

ARDS AND NORTH DOWN BOROUGH COUNCIL

29 March 2022

Dear Sir/Madam

You are hereby invited to attend a virtual meeting of the Planning Committee of the Ards and North Down Borough Council which will be held via Zoom on **Tuesday, 05 April 2022** commencing at **7.00pm**.

Yours faithfully

Stephen Reid
Chief Executive
Ards and North Down Borough Council

A G E N D A

1. Apologies
2. Declarations of Interest
3. Matters arising from minutes of Planning Committee meeting of 01 March 2022 (Copy attached)
4. Planning Applications (Reports attached)

4.1	LA06/2020/0714/O	Erection of 2 No. detached dwellings and garages with associated site works Land between 45 Ballyhay Road and 11 New Line Road, Donaghadee <u>Person speaking in support of the application:</u> • Patrick O'Reilly (Agent)
4.2	LA06/2020/0464/F	ITEM WITHDRAWN - Demolition of existing industrial buildings and replacement with 23 unit Social Housing development comprising 10no. 2 bedroom townhouses, 11no. 2 bedroom apartments (including 3 wheelchair needs GF apartments) and 2no. 1 bedroom apartments, associated access, parking and landscaping

		Lands at 101 Quarry Heights, Newtownards
4.3	LA06/2019/1007/F	Retention of a fence and gate surrounding an existing pumping station (Retrospective) Seacourt WWPS Lands 20m North of 1 Seacourt Lane, Bangor <u>Person speaking against the application:</u> <ul style="list-style-type: none"> • Councillor Jennifer Gilmour
4.4	LA06/2020/0014/F	Single-storey amenity building to serve established fishery with kitchen, clubroom, overnight guest accommodation, hardstanding and associated site works Lands approximately 200m East of 155b Movilla Road, Newtownards
4.5	LA06/2020/0823/F	Construction of 29 No. dwellings (16 No. houses and 13 No. apartments) with associated car parking and landscaping Land at 160 High Street, Holywood
4.6	LA06/2020/0273/F	Ground floor extension to NE side of existing offices, to replace existing ground floor offices 17 Moss Road, Ballygowan
4.7	LA06/2020/1054/F	2 No. detached dwellings on Site 4 (previously approved detached house ref: W/2006/0314/RM) with detached garages, landscaping and associated site works Lands immediately NE of 6 Craigavad Park, Holywood <u>Person speaking against the application:</u> <ul style="list-style-type: none"> • Neil Davison <u>Person speaking in support of the application:</u> <ul style="list-style-type: none"> • David Donaldson (Agent)

4.8	LA06/2021/0169/F	Demolition of dwelling to accommodate replacement dwelling and garage, landscaping and associated site works 12 Rugby Avenue, Bangor <u>Person speaking in support of the application:</u> • Colin McAuley (Agent)
4.9	LA06/2021/0353/F	Environmental Improvement Scheme consisting of creation of a new civic focal point and reorientation of the memorial statue. Installation of street furniture, pillars and raised planters. Replacement of street lighting with feature columns. Extension and refurbishment of existing pedestrian wall with feature inlays. New decorative surfaces to all footpaths, art work to gable wall, winch anchor point, relocation of Armco barrier and concrete hard standing to the existing winch house and all associated site works Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie

5. Update on Planning Appeals (Report attached)
6. Planning Service Unit Plan 2022/23 (Report attached)
7. Presentation to Members of studies for LDP (Report attached)
8. Update on Queen's Parade (Report attached)

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

9. Update on Enforcement Matters (Report attached)

MEMBERSHIP OF PLANNING COMMITTEE (16 MEMBERS)

Alderman Gibson	Councillor Cooper
Alderman Keery	Councillor McAlpine
Alderman McDowell	Councillor McClean
Alderman McIlveen	Councillor McKee (Vice Chair)
Councillor Adair	Councillor McRandal
Councillor Brooks	Councillor P Smith
Councillor Cathcart (Chair)	Councillor Thompson
Councillor Kennedy	Councillor Walker

ARDS AND NORTH DOWN BOROUGH COUNCIL

A meeting of the Planning Committee was held virtually on Tuesday, 1 March 2022 at 7.00 pm via Zoom.

