan-making and decision-taking.

The letter also noted the Department's intention to prepare a new Development Plan Practice Note on the issue of the role of the Department and of councils in respect of taking account of the regional planning policy framework; however, attached at Annex A to the letter was 'advice and guidance' to councils on the implications of new or updated regional policy for Local Development Plans.

'Good Practice Advice' for when new or revised regional planning policy is published refers, in the situation where a council has published its draft Plan Strategy, to the council undertaking a written assessment of the implications of the new or updated regional policy for draft policies (in ANDBC's case).

The assessment should demonstrate the council has an awareness of the new or revised policy and understands its aims and objectives. It should identify significant differences or conflicts which the new or revised regional policy may introduce with draft plan policies. It should also consider whether policy approaches may need to be revised in response to the new regional policy.

Action Undertaken

The LDP team has undertaken a comparison of its policy on Renewable Energy with the revised regional policy in the SPPS Edition 2, as set out in Table 1, attached. It is concluded that the draft Plan Strategy (dPS) continues to take account of the regional strategic approach to renewable and low-carbon energy, cognisant of the opportunity for the Council to consider minor changes through the plan-making process, further to the completion of the public consultation (including counter-representation stage) and the analysis of all representations received.

It will be the intention to consult upon all initial proposed minor changes at the same time. This will include a consideration of whether changes or addenda are necessary to any supporting reports (e.g. Sustainability Assessment) as part of the iterative process of plan-making. A further period of consultation will be held on any proposed changes and advertised in line with legislation.

Not Applicable

282

Detail has been included on the LDP pages of the Council's website for public information accordingly.

RECOMMENDATION

It is recommended that Council notes this report and attachments

Regional Planning Policy & Casework**To: Council Chief Executives**

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21 October 2025

Dear Chief Executives

REVISIONS TO THE REGIONAL POLICY FRAMEWORK FOR THE TWO-TIER PLANNING SYSTEM

The purpose of this communication is to highlight the importance of considering the SPPS, and any revisions to it, during plan-making and decision-taking processes.

Revisions to the regional policy framework for the two-tier planning system, including the Regional Development Strategy (RDS) and the SPPS are to be expected in response to changing circumstances, including Executive and/or Ministerial priorities. Any changes to the regional planning policy framework will be progressed in accordance with policy development best practice guidance and the Department's Statement of Community Involvement (2024). There was extensive engagement with stakeholders, including local government, during the formulation of SPPS (published September 2015) and with respect to the on-going review of it, on the subject of renewable and low carbon energy. The SPPS was published following Executive

Committee agreement to it, and any future revised SPPS also requires referral to the Executive Committee prior to its publication.

Having recently secured Executive agreement to revised regional planning policy on renewable and low carbon energy, the Department intends to publish an update to the SPPS, as soon as possible, once all necessary next steps have been completed.

Prior to introduction of the revised SPPS this correspondence is intended to serve as a helpful reminder of the respective roles the Department and councils perform in supporting the effective and efficient operation of our two-tier planning system and meeting the legislative requirement to '*take account of* the regional policy framework in which planning authorities operate.

The role of the Department

The Department's statutory role and oversight powers are set out in the Planning (NI) Act 2011 and include areas such as responsibility for the formulation and coordination of regional planning policy, and its role in the adoption of local development plans (LDPs) prepared by councils. Under the provisions of the Act the Department must '*formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development*'. This includes the coordination of LDP policies prepared by Councils. Section 1 of the Act requires the Department to ensure that '*any such policy*' is in general conformity with the RDS. Furthermore, the Department must exercise its functions under subsection 1 with the objective of furthering sustainable development and promoting or improving well-being.

Section 2 of the Act requires plan documents to be submitted to DfI for it to cause an Independent Examination; requires DfI to consider the recommendations of the appointed commissioner/person in relation to tests of Soundness and, legislates that adoption of a development plan document can only take place in accordance with a direction issued by DfI.

The role of councils

When plan making, councils must '*take account of*' the RDS - and '*any policy or advice contained in guidance issued by the Department*' and '*such other matters as the Department may prescribe, or in a particular case, direct*'.

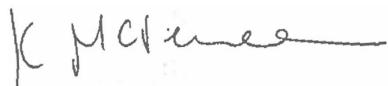
Properly and faithfully taking account of the SPPS overall, including any revision to it is, therefore, essential to support the achievement of regional planning objectives; the wider commitments and priorities of the Infrastructure Minister and Executive, and to ensure the delivery of a cohesive planning framework across the Region

The SPPS, including an amendment to it, is also a material consideration which must be taken into account in decision-taking, recognising that the relevance and weight of all material considerations is a matter for the relevant planning authority.

Whilst the specific approach will depend on local circumstances, the council should ensure that all officers and elected members fully understand the wider context for their work for the Region and the importance of taking account of the RDS and SPPS in the delivery of their local planning functions.

For your information, the Department intends to prepare a new Development Plan Practice Note on this issue in due course but in the meantime, I would be grateful if this correspondence and the Q&A at Annex A is brought to the attention of all your elected members and relevant officials, including Heads of Planning.

Yours sincerely



Kathryn McFerran
Director
Regional Planning Policy & Casework

**cc: Heads of Planning
Planning Appeals Commission**

ANNEX A**Q&A:**

Councils are at various stages in the preparation of their Local Development Plans (LDPs), however policy making is a continuous process and changes to regional policy are normal in response to changing circumstances and Executive priorities.

When new or revised regional policy is published it is important that council LDP teams respond appropriately. The purpose of this Q&A is to provide advice and guidance to councils on the implications of new or updated regional policy for LDPs.

What are the implications of new or revised regional planning policy for Local Development Plan Documents prepared by councils?

Policy contained in the SPPS is a material consideration in making decisions on planning applications and in preparing LDPs.

When preparing or revising development plan documents (Plan Strategy or Local Policies Plan) councils must 'take account of' SPPS policy. LDPs are important documents to address local planning issues and to ensure the response to higher-level government priorities and objectives is co-ordinated.

Legislation requires that a council must carry out annual monitoring of an adopted LDP and must review its contents every 5 years¹. A council may however prepare a revision of a development plan document at any time. A council must also prepare a revision if, following a review, it thinks that the development plan document should be revised. The Department may also direct councils to revise a development plan document.

However, changes in circumstances including new material considerations such as publication of new or revised regional policy may trigger the need for an earlier review and subsequent revision where appropriate. It is important to note that policy in adopted plan documents should not automatically be considered to require revision because it was made prior to the publication of new or revised regional policy. In these circumstances councils must demonstrate their LDP policies continue to 'take account of' regional policy. This is why it is important that councils assess the implications of new or revised policy for their plan policies.

¹ At the five-year review stage development plan documents may need to be revised in response to the findings of the review report.

What does it mean 'to take account of' regional planning policy in LDPs?

When preparing draft policies or reviewing policies in an adopted LDP, the legislative requirement to "take account of" the RDS and "any policy or advice in guidance issued by the Department", such as the SPPS will depend on the individual circumstances of the case and the evidential context gathered by the council in support of their local policy approach.