PRESENT:

In the Chair: Councillor Cathcart

Aldermen: Gibson McDowell (7.02pm)
Keery (7.01pm) McIlveen

Councillors: Adair McKee
Brooks McRandal
Cooper (8.03pm) Smith P
McAlpine Thompson (7.01pm)
McClellan (7.01pm)

Officers: Director of Regeneration, Development and Planning (S McCullough), Head of Planning (A McCullough), Senior Professional and Technical Officer (P Kerr), and Democratic Services Officers (M McElveen and P Foster)

WELCOME

The Chairman (Councillor Cathcart) welcomed everyone to the meeting.

NOTED.

(Alderman Keery and Councillors McClellan & Thompson joined the meeting at this stage – 7.01pm)

1. APOLOGIES

The Chairman sought apologies at this stage.

An apology had been received from Councillor Walker and also apologies for lateness from Councillor Cooper.

NOTED.

(Alderman McDowell joined the meeting at this stage – 7.02pm)

2. DECLARATIONS OF INTEREST

The Chairman sought Declarations of Interest at this stage and none were declared.

NOTED.

3. MATTERS ARISING FROM MINUTES OF PLANNING COMMITTEE MEETING OF 1 FEBRUARY 2022

PREVIOUSLY CIRCULATED:- Copy of the above.

RESOLVED, on the proposal of Councillor McKee, seconded by Councillor Adair, that the minutes be noted.

(Councillor Adair left the meeting at this stage – 7.03pm)

4. PLANNING APPLICATIONS

4.1 LA06/2020/0955/F– Change of use from existing 2-storey barn to a residential dwelling at existing stone barn building located between 6 Maxwell Lane and 8-8a Maxwell Lane, Bangor
(Appendix I)

PREVIOUSLY CIRCULATED:- Case Officer's Report.

DEA: Bangor West

Committee Interest: A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation

Proposal: Change of use from existing 2-storey barn to a residential dwelling

Site Location: Existing stone barn building located between 6 Maxwell Lane and 8-8a Maxwell Lane, Bangor

Recommendation: Approval

The Planning Officer (P Kerr) advised that the application was being presented to committee as it had attracted 17 letters of objection from nine separate addresses. The main planning issues raised by third party objections were:- loss of residential amenity, intensification of site usage, additional traffic on laneway, car parking, impact of construction works, out of character for the ATC, lack of amenity space for the dwelling, additional bins on lane, impact on sewage system, bats. Those had been addressed in the case officer report and she would endeavour to further address a number of those as she went through her presentation.

With regard to consultations DFI roads DAERA natural environment division and NI water were all consulted on the proposal and raised no objections

The site consisted of a small plot of land on which there was a stone barn building and a greenhouse. The barn was traditional in architectural style finished in stone and render with irregular window openings and an arched barn door. There was a small garden in the northwest corner of the plot. The barn appeared to be used as storage. There was a converted barn directly opposite the barn that was the subject of this application and access to the site was via Maxwell lane which was a private lane way off Maxwell drive

Recent relevant planning history around the site included the barn opposite the barn that was the subject of this application and also an adjacent dwelling.

W/2006/0034/F: 8A Maxwell Lane, Bangor

Conversion of a barn to a residential dwelling house - Permission Granted: 19/05/21

LA06/2017/0681/RM: Lands 40m to the north-east of 8 Maxwell Lane, Bangor
Detached dwelling with garage and associated landscaping works - Permission
Granted 14/11/17

Turning to the development plan. The site lay within the development limit in both Draft Belfast metropolitan area plan and the North Down and Ards area plan. The site also lay within the proposed Bangor West Area of Townscape Character within draft BMAP. The proposal was in compliance with the Development Plans.

Turning to regional policy considerations. The relevant policies for this proposal were the SPPS, PPS2 Natural Heritage, PPS3 Access Movement and Parking, APPS7 Safeguarding the Character of Established Residential Areas, PPS7 Quality Residential Environments and PPS12 Housing in Settlements. With regard to the SPPS paragraph 6.137 stated that the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms. As this proposal was within the settlement limit and was converting an existing building it was consistent with the aims of the SPPS and was in fact the type of development that the SPPS encouraged.