Councils should meaningfully engage with the contents of regional policy, demonstrate its aims and objectives are understood, and show how the policies of their plan fit with those aims and objectives. Councils shall then prepare policies that respond to the needs of their area in ways that complement and support regional policy and therefore contribute to the achievement of wider regional goals and strategic objectives.

What is a good practice approach to Local Development Plans when new or revised regional planning policy is published?

The requirement to take account of new or revised regional policy is an ongoing obligation on councils and is dependent on the stage of LDP preparation.

- For those councils who are working towards publication of a draft, a development plan document must take account of new/updated regional policy in preparing the draft plan document.
- For those councils which have published a draft document, and those with an adopted plan document (Plan Strategy) in place, it is good practice to undertake a written assessment of the implications of the new or updated regional policy for draft or adopted policies.

The assessment should demonstrate the council has an awareness of the new or revised policy and understands its aims and objectives. It should identify significant differences or conflicts which the new or revised regional policy may introduce with draft plan policies or the policies of an adopted plan document. It should also consider whether policy approaches may need to be revised in response to the new regional policy. The SPPS must be read and applied as a whole. Ultimately it is the responsibility of councils themselves to weigh these matters and provide evidenced justification for policy approaches tailored in response to evidence of local circumstances. In some situations, departures from regional policy may be justified in response to local circumstances.

Any assessment carried out by the council should consider how the new or revised regional policy may influence the weight given to policies in the adopted plan document when making decisions.

Where the assessment concludes that LDP policy continues to take account of regional policy then due weight may continue to be given to the LDP policies in making planning decisions in accordance with Section 6(4) and Section 45(1) of the 2011 Act.

If the council's assessment concludes that LDP policy, no longer takes account of regional policy then due weight should also be attached to those policies in accordance with Section 6(4) and Section 45(1) of the 2011 Act. Correspondingly it would be expected that greater weight would be given to the new or revised regional policy position as a material consideration. If this is the position following assessment, a council will need to consider taking forward a revision to the development plan document under Section 14 of the 2011 Act.

In either situation, it will be for the council to document and justify the rationale and to do so in a transparent and reasoned way. It would therefore be good practice for the assessment to be made available on the council's website.

How does the Department's oversight role relate and complement the Local Development Plan Process for councils?

While the duty on councils is to 'take account of' the RDS - and other policy and guidance issued by the Department – to understand what that means in practical terms it is helpful to consider the duty in the context of the wider Planning Act 2011 and, in particular, the oversight role for DfI established in Sections 1 and 2.

Section 1 places a duty on the Department to 'formulate and coordinate policy for the orderly and consistent development of land and the planning of that development' and requires the Department to ensure that 'any such policy' is in general conformity with the RDS. As the coordination duty relates to the planning of development it therefore extends to the coordination of LDP policies prepared by councils. The Department must also exercise its functions under subsection 1 with the objective of furthering sustainable development and promoting or improving well-being.

Section 2 is also important because it legislates the oversight role for the Department. Most notably it requires plan documents to be submitted to DfI for it to cause an IE; requires DfI to consider the recommendations of the appointed commissioner in relation to Soundness and, most significantly, legislates that adoption of a development plan document can only take place in accordance with a direction issued by DfI.

While the requirement on councils to 'take account of' regional policy differs from the duty on the Department to secure 'general conformity' with the RDS the two obligations are nevertheless compatible. This is because general conformity does not require complete alignment and still permits councils to take account of regional policy by tailoring it to local circumstances. In undertaking its role in oversight and adoption the Department will be guided, at all times, by its Section 1 duties.

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

289

Para	SPPS Edition 2 - 2025	Para	SPPS 2015 – Edition 1	Draft Plan Strategy ANDBC (dPS)	Comments
6.214	'Northern Ireland has significant renewable energy resources and a vibrant renewable and low carbon energy industry. It continues to make an important contribution towards furthering sustainable development, and green growth, and is a significant provider of jobs and investment across the region.'	6.214	'Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development, and is a significant provider of jobs and investment across the region.'	Para 21.2 'Sustainable development lies at the heart of the planning system – a key challenge of which is mitigating and adapting to climate change. This includes facilitating the generation of renewable energy in support of targets above. The main sources of renewable energy are: wind, sun/solar, moving water/hydro, heat extracted from the air, ground and water, and biomass. Diversifying and decentralising supply through greater use of renewables also brings benefits in terms of greater energy security, improving air quality, improving affordability of energy for household and businesses, and supporting economic growth in the green energy sector.' Paras 21.4-21.6 Renewable energy profile of the Borough	The dPS recognises the role of renewable energy in mitigating and adapting to climate change and by extension in contributing to sustainable development. The dPS sets out the main sources of renewable energy and the other benefits of diversifying and decentralising supply. The dPS also expressly references supporting growth of the green energy sector. The dPS is therefore considered to align with the regional strategic approach of the SPPS Edition 2.
6.215-6.217	Edition 2 sets out the policy and legislative context referencing the Energy Strategy, the Climate Change Act, and the RDS	6.215	The SPPS sets out the wider government policy context referencing the RDS and the Strategic Energy Framework for Northern Ireland 2010.	Paras 21.7-21.11	Paras 21.7-21.11 of the dPS reference the legislative and regional policy context including the Climate Change Act, the Energy Strategy, the RDS, and the SPPS (2015). The dPS has taken account of the updated legislative and policy context set out in the Climate Change Act and the Energy Strategy and is therefore considered to align with the SPPS Edition 2 in this respect.
6.218	'In addition to developments which generate renewable energy from these sources there are also emerging and advancing technologies that can help enhance the renewable energy development's contribution, such as electricity support technologies and energy storage systems (examples include synchronous compensators and battery energy storage systems (BESS)).' *Note - distinction made in a footnote that the policy only applies to low carbon energy developments associated with renewable sources.	6.217	'The main sources of renewable energy are wind, sun (solar energy), moving water (hydropower), heat extracted from the air, ground and water (including geothermal energy), and biomass (wood, biodegradable waste and energy crops such as for use in an Anaerobic Digestor).' *Note – Edition 2015 does not reference emerging and advancing technologies.	Policy RE 1 (page 398-399) Para 21.37-21.41 Para 21.42	Policy RE 1 includes emerging and advancing technologies. This is referenced specifically in paras 21.37-21.41 of the J&A which covers battery energy storage systems (BESS). Para 21.42 of the J&A specifically references emerging technologies. The dPS does not make the distinction that policy only applies to low carbon energy developments associated with renewable sources. Given the above, it is considered that the dPS aligns with the regional strategic policy approach of the SPPS Edition 2.
6.219	The aim of the SPPS for this subject policy is to maximise sustainable	6.218	The aim of the SPPS in relation to renewable energy is to facilitate the	Renewable Energy Strategy (page 396)	The dPS Renewable Energy Strategy aims to: positively facilitate the Borough's full potential for renewable and low carbon energy