With regard to natural heritage, an extensive biodiversity checklist was submitted by Ayre Environmental consulting. DAERA HED were consulted and responded with no objections subject to conditions and there was no impact on natural heritage therefore PPS2 was met.

With regard to the addendum to PPS6 in relation to ATC's it was important to note that this proposal would breathe life into a currently dis-used building. The existing building on site exhibited a level of disrepair and therefore this proposal would result in the enhancement of the Area of Townscape Character. The proposed design of the conversion was appropriate for both the host building and for the character of the area. The original features of the barn would be retained and enhanced as part of the conversion. PPS6 Addendum and therefore the SPPS were met.

Addendum to PPS7 Safeguarding the Character of residential areas talked about the proposed density not being significantly higher than that found within the Established Residential Area. The density of the proposed development would be 33 dwellings per hectare. Although there were densities which were lower than this in the ERA it was important to bear in mind that this was for the conversion of a building that already existed on the site and therefore in this case density became less of an issue.

Turning to PPS7 and Quality Residential Developments, the development respected the surrounding context and the host building and would have a positive impact on the character of the area and drew upon best local traditions. There would be enough private amenity space for prospective residents which amounted to just over 40 square metres to include the proposed first floor terrace. This was deemed acceptable within the guidance Creating Places.

With regard to impact of residential amenity for neighbouring dwellings there would be no significant impact. There were angled windows and obscured glazing in appropriate locations to ensure that there was no overlooking or loss of privacy. The proposed terrace facing No.6 Maxwell Lane was not only screened but if the screening did not exist would look largely into front amenity space. The gable end of the barn facing Maxwell Lane would have one first floor window serving a living area. An oriel projection window had been incorporated to ensure that any views were looking down the laneway rather than into the rear gardens and windows of the properties at 2C and 2D which were also afforded appropriate separation distances. The other end of the barn would feature a large picture vista window which would serve a kitchen living area, given the separation distance of 22 metres and angle at which this window was to be situated in relation to the dwelling at No.8 Maxwell Lane, there would be no unacceptable overlooking caused. This same window had the possibility to slightly overlook 6 Maxwell Lane in the rear portion of the garden and in accordance with PPS 7 it stated that overlooking of gardens may be unacceptable where it would result in an intrusive direct an uninterrupted view from a main room to the most private area of the garden which was often the main sitting out area adjacent to the property. This is not the case in this instance and no significant overlooking would be suffered by No.6

All upper floor windows facing 8A were to be obscured and the ground floor windows which were bedrooms would not have direct views into 8A due to existing boundary wall and fence. Dominance was not an issue as the building already existed.

With regards to PPS3 and in relation to Roads and parking issues, there was enough parking for the proposal as there would be three spaces where the greenhouse currently stood and the proposal would use an existing access. It was important to note that DFI roads had no objections to this application and officers were content that DFI roads as a statutory consultee were satisfied. The building as it currently existed could be used as a barn or storage and had the capacity to attract traffic as it stood.

In summary this proposal was acceptable in terms of the development plan and regional planning policy and would bring an existing building into use which would positively contribute to the urban environment in which it resided. A proposal of this type would be considered as planning gain and was in line with the principles of the SPPS which advocated the re use of buildings in an appropriate manner. The proposal was within the settlement limit and so there was a presumption in favour of development. Considering a structure already existed on the site and the design of the proposal was appropriate for the locality and would not harm any landscape features or residential amenity approval was recommended.

RECOMMENDED to grant planning permission.

The Chair invited questions from members.

Councillor McAlpine noted the roof of the adjacent barn conversion was slate and asked what materials would be used to roof the barn before them. Continuing she also sought clarification on what height the proposed terrace would be.

In response, the Planning Officer confirmed the proposed terrace would be at first floor level and surrounded by high level screening.

Councillor McAlpine expressed some concerns in respect of consistency in matters such as this particularly as other similar applications had been refused.

The Planning Officer stated that ample screening would be in place on the terrace which she added only overlooked a tarmac area and as such there would be no significant loss of private amenity. In respect of the materials to be used for the roof of the barn, she confirmed that it was proposed to re-roof it in slate.

Councillor P Smith proposed, seconded by Councillor McRandal, that the recommendation be adopted.

The proposer, Councillor P Smith, acknowledged that the Council encouraged applications of this nature to be brought forward in order to increase density in areas of urban environment such as this.

RESOLVED UNANIMOUSLY, on the proposal of Councillor P Smith, seconded by Councillor McRandal, that officer's recommendation be adopted and planning permission is granted.

5. PLANNING APPEALS (Appendix II)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that the following appeal was DISMISSED on 7 February 2022.

Appeal reference:	2020/A0129
Application Reference:	LA06/2017/0869/O
Appeal by:	Mrs Jean Caughey
Subject of Appeal:	Refusal of planning permission for a 'Replacement Dwelling'
Location:	10 Balligan Road, Kircubbin

The Council refused this application on 09 October 2020 for the following reason:

- The proposal is contrary to the SPPS and PPS 2: Natural Heritage (Policy NH 2) in that it has not been demonstrated that the development would not harm statutorily protected species.

The application was submitted in July 2017 and given the nature of the proposal the agent was requested to complete a Biodiversity Checklist. This was submitted a year later in August 2018. Further to consultation with NED a full bat survey was requested to be submitted but given how close it was to the end of the survey season an extension was granted. A year later the information had still not been submitted. A member of Planning Committee then requested a further delay of a year for submission given family circumstances, despite the application having been in the system since 2017. In 2020 in light of continuing non-submission of the required information the application was refused. A number of elected

representatives contacted the Case Officer querying the requirement for the information.

Planning Policy NH 2 within PPS 2 stated that planning permission would only be granted for a development proposal that was not likely to harm a European protected species. The presence of species protected by legislation was a material consideration when a planning authority was considering a development proposal that if carried out, would be likely to result in harm to the species or its habitats.

If there was evidence to suggest that a protected species was present on site or may be affected by a proposed development, steps must be taken to establish whether it was present, the requirements of the species must be factored into the planning and design of the development, and any likely impact on the species must be fully considered prior to any determination. The Commissioner considered that “any determination” would include determination of an application for outline planning permission, such as this.

The Council in its Statement of Case referred to two pieces of case law concerning the consideration that must be given to European protected species in the planning process. Both *R (on the application of Woolley) v Cheshire East Borough Council* [2009] EWHC 1227(Admin) and *Morge v Hampshire County Council* [2011] UKSC 2 related to the impact of development on bats, and they highlight the duties of planning authorities under the Habitats Directive (to “have regard” to the impact of development on European protected species). The Commissioner agreed that they supported the Council’s position that a bat survey of the appeal site was required before outline planning permission could be granted.

The Commissioner referred to the Council as having ‘*exercised patience in delaying their determination for several years to enable the submission of a survey*’.

It was to be highlighted to the Planning Committee that in line with Guide to the Planning Application Process and its accompanying checklists, published in January 2020, the Planning Department would not in future entertain such delays rather, where the requisite information was not submitted, the application would either be returned as invalid or determined as a refusal on the basis of PPS 2, Policy NH 2, or other relevant policies.

Further to support requested and agreed by Committee in October 2019 (reference minutes at Item 7 of that meeting), Planning staff would continue to highlight on the delegated list and Committee schedules those applications whereby straight refusal was recommended on basis of avoiding convoluted negotiation on non-policy compliant applications, or those which did not have the requisite information submitted despite, often repeated, requests by the Planning Department.

New Appeals Lodged

The following appeal was lodged on 28 January 2022 in respect of an Enforcement Notice.

Appeal reference:	2021/E0067
Application Reference:	LA06/2016/0326/CA
Appeal by:	Mr Robert Busby
Subject of Appeal:	The alleged unauthorised change of use from: 1. farm building to commercial butchers' unit; 2. farm building to a retail farm shop and 3. use of area of hardstanding as a car park.
Location:	Land at 40 Comber Road, Balloo

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

RECOMMENDED that Council notes this report.

The Head of Planning guided members through the report, highlighting the salient points within it.

RESOLVED, on the proposal of Councillor McKee, seconded by Councillor Thompson, that the recommendation be adopted.