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

290

	renewable and low carbon energy from a wide range of technologies, at various scales, in appropriate locations within the built and natural environment, without compromising other environmental assets of acknowledged importance.		siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.		<p>development. This is to be achieved by:</p> <ul style="list-style-type: none"> • Supporting renewable energy generation and storage in suitable locations where they are not considered likely to cause unacceptable adverse impacts; and • Promoting low/zero carbon principles at the heart of all new developments in the Borough. <p>The language of the dPS aligns with positively supporting potential for renewable and low carbon energy development but is different from that of Edition 2 which aims to 'maximise' sustainable renewable energy. This is not considered to be a significant difference or conflict in policy aims.</p> <p>Therefore, the dPS is considered to align with the regional strategic approach of the SPPS Edition 2.</p>
6.220	The regional strategic objectives are to: <ul style="list-style-type: none"> • ensure that sustainable renewable and low carbon energy development is facilitated at appropriate locations in order to increase the contribution to the transition to a net zero carbon economy, in accordance with the Climate Change Act; • secure the delivery of an appropriate mix of energy provision that supports the Energy Strategy where this benefits our environment, economy, and communities; • ensure that the environmental, landscape, seascape, visual, safety and amenity impacts associated with or arising from renewable and low carbon energy development are appropriately assessed and addressed; • ensure appropriate protection of the region's built, natural, and cultural heritage features; • facilitate the integration of renewable and low carbon energy technology into the design, siting, and layout of new development, and promote greater application of the principles of Passive Solar Design; and • facilitate the appropriate onshore development required to enable offshore renewable and low carbon energy proposals. 	6.219	<p>The regional strategic objectives for renewable energy are to:</p> <ul style="list-style-type: none"> • ensure that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy development are adequately addressed; • ensure adequate protection of the region's built, natural, and cultural heritage features; and • facilitate the integration of renewable energy technology into the design, siting and layout of new development and promote greater application of the principles of Passive Solar Design. 	<p>Renewable Energy Strategy (page 396) Para 21.6 Para 21.78 Policy RE 1 (page 398-399)</p>	<p>Edition 2 carries forward the regional strategic objectives from 2015 with minor amendments e.g. 'ensure adequate protection' becomes 'ensure appropriate protection' (Objective 4) and 'ensuring... impacts associated with or arising from renewable and low carbon energy development are appropriately assessed and addressed' (Objective 3). Objective 5 has been expanded to include low-carbon technology as well as renewable.</p> <p>These changes in Edition 2 are not considered to be significant from the original objectives in the 2015 SPPS that the dPS was produced to take account of. Therefore, the dPS is considered to align with regional strategic objectives 3, 4 and 5 of Edition 2.</p> <p>New objectives are also introduced:</p> <ul style="list-style-type: none"> • ensure that sustainable renewable and low carbon energy development is facilitated at appropriate locations in order to increase the contribution to the transition to a net zero carbon economy, in accordance with the Climate Change Act (Objective 1) <p>The dPS sets out that the Renewable Energy strategy will be achieved by 'supporting renewable energy generation and storage in suitable locations where they are not considered likely to cause unacceptable adverse impacts'.</p> <p>The dPS at para 21.78 sets out how its Renewable Energy Strategy directly supports regional energy policy and targets set out in the Energy Strategy and the Climate Change Act (Northern Ireland) 2022. Therefore, the dPS is considered to align with Objective 1 of Edition 2.</p> <ul style="list-style-type: none"> • secure the delivery of an appropriate mix of energy provision that supports the Energy Strategy where this benefits our environment, economy, and communities (Objective 2) <p>The dPS sets out the main sources of renewable energy development and references the benefits of diversifying and decentralising energy supply through greater use of renewables.</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

291

					<p>Policy RE 1 and its J&A, alongside retained planning guidance in best practice and SPG, provides a policy context for assessing a range of renewable and low carbon energy development. Market forces are generally considered to influence delivery. The Council has provided a policy framework in the dPS. The Council does not consider that there are reasonable planning policy measures that would 'secure' the delivery of a mix as stated in Objective 2. There are no targets for specific renewable and low carbon energy sources and a planning policy mechanism that sought to refuse some applications in pursuit of an energy mix, may potentially act against the targets set out in the Climate Change Act.</p> <p>As stated in the consideration of Objective 1, the dPS at para 21.78 sets out how its Renewable Energy Strategy directly supports regional energy policy and targets set out in the Energy Strategy and the Climate Change Act (Northern Ireland) 2022.</p> <p>Therefore, the dPS is considered to align with Objective 2 of Edition 2 of the SPPS.</p> <ul style="list-style-type: none"> • facilitate the appropriate onshore development required to enable offshore renewable and low carbon energy proposals (Objective 6) <p>Onshore development is not specifically referenced in the dPS. However policy RE 1 states that 'Planning permission will be granted for proposals for renewable and zero or low carbon energy generation and storage provided the proposal, and any associated buildings and infrastructure (including transmission lines), would not result in an unacceptable adverse impact, either alone or in combination with other developments, on...' and goes on to list five criteria.</p> <p>Therefore, onshore development to enable offshore proposals would be considered under policy RE 1. There is no conflict with this objective, however it is not expressly supported in current draft.</p>
6.221	<p>In plan-making and decision-taking, planning authorities must give appropriate weight to climate considerations (including the target to generate 80% of electricity consumption from renewable sources by 2030) and to supporting efforts to protect and enhance biodiversity.</p> <p>Planning authorities must help facilitate delivery of the necessary increase in appropriate renewable and low carbon energy developments (electricity and heat) so that the contribution of this sector to the transition to a net zero energy is optimised. This requires</p>	6.225	<p>The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning applications should be granted.</p>	<p>Para 21.1 Policy RE 1 (page 398-399) Policy GP 1 (page 107) Para 5.8</p>	<p>Para 21.1 refers to the targets set out in the Climate Change Act that at least 80% of electricity consumption be from renewable sources.</p> <p>Policy RE 1 criterion (c) requires that a proposal does not result in an unacceptable adverse impact on biodiversity, natural environment or historic environment interests. J&A focuses on protected species and priority habitats and the need for screening via a Biodiversity Checklist.</p> <p>Policy GP 1 criterion (a) bullet 4 requires that proposals must demonstrate compliance in that it '...conserves and, where possible, enhances the quality and integrity of the natural and historic environment, including the marine environment, and local biodiversity, resulting in the delivery of ecosystem services.'</p> <p>The J&A for this policy at para 5.8 states:</p> <p>'The urgency to reverse biodiversity loss is as much an environmental emergency as cutting greenhouse gas emissions. As such, new development should enhance the natural environment and ecosystem services should be protected. The Local Biodiversity Action Plan (LBAP)</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

292

	careful balancing of the local impacts with the wider environmental, economic, and social benefits. Moratoria on planning applications whilst LDPs are being prepared or updated are not appropriate.				identifies actions for key habitats and species in Ards and North Down.' Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.
6.222	Councils must set out policies and proposals in their LDPs to enable the plan area's optimum contribution to achieving the renewable energy targets to be realised. LDPs should support a diverse range of technologies at different scales and include the factors to be taken into account in decision-taking such as locational criteria, technology specific criteria, micro-generation, and passive solar design considerations, where appropriate.	6.221	Councils should set out policies and proposals in their Local Development Plans (LDPs) that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design. LDPs must take into account the above-mentioned aim and regional strategic objectives, local circumstances, and the wider environmental, economic and social benefits of renewable energy development. Moratoria on applications for renewable energy development whilst LDPs are being prepared or updated are not appropriate.	Para 21.1 Para 21.7 Renewable Energy Strategy (page 396) Para 21.10 Policy RE 1 (page 398-399) Policy RE 2 (page 407) Para 21.47-21.49	<p>The dPS Renewable Energy Strategy is to: '...positively facilitate the Borough's full potential for renewable and low carbon energy developments.'</p> <p>This language is similar to that of Edition 2 in terms of enabling '..the plan area's optimum contribution to achieving the renewable targets to be realised'.</p> <p>Para 21.1 and Para 21.7 also set out that the dPS policy approach directly supports regional energy policy and targets in the Energy Strategy and Climate Change Act.</p> <p>Para 21.10 of the dPS refers to the SPPS (2015) requirement that '..councils should set out policies and proposals in their LDPS that support a diverse range of renewable energy development, including the integration of micro-generation and passive solar design.'</p> <p>This has been taken account of through policy RE 1 in respect of the diverse range of technologies and the factors to be taken into account in decision taking.</p> <p>The J&A for RE 1 restates the main renewable and low carbon energy sources and clarifies that the policy also applies to emerging technologies, energy storage and the repowering of existing sites.</p> <p>Policy RE 1 includes technology specific criteria on wind turbines and the J&A sets out specific information in relation to other technologies such as solar, hydropower, biomass, geothermal and BESS. The Council is cognisant that there is a wealth of technological specific information in the Department's retained planning guidance and best practice on specific renewable and low carbon energy sources.</p> <p>The J&A goes on to provide more detail on each of the five criteria set out in the policy. It also notes that there is currently no evidence to support the designation of areas within the Borough as 'acceptable in principle' for wind or large-scale solar farms. Therefore, locational specific criteria have not been included in the policy – rather the criteria contained within the policy alongside retained planning guidance in best practice and SPG, provides the policy context for determining whether a proposal is acceptable.</p> <p>The dPS is not considered to be significantly different or in conflict with this direction and is therefore considered to align with the SPPS Edition 2.</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

293

					Policy RE 2 requires applicants to consider and incorporate design-led energy efficiency measures and the use of decentralised, renewable and low-carbon energy supply systems. This includes microgeneration and passive solar design
		6.222	Particular care should be taken when considering the potential impact of all renewable proposals on the landscape. For example, some landscapes may be able to accommodate wind farms or solar farms more easily than others, on account of their topography, landform and ability to limit visibility.	Para 21.4 Policy RE 1 (page 398-399) Para 21.23-21.24 Para 21.27	<p>Para 21.4 sets out the desirability of preserving the quality and character of the natural and historic environment with particular reference to the Area of Outstanding Natural Beauty (AONB).</p> <p>Policy RE 1 criterion (b) requires that proposals for renewable and low/zero carbon energy development not result in an unacceptable adverse impact on visual amenity, landscape and seascape character. J&A at paras 21.23-21.24 and at para 21.27 refers.</p> <p>The dPS is considered to align with regional strategic policy.</p>
6.223	All renewable and low carbon energy development, any associated buildings, and supporting infrastructure will be permitted where the proposal will not result in an unacceptable adverse impact (alone or in combination with other developments) on the following planning considerations: <ul style="list-style-type: none"> • public safety, such as roads, rail, and aviation safety (including communications interference); human health; • residential amenity and impacts on other such sensitive receptors {communities and individuals, including future occupants of committed developments}; • visual amenity and landscape character, including cumulative impact (see also paragraph 6.225 in respect of proposals impacting designated landscapes); • biodiversity and geodiversity, nature conservation, archaeological or built heritage interests; • local natural resources, such as air quality, water quality or quantity; • the capacity of and effects on the transportation network; and, • impacts on tourism, recreation, and public access to the countryside. 	6.224	Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning considerations: <ul style="list-style-type: none"> • public safety, human health, or residential amenity; • visual amenity and landscape character; • biodiversity, nature conservation or built heritage interests; • local natural resources, such as air quality, water quality or quantity; and, • public access to the countryside. 	Policy RE 1 (page 398-399) Policy TRAN 2 (page 422)	<p>This has been taken account of through policy RE 1 which states: 'Planning permission will be granted for proposals for renewable and zero or low carbon energy generation and storage provided the proposal, and any associated buildings and infrastructure (including transmission lines), would not result in an unacceptable adverse impact, either alone or in combination with other developments, on: <ul style="list-style-type: none"> (a) Public safety, human health, or residential amenity; (b) Visual amenity, landscape and seascape character; (c) Biodiversity, natural environment, or historic environment interests; (d) Local natural resources, such as air quality, water quality or quantity; and (e) Tourism, recreation and public access to the countryside...'</p> <p>The policy test is the same (unacceptable adverse impact) and all the criteria are covered excepting 'the capacity of and effects on the transportation network.'</p> <p>This consideration is contained within the transportation policies – notably in TRAN 2 Access to Public Roads. The dPS is to be read and applied as a whole.</p> <p>It is therefore considered that the dPS aligns with the regional strategic policy approach of the SPPS Edition 2.</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

294

6.224	Engaging communities is an essential part of the planning system and community representations are a material planning consideration for planning authorities in plan-making and decision-taking.				<p>The Council's Statement of Community Involvement sets out how the Council shall engage with the community and key stakeholders in the delivery of planning functions. 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.</p> <p>For example, Pre-Application Community Consultation is legislated for in The Planning Act (NI) 2011, requiring applicants to undertake community consultation in advance of submitting a major application.</p> <p>Public consultation is taking place in respect of the draft Plan Strategy.</p>
6.224	For all proposals, the factors to be considered on a case-by-case basis will depend on the type and scale of the development and its local context. Proposals will be assessed in accordance with normal planning considerations and criteria, including: access arrangements; road safety; design; integration; odour; noise; shadow flicker; ice throw; glint and glare; separation distance; communications interference; cumulative impact and the interrelationship between these matters. All proposals should take account of the local environment and, as appropriate, ensure any access, fences, gates, and planting are of an appropriate design standard. Ancillary infrastructure and associated works such as service roads, earthing cabling, ground remodelling etc. also require careful consideration in the determination of development proposals.	6.229	The factors to be considered on a case by case basis will depend on the scale of the development and its local context. In addition to those factors set out at paragraph 6.228 proposals will also be assessed in accordance with normal planning criteria, including such considerations as: access arrangements, road safety, good design, noise and shadow flicker; separation distance; cumulative impact; communications interference; and the interrelationship between these considerations	Policy GP 1 (page 107-110) Policy RE 1 (page 398-399) Transportation policies (page 409-436)	<p>Policy GP 1 sets out the general principles of development that will be applied consistently to all development proposals across the Borough. This includes criteria for furthering sustainable development; design quality; safeguarding residential amenity; access, movement and parking; and safety, human health and wellbeing.</p> <p>Policy RE 1 and its J&A provides for renewable and low carbon energy development provided it does not have an unacceptably adverse impact on a range of criteria.</p> <p>The Council is also cognisant that there is a wealth of specific information in the Department's retained planning guidance and best practice on specific renewable and low carbon energy sources.</p> <p>The dPS includes a range of Transportation policies that apply to access arrangements and road safety.</p> <p>Given the above, it is considered that the dPS aligns with the regional strategic approach in the SPPS Edition 2.</p>
6.225	There are landscapes where their intrinsic value should be protected against inappropriate development. A cautious approach will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to	6.223	A cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as Areas of Outstanding Natural Beauty, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings. In such sensitive landscapes, it may be difficult to	Policy RE 1 (page 398-399) Para 21.25	<p>The dPS was developed to take account of the SPPS (2015) – this includes para 6.223.</p> <p>Policy RE 1 criterion (b) requires that proposals for renewable and low/zero carbon energy development not result in an unacceptable adverse impact on visual amenity, landscape and seascape character. The policy states elsewhere, 'a cautious approach will be adopted within those areas considered to be most sensitive to proposals for renewable energy generation and storage.'</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