6. NI AUDIT OFFICE REPORT AND DFI REVIEW OF IMPLEMENTATION OF THE PLANNING ACT

(Appendix III)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that the report related to two separate reviews of the NI planning system, or aspects of it, as follows:

- a) Publication of the Northern Ireland Audit Office's report on its review of the wider NI planning system; and
- b) the Department for Infrastructure's report on its review of the implementation of the Planning Act (Northern Ireland) 2011.

This report provided a summary of the findings of those two reports with an officer analysis of the issues raised and sets out next steps for dealing with the issues identified by the two reports. The report also took the opportunity to set out some of the current significant impacts that issues raised by the reports, alongside other factors, were having on the Council's operation of its Planning Service.

RECOMMENDED that the Council notes the report and the various attachments.

The Head of Planning guided members through the report and its attachments, highlighting the salient points within them.

Councillor McKee proposed, seconded by Alderman McIlveen, that the recommendation be adopted.

The proposer, Councillor McKee acknowledged the points had been well made throughout the report and agreed that currently the Planning system was not working

well and he hoped this report would provide a much needed wake up call. He referred to Section 26 of the report which considered 'Charges for Pre Application Discussions (PADS)' and sought comment from officers on that.

The Head of Planning confirmed that currently Belfast City Council was the only planning authority which had those charges in place. She added that other authorities were not in a position to do so due to financial and staff constraints. Members were advised that PADS would put further onus upon Council officers when there was no statutory requirement to do so. She added that they could provide much needed additional funding but continuing she alluded to the lack of legislative provision and the fact that currently many applicants often went against any advice offered to them.

Commenting as seconder, Alderman McIlveen noted the report was reflective of current frustrations, adding that currently the system had not operated as smoothly as hoped since the powers had been transferred. He gave credit to the Council's Planning section for how quickly it had been set up and became operational despite the many challenges. Continuing he acknowledged there were some very difficult and major decisions to be taken adding that he would have some concerns with PADS and their input into the planning process. In summing up he stated that the content of the report had not come as a surprise but he was hopeful it would provide an opportunity to address many of the ongoing issues.

Councillor McRandal expressed disappointment on reading the report and sought guidance from officers on where the Council could go from here.

In response the Head of Planning stated that she would meet with representatives of the Department to put forward the Council's concerns with the various issues it had come across. She added that a closer working relationship needed to be established given the current loss of investment, particularly direct foreign investment. The Head of Planning suggested that the Council too needed to make improvements as did the Rivers and Roads sections within the Department.

Councillor P Smith referred to the cost element of the current system and how financially viable it was and also suggested that consideration needed to be taken of the overall purpose of the planning system, adding that some of the outturn rates were bizarre. Continuing he asked if there could be benefits to shared services and suggested reform should take place.

The Head of Planning reminded members that planning fees had not seen any proper increase since the transfer of powers and she felt that was not reflective of the amount of work involved in processing applications. She suggested that the Planning department needed to adopt a tougher approach to applications by either refusing them outright or giving them one opportunity to amend. Indeed she commented that she was aware many developers would be willing to pay more in order to get more timely decisions. Continuing the Head of Planning referred to the extreme amount of work carried out by officers which they were not paid for. She stated that the 11 Councils did not operate as one single planning body but instead all operated individually. She also believed there were a number of issues for which there was much uncertainty and which could require changes to legislation.

Councillor P Smith referred to the benchmarks set by the English and Welsh planners and their decision times which appeared to be significantly quicker than the Council's. In response the Head of Planning agreed that was another issue and a reason why officers were so keen to see the introduction of a Statutory Validation Checklist. She added that following the transfer of functions a review of the planning system was to have been undertaken.

At this stage the Chairman, Councillor Cathcart, commented that the report before them was a reflection of where the planning system currently was, and suggested that it was now time to reconsider what the purpose of it was. By way of example he referred to the ongoing delays with the Queens Parade development which were the result of an unelected body calling in the application, a key regeneration project. He recalled the setup of the LDP's and the request by the Department for them to be in place within what were ridiculous timescales. Continuing Councillor Cathcart stated that he was encouraged on reading the report to see that they too had raised serious concerns and he hoped the Department would take notice. Referring to PADs he expressed the view that they could be useful when dealing with larger applications.