295

	accommodate developments and their associated infrastructure, without detriment to the region's cultural, archaeological, and natural heritage assets. Whilst the factors to be assessed may vary on a case-by-case basis, in all cases the landscape and visual impacts of proposals require particular attention in order to avoid unacceptable adverse impact on visual amenity and landscape character		accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage assets.		The J&A at para 21.25 refers to strategic planning policy providing for a cautious approach in designated landscapes that are of significant value, citing Strangford and Lecale AONB, Nendrum ASAI and Areas of High Scenic Value. The dPS states that proposals in these special landscape will be carefully considered against RE 1 and the area specific policy provisions within the LDP. It is therefore considered that the dPS aligns with the regional strategic approach of the SPPS Edition 2.
6.226	Climate change is adversely impacting nature and biodiversity. Development proposals should, therefore, protect and, where feasible, seek to enhance biodiversity which could contribute to strengthening existing nature networks and restoring degraded habitats			Policy RE 1 (page 398-399) Para 21.28 Policy GP 1 (page 107-110) Para 5.8	Policy RE 1 criterion (c) requires that a proposal does not result in an unacceptable adverse impact on biodiversity, natural environment or historic environment interests. J&A at para. 21.28 focuses on protected species and priority habitats and screening via a Biodiversity Checklist. Policy GP 1 criterion (a) bullet 4 requires that a proposal must demonstrate compliance in that it '..conserves and, where possible, enhances the quality and integrity of the natural and historic environment, including the marine environment, and local biodiversity, resulting in the delivery of ecosystem services.' The J&A for this policy at para 5.8 states: 'The urgency to reverse biodiversity loss is as much an environmental emergency as cutting greenhouse gas emissions. As such, new development should enhance the natural environment and ecosystem services should be protected. The Local Biodiversity Action Plan (LBAP) identifies actions for key habitats and species in Ards and North Down.' Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.
6.227	For wind farm development separation distances will be assessed on a case-by-case basis with a minimum separation distance to occupied property not less than 500m, generally applying. A case-by-case approach will apply to all other wind turbine development.	6.227	For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply.	Policy RE 1 (page 398)	Policy RE 1 sets out the separation distance and minimum distances. This aligns with the regional strategic policy approach in the SPPS Edition 2.

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

296

6.228	Planning authorities should facilitate suitable solar farms in appropriate countryside locations. Solar farms which are well planned and well screened can have an acceptable visual impact if located sensitively in the local landscape. In all locations, favourable consideration should be given to large scale rooftop solar energy proposals where there are no unacceptable adverse impacts, including glint and glare.		Policy RE 1 (page 398-399) Para 21.23 Para 21.22	Para 21.23 of the J&A for policy RE 1 references the importance of appropriate siting, design and landscaping schemes to minimise the landscape and visual impacts of a renewable or low carbon energy proposal. This is not specific to solar farms however the dPS is considered to align with the regional strategic policy approach of Edition 2 in this respect. Para 21.22 of the J&A for RE 1 references potential glint and glare resulting from solar farms and that applicants must demonstrate no unacceptable adverse impact in this regard. It is therefore considered that the dPS aligns with the regional strategic approach of SPPS Edition 2.
6.229	Well designed and appropriately located anaerobic digestion (AD) plants can make a positive contribution to optimising the potential for renewable and low carbon energy and should be located as close to the waste source as possible, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation. Farm AD plants should be designed and sited to integrate and cluster with the existing group of farm buildings and be of a size and scale appropriate to the location in which it is proposed. All proposals must be carefully considered to ensure that any potential adverse impacts related to their size and scale are compatible with the location in which it is sited. As well as statutory environmental requirements and the normal planning considerations, impacts on the transportation network will be important.		Para 21.2 Policy RE 1 (page 398-399) Policy GP 1 (page 107-110) Transportation policies (page 409-436)	Para 21.2 references biomass as one of the main sources of renewable energy. Anaerobic digestion is one of the techniques used to convert biomass into energy. Proposals for anaerobic digestion plants that require planning permission will be assessed under policy RE 1. The policy specifically states, 'Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.' The other points raised include: design, siting, appropriate scale, compatibility with location, statutory environmental requirements, normal planning considerations, and impacts on the transportation network. These factors are all covered in Policy RE 1 and its J&A or elsewhere in the dPS (e.g. GP 1 or transportation policies) alongside retained planning guidance such as PPS 18 'Renewable Energy' Best Practice Guidance and Draft Supplementary Planning Guidance to PPS 18 – Anaerobic Digestion. Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.
6.230	Whilst advancements and changes in technology may mean schemes are not like for like, life extension and re-powering of existing development has the potential to maintain or enhance installed renewable energy generation, where appropriate. Significant weight will be given to the benefits of re-powering, expanding, and extending		Policy RE 1 (page 398-399) Para 21.43	Proposals for the repowering of existing renewable and low/zero carbon energy development will be assessed under policy RE 1 which has the unacceptable adverse impact test. Para 21.43 of the J&A for RE 1 refers to the re-equipping or replacing of wind turbines with newer ones. Decommissioning is also referred to in retained planning guidance PPS 18 'Renewable Energy' Best Practice Guidance.

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

297

	the life of existing solar and wind farms unless the impacts identified (including cumulative impacts) are unacceptable and cannot otherwise be made acceptable.				Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.
6.231	Co-location of renewable and low carbon technologies and supporting infrastructure has potential benefits and should be facilitated, where appropriate. Furthermore, councils, developers, and other stakeholders are encouraged to explore more widely the opportunities for harnessing renewable and low carbon energy from new and extant developments where this can help to meet the energy demands of neighbouring land uses in the locality.			Policy RE 1 (page 398-399) Paras 21.37-21.42 Policy RE 2 Para 21.49	<p>Co-location is not expressly set out in the dPS, however a range of renewable and low-carbon energy developments is referenced in the Renewable Energy chapter and policy RE 1 – including BESS and emerging technologies. A proposal for multiple generation projects or combining different technologies would be considered under RE 1. Therefore, the dPS is not significantly different from or in conflict with Edition 2 of the SPPS in this regard.</p> <p>Policy RE 2 references decentralised energy supply systems. This is expanded upon at para. 21.49 of the J&A to include cogeneration/combined heat and power, and district or block heating and cooling.</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.</p>
6.232	In plan-making and decision-taking, planning authorities should encourage and support the appropriate use of micro-generation energy, including the retrofitting of renewable and low carbon energy technologies.	6.228	In decision-taking, the planning authority must carefully consider all development proposals for renewable energy development, including proposals which include micro-generation, and passive building design measures.	Policy RE 1 (page 398-399) Para 21.19 Policy GP 1 (page 107)	<p>Policy RE 1 does not preclude microgeneration – para 21.19 specifically refers to some forms of domestic micro-generation and some anaerobic digestion on agricultural land falling within permitted development rights.</p> <p>Policy GP 1 criterion (a) requires that development proposals demonstrate that it, ‘makes efficient use of energy, water and other resources and incorporates sustainable features and construction practices where practicable and appropriate, including the integration of electricity micro-generation and passive solar design.’</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.</p>
6.233	The ability of the landscape to accommodate development depends on careful siting, the skill of the designer and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation. The siting and cumulative landscape and visual impact of all energy developments (including existing development, extant permissions, and valid but undetermined applications) is of great importance and must be carefully considered. Where relevant, the impacts of onshore developments on seascapes	6.230	It will not necessarily be the case that the extent of visual impact or visibility of wind farm development will give rise to negative effects; wind farm developments are by their nature highly visible yet this in itself should not preclude them as acceptable features in the landscape. The ability of the landscape to absorb development depends on careful siting, the skill of the designer, and the inherent characteristics of the landscape such as landform, ridges, hills, valleys, and vegetation.	Policy RE 1 (page 398-399) Paras 21.23-21.24	<p>Policy RE 1 criterion (b) considers the impact on visual amenity, landscape and seascapes character.</p> <p>Paras 21.23-21.24 of the J&A for RE 1 provides further detail on this criterion.</p> <p>The wording of RE 1 states that the unacceptably adverse impact test is considered against proposals on their own and in combination with other developments.</p> <p>Retained planning guidance also refers and is referenced in several locations throughout the Renewable Energy chapter - ‘Wind Energy Development in Northern Ireland’s Landscapes’, PPS 18 ‘Renewable Energy’ Best Practice Guidance and Draft Supplementary Planning Guidance to PPS 18 – Anaerobic Digestion.</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

298

	will also be an important consideration. The cumulative impact will increase, for example, as the number of wind turbines and/or solar farms in an area increases. Landscape and visual impact assessments will assist in the consideration of cumulative impact. Considerations will include the impact on the character and quality of the landscape, its sensitivity, and the level to which the proposed development will become a significant or dominant characteristic of the landscape. For large scale developments, developers should seek to avoid areas close to key vantage points from roads, viewpoints, and settlements.				Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.
6.233	'The relevant aspects of 'Wind Energy Development in Northern Ireland's Landscapes' and other relevant advice and guidance should be taken into account in assessing all wind turbine proposals.'	6.234	The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' and other relevant practice notes should be taken into account in assessing all wind turbine proposals.	Policy RE 1 (page 398-399) Para 21.26	<p>Policy RE 1 states: 'The latest published guidance will be taken into account in assessing proposals under this policy.'</p> <p>Para 21.26 states: 'The Council's updated 'Landscape Character Area Review' identified much of the Borough as having high sensitivity to tall structures including wind turbines. When read alongside best practice guidance such as 'Wind Energy in Northern Ireland's Landscapes', it will assist in identifying those landscapes in the Borough which are most sensitive to wind energy development.'</p> <p>Para 6.233 of Edition 2 is largely similar to para. 6.234 of the SPPS (2015) which was taken into account in the policy formulation for policy RE 1.</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.</p>
6.234	ETSU-R-97 remains the UK standard methodology for the assessment of noise from wind energy development and it, along with 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' prepared by the Institute of Acoustics, should be taken into account by decision takers. Potential noise impacts, including amplitude modulation from wind turbines on affected properties must be carefully			Policy RE 1 (page 398-399) Para 21.21-21.22	<p>Policy RE 1 criterion VII. under the sub-heading 'Wind Energy' requires that. '..the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise, shadow flicker, ice throw, and reflected light.'</p> <p>Noise, shadow flicker and glint and glare impacting upon residential amenity is further referenced in the J&A paras 21.21-21.22.</p> <p>ETSU-R-97 is specifically referenced in a footnote to para. 21.21.</p> <p>PPS 18 'Renewable Energy' Best Practice Guidance, (retained) contains further information and is referenced in several locations throughout the</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

299

	considered. Any potential impacts from wind energy proposals which are likely to result in shadow flicker on affected properties should be minimised and mitigated.				Renewable Energy chapter. Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.
6.235	Where appropriate, planning authorities should give due consideration to the use of suitable emerging technologies that can assist with enhancing the renewable energy potential of a development (for example, green hydrogen production facilities, heat networks, geo-thermal, and BESS). This approach can support decarbonisation efforts by achieving an increased benefit from renewable sources. Full details of proposals should be provided with the planning application, for example, planning applications for BESS development must be accompanied by details of the type, number, capacity, and chemical composition of batteries to enable assessment by planning authorities in line with their statutory responsibilities. Emerging technologies which support renewable energy development may be a stand-alone proposal; may be incorporated into a proposed renewable energy development scheme; or may be co-located with an existing renewable energy development. In all cases, the development must be properly described. There should be sufficient and robust evidence available on the emerging technology with any potential adverse impacts (above and/or below ground) understood and addressed in order for a proposal to be considered acceptable		Para 21.6 Para 21.37-21.39 Para 21.42		Para 21.6 of the Renewable Energy chapter references the potential for geothermal energy: 'Geothermal energy can significantly contribute to providing a renewable heat source for domestic and industrial sectors including heating housing, as well as applications in agriculture, industry and district heating.' BESS is specifically referenced in paras 21.37-21.39 and emerging technologies at 21.42 of the J&A for RE 1. Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