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

7. DFI UPDATE ON PLANNING FORUM ACTIONS

(Appendix IV)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that the Department's Chief Planner wrote to Chief Executives on 14 February 2022 to provide an update on the progress of the Planning Forum, which was established following a review into the effectiveness and efficiency of the planning system, focussing particularly on the role of statutory consultees in the process.

The cross governmental forum worked collaboratively between central and local government, with a particular focus on improving timeframes for processing major and economically significant planning applications. Local government was represented by Heads of Planning from three of the councils.

The attached table provided detail of the actions – in respect of those completed, those reliant on other processes and decisions, and those to be completed.

RECOMMENDED that Council notes this report and the attached table detailing the Planning Forum Actions to date.

Following on from discussion of the previous item, the Head of Planning made mention of the John Irvine Report which related to the planning system and specifically the efficiency and effectiveness of the statutory consultees. She explained that the Planning Forum was a high level group represented by three local authority members as well as a cross party of representatives comprised from Central Government Departments. They had provided this update of actions embarked upon since its establishment in December 2019.

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

Also referring to item 6, Councillor P Smith drew attention to the frustration in connection with this highly operational report. There were over 30 recommendations and two thirds were completed so based on that interpretation we must have had a revamped and improved planning system. He regretted the Committee's acceptance that that was not the case, which thereby reinforced the requirement for a more strategic review of the system rather than continuing to apply plasters.

Alderman Gibson believed that meetings of the Forum had been useful as they highlighted that everyone was approaching tasks in different ways. Although it was not the fault of a particular grouping, coming together helped to discover what worked and what did not. It had undoubtedly been a long drawn out process through the LDPs and he trusted there had been some benefit acquired. He sought the view of the Head of Planning in that regard.

The Head of Planning clarified that all 11 Heads of Planning were asked to compile a list of the top 10 issues that would make a significant difference. They were somewhat disappointed to learn that those had not been prioritised by the Department. Legislative change was still needed together with funding for the statutory consultees and the Minister acting on some of those recommendations for the Planning Act. She echoed the comments of Councillor P Smith in terms of the level of frustration felt. The Public Accounts Committee had also asked the Local Government representatives if they considered they were an equal party on the Planning Forum. Their response was that they did not necessarily deem that they were, given the smaller number of those representatives allowed to attend meetings. They reasoned that the Forum should include members of the public, developers and representatives of the planning industry and she anticipated that that matter would be addressed in the PAC report.

At this point, the Chairman brought attention to the 19 completed actions regarding statutory consultees since 2019 and he wondered if Officers had seen a noticeable improvement.

The Head of Planning verified that Officers had not witnessed much improvement outlining that NI Water and the Rivers Agency were the two slowest Departments to respond. She further explained that that was a result of the voluntary exit scheme creating numerous vacant posts and subsequent problems with recruitment. The vacancies in DfI Roads were being occupied but a 40% deficit remained within the Rivers Agency in sourcing staff with relevant skills. Furthermore, DfI Roads encompassed several different sections and sometimes a planning application necessitated passing through many of those. At present it took the Transport Section six weeks to release a Transport Assessment. Officers had voiced consternation with DfI Roads regarding a major housing application, having engaged with them on a PAD process and content of an Environmental Statement. Officers were still waiting six months after a consultation had been requested. She underlined that that was six months when Officers were expected to reach a decision on an application within 30 weeks. There were certainly fundamental problems and she

was aware that DAERA was making standard advice available to reduce the number of consultations they had to manage. Even so, if that information was not put forward at the start of the process, time was still wasted by Planning Officers on reconsulting.

RESOLVED, on the proposal of Councillor P Smith, seconded by Alderman Gibson, that that the recommendation be adopted.

8. CORRESPONDENCE RELATING TO STANDING ORDERS (Appendix V)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that on 24 November 2021 Council noted a legal judgment ('Hartlands') with its associated implications for Planning Committees in respect of Standing Orders.

It was agreed to write to the Department for Communities and Department for Infrastructure to raise the issue seeking urgent address. The attached letters from DFI's Permanent Secretary, dated 14 February, and the Infrastructure Minister's Private Office, dated 17 February 2022, detail the current position.

RECOMMENDED that Council notes this report and the attached correspondence.

The Head of Planning described the recent legal