300

6.236	In assessing any potential safety aspects of proposed developments, including energy storage proposals, it is important for decision-takers to consult with all relevant statutory and advisory bodies such as: the Northern Ireland Fire and Rescue Service, and the Health and Safety Executive for Northern Ireland or appropriate authorities.		Para 21.39	Para 21.39 of J&A for RE 1 specifically references consultation with the Health and Safety Executive for Northern Ireland and the Northern Ireland Fire and Rescue Service amongst others. The Planning (General Permitted Development) Order (Northern Ireland) 2015 requires for consultation related to development proposals in the Development Management process. Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.	
6.237	For all development, applicants, operators, planning authorities and statutory consultees will be bound by environmental legislation requirements such as The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended and The Planning {Environmental Impact Assessment} Regulations (Northern Ireland) 2017. Proposals for renewable and low carbon energy must be assessed for their environmental impacts (covering installation, operation, and decommissioning stages, as appropriate) and comply with the relevant environmental legislation, case law, policy, and guidance prevailing at the time. Active peatland, for example, is of particular importance for its biodiversity, water, carbon capture and storage qualities which will be important material considerations which should be given significant weight. Degraded peatlands can also have natural heritage and potential carbon capture and storage value, and their protection and restoration potential can, therefore, also be a material consideration in the determination of planning applications on a case-by-case basis.	6.226	Active peatland is of particular importance to Northern Ireland for its biodiversity, water and carbon storage qualities. Any renewable energy development on active peatland will not be permitted unless there are imperative reasons of overriding public interest as defined under The Conservation {Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended	Policy RE1 (page 398-399) Paras 21.27-21.30 Paras 21.31-21.35 Para 21.44	Policy RE 1 requires that renewable and low/zero carbon energy proposals not result in an unacceptable adverse impact on: (c) biodiversity, natural environment, or historic environment interests; and (d) local natural resources such as air quality, water quality or quantity. J&A at paras 21.27-21.30 applies to criterion (c) and references The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 as amended. J&A for criterion (d) at paras 21.31-21.35 references additional licensing requirements in respect of Water Abstraction and Impoundment. Para 21.44 references additional information requirements with specific reference to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The dPS took account of the SPPS (2015) in relation to 6.226. Following informal consultation with Department of Agriculture Environment and Rural Affairs (DAERA), the Council amended its wording in policy RE 1 in respect of active peatland. Given the above, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

301

6.238	Proposals for renewable and low carbon energy development are likely to require a connection to the electricity network. Where possible and appropriate, any new power line connections associated with these developments should be laid underground to reduce the visual impact, however it is accepted that consideration must take account of costs which may otherwise render a project unviable, and other material planning considerations.	6.232	Some proposals for renewable energy development may require a connection to the National Grid. The grant of planning permission does not guarantee grid connection. Connection to the grid falls within the remit of Northern Ireland Electricity (NIE) and therefore liaison with NIE at an early stage of any renewable development but particularly a wind turbine farm development is considered to be paramount in relation to the viability of such a scheme.	Policy RE 1 (page 398-399) Para 21.50 Policy EI 1 (page 440)	<p>Policy RE 1 refers to buildings and infrastructure associated with renewable and zero/low carbon energy proposals including transmission lines.</p> <p>The J&A for Policy RE 2 (para 21.50) encourages early engagement with NIE Networks in relation to proposals for on-site renewable generation.</p> <p>Policy EI 1 applies to electricity infrastructure. It states:</p> <p>'Planning permission will be granted for electricity infrastructure, gas network infrastructure together with any enabling works where they:</p> <ul style="list-style-type: none"> (a) Avoid sites of landscape sensitivity; (b) Avoid areas of nature conservation, historic or archaeological interest; (c) Minimise their visual intrusion; (d) Follow the natural features of the environment; and (e) In the case of overhead cables, the undergrounding of services is preferred. If this is not possible, applicants are required to demonstrate to the satisfaction of the Council, why this cannot be achieved...' <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.</p>
6.239	Applicants will be required to provide details on future decommissioning, including proposals for site restoration. Planning authorities must consider and make use of suitable planning conditions (or a legal agreement, where appropriate) to ensure the decommissioning of developments and site restoration when they reach the end of their design life, taking into account any proposed after use of the site.	6.233	In relation to developments such as wind farms and solar farms, applicants will be required to provide details on future decommissioning, including proposals for site restoration. In such cases planning conditions (or a legal agreement where appropriate) should be used.	Policy RE 1 (page 398-399) Para 21.43	<p>Para 6.239 of Edition 2 is similar to para 6.233 of the SPPS (2015).</p> <p>Policy RE 1 was prepared to take account of para 6.233 and refers to the removal of above-ground redundant plant, buildings and associated infrastructure and that the site is restored to an agreed standard appropriate to its location.</p> <p>Para 21.43 of the J&A also refers to decommissioning including proposals for site restoration. The use of conditions or S.76 planning agreement are referenced.</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2.</p>
6.240	Where there is necessary onshore development associated with offshore renewable energy proposals, it is important for both terrestrial and marine planning authorities to work together. Great care must be taken in locating such onshore development taking into account other relevant policy provisions of the SPPS, including the subject policy 'Coastal Development'.			Policy RE 1 (page 398-399)	<p>Onshore development is not specifically referenced in the dPS.</p> <p>However policy RE 1 states that 'Planning permission will be granted for proposals for renewable and zero or low carbon energy generation and storage provided the proposal, and any associated buildings and infrastructure (including transmission lines), would not result in an unacceptable adverse impact, either alone or in combination with other developments, on...' and goes on to list five criteria.</p> <p>Therefore, onshore development to enable offshore proposals would be considered under policy RE 1.</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.</p>

Ards and North Down Borough Council LDP dPS Edition 2 SPPS Table 1

302

6.241 For all development, developers should, as early as possible, proactively engage with key stakeholders, including the local community in the vicinity of their proposal with information on the development and technology being proposed. In preparing the planning application, and taking account of any views received, the developer should consider how to avoid or minimise any adverse impacts through the choice of location, siting, scale, and design being proposed. Any voluntary community benefits offered by the developer will not be a material consideration in decision-taking.		Policy PA 1 (page 119) Para 6.7	<p>The dPS does not expressly set out that developers should proactively engage with key stakeholders including the local community in the vicinity of their proposal. However, this is supported by the Council and is considered to be a matter of best practice.</p> <p>Pre-Application Community Consultation is legislated for in The Planning Act (NI) 2011, requiring applicants to undertake community consultation in advance of submitting a major application.</p> <p>Policy PA 1 Para 6.7 of the J&A refers to voluntary community benefits offered by a developer not being material considerations in decision-taking.</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.</p>
	6.231 Where any project is likely to result in unavoidable damage during its installation, operation or decommissioning, developers will be required to indicate how such damage will be minimised and mitigated, including details of any compensatory measures, such as a habitat management plan or the creation of a new habitat. These matters will be agreed before planning permission is granted	Policy RE 1 (page 398-399)	<p>Policy RE 1 states, 'Permission will only be granted if any unavoidable damage that would be caused during installation, operation or decommissioning is minimised and mitigated, and where necessary, compensated for.'</p> <p>Therefore, the dPS is considered to align with the regional strategic policy approach of the SPPS Edition 2 in this respect.</p>

Unclassified

303

ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Exemption Reason	Not Applicable
Council/Committee	Planning Committee
Date of Meeting	03 February 2026
Responsible Director	Director of Place and Prosperity
Responsible Head of Service	Head of Planning and Building Control
Date of Report	19 January 2026
File Reference	
Legislation	The Planning (NI) Act 2011 & The Planning (Trees) Regulations (NI) 2015
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below: N/A
Subject	Quarterly Update on Tree Preservation Orders and Works Requests
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 August 2025 (date of previous report) to 16 January 2026.

Detail

The table overleaf sets out the figures from the date of the last report to Committee.

RECOMMENDATION

It is recommended that Council notes the content of this report.

Not Applicable

304

Table 1 Tree Preservation Orders Served

TPO (Full or Provisional)	Date Served	Address
LA06/20205/0018/TPO	7 November 2025	Lands to the north and west of Killaire House, 22 Killaire Road, Bangor

Table 2 Consent for Works Decisions

TPO or Conservation Area	Consent Granted / Notification Accepted*	Consent Refused
Tree Preservation Orders	11	0
Address		
1. 48 Station Road, Holywood		
2. Glenmakieran House – 139-141 Bangor Road, Holywood		
3. 2a Ballydrain Road, Comber		
4. 6a Kathleen Avenue		
5. 23 Bridge Road, Helens Bay		
6. 159a Groomsport Road, Bangor		
7. 1 Ballyholme Bay Avenue, Bangor		
8. 24 Clanbrassil Road		
9. Lands adjacent to Ballyholme Bay Avenue, Bangor		
10. 1B Carnathan Lane, Donaghadee		
11. 1 The Grange, Comber		
Conservation Area	3	0
Address		
1. Lands at Church Lane, adjacent to and west of Church Court, Holywood		
2. Priory Surgery, 26 High Street, Holywood		
3. Victoria House, 1a Victoria Road, Holywood		

* Notification refers to when the Council receives notification of proposed works to trees within a conservation area. If the Council does not accept the proposed works, it must serve a TPO within the 6-week period from the date of notification. 'Notification Accepted' means that the Council did not consider it necessary to serve a TPO and thus there is no objection to the proposed works.

Not Applicable

305

DetailWorks to Trees - Tree Preservation Order Protection**1. 48 Station Road– works to 3no. trees**

- The request was seeking works to 2no. trees and to fell 1no. tree. These works were required for safety reasons. The tree to be felled had significant rot at the base and was suspected to be hollow.
- The Council considered that the works were appropriate.
- Replacement planting was conditioned with 1no. standard willow 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.

2. Glenmakieran House - 139 - 141 Bangor Road – felling of 19no. trees

- 12no. of these trees were not protected by a TPO and therefore consent was not required.
- The following 7no. trees were considered for removal and it was considered that these works were required for safety reasons. The Council commissioned its own health and condition survey on these trees.
- Replacement planting was considered appropriate with 7no. standard native trees at a height of 3-3.5m to be located within the area adjacent to the Bangor Road and carried out during the next available planting season following commencement of the works hereby permitted.

3. 2a Ballydrain Road, Comber – works to 7no. trees

- 2no. of the trees are not protected and therefore consent is not required.
- The applicant agreed to reduce the amount of crown reduction to the remaining 5no. trees which the Council considered was acceptable.

4. 6a Kathleen Avenue – felling of 1no. tree

- Request is to remove the tree given its close proximity to the dwelling and restricted area for root development. The tree survey report submitted with the application noted that the crown of the tree contains deadwood and that there are decayed wounds at points of branch loss and therefore associated stress at forked unions.
- The Council considered that the tree had outgrown its position given its size and location and due to the restricted space for root growth, it represented a risk to the property.
- Replacement planting was conditioned with 1no. 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. 23 Bridge Road, Helens Bay – felling of 1no. tree

- The tree was located on a raised bed adjacent to the paved driveway and due to this location, the tree had a very restricted root structure.
- A tree surgeon's report was submitted with the application which noted that the tree is in poor condition, has a very large crown, a slight lean in the stem and that there is some root disturbance. It notes that the tree has a weak juncture at 1.5m and that it is in very close proximity to the house.

Not Applicable

306

- The Council had concerns about the multi stemmed nature of the tree, its loss of vigour and restricted root structure and consented the removal on the basis of the proximity of the tree to the dwelling.
- It was conditioned that replacement planting be carried out as with 1 no. standard birch tree at a height of 3-3.5m. Replanting is to be located within the curtilage of the property and carried out during the next available planting season following commencement of the works permitted.

6. 159a Groomsport Road, Bangor – to carry out works to 2no. trees

- Works consisted of maintenance and management works which were considered appropriate for safety reasons given the proximity to the footpath and roadway.

7. 1 Ballyholme Bay Avenue, Bangor – fell 2no. trees

- The Council was content with the proposed felling on the grounds of health and condition as both trees were visibly dying back with significant brown foliage in the crowns.
- Given the stature of both trees, the Council has conditioned replanting with 2no. standard native trees at a height of 3-3.5m to be located within the curtilage of 1 Ballyholme Bay Avenue and carried out during the next available planting season following commencement of the works permitted.

8. 24 Clanbrassil Road – fell 7no. trees

- The Council's consent was only required to remove 6no. of the trees.
- Works acceptable on the basis of the health and condition of the trees and therefore consent granted for the felling on safety reasons.
- Replacement planting is a requirement for all 6no. trees to be removed with 6 no. standard native trees at a height of 3- 3.5m.
- Replanting is to be located within the rear garden area of 24 Clanbrassil Road, Holywood, and carried out during the next available planting season following commencement of the works permitted.

9. Lands adjacent to Ballyholme Bay Avenue, Bangor – fell 1no. tree and carry out works to 7no. trees

- The applicant advised that works have been requested by DFI Roads and that notice has been served on the landowner to carry out the works to ensure pedestrian and road safety.
- Request is to remove Tree no. 39 as it is dead and crown lift the remaining 7no. trees.
- The dead tree was exempt and therefore consent was not required for its removal.
- The remaining works to crown lift were considered acceptable on the grounds of road safety.

10. 1B Carnathan Lane, Donaghadee – fell 2no. trees

- 2no. trees requested to be felled on the grounds of safety, management and maintenance.
- One of the trees was exempt and therefore consent was not required.
- The Council considered it appropriate to grant consent for the felling of the remaining tree on the grounds of safety.

Not Applicable

307

- Replacement planting is a requirement with 1no. standard native tree at a height of 3-3.5m. This tree is to be located within the curtilage of 1b Carnathan Lane and planted during the next available planting season following commencement of the works permitted.

11.1 The Grange, Comber – Carryout works to 1no. tree

- The initial request was to significantly reduce the tree on the grounds of health and safety
- Following a storm the tree started to fail with a large split visible on the upper trunk of the tree
- Following an emergency inspection the Council advised that no objection to any works given the significant health and safety risk posed and in any event the tree would now be exempt in line with the legislation.

Conservation Area Notifications

1. Lands at Church Lane, adjacent to and west of Church Court, Holywood – fell 1no. tree and carry out works on 2no. tree groups

- The tree to be felled was considered to have outgrown its location and the Council had no objection to its removal.
- The applicant had also served notice on the Council to crown lift one tree group and significantly reduce another tree group.
- The Council considered that these works were appropriate.

2. Priory Surgery, 26 High Street, Holywood – removal of 4no. trees

- The request was for the removal of 4no. trees given their close proximity to the surgery with concerns about structural damage to the building
- Each tree is located just a few metres from the gable elevation of the building, within 2m. Given their maturity and positioning in such close proximity to the surgery building, the Council considered each tree to have outgrown this position and is content for them to be removed for safety reasons.

3. Victoria House, 1a Victoria Road, Holywood – works to 4no. trees

- The request was to carryout maintenance works to 4no. trees including crown lifts and crown cleans
- The Council considered the works acceptable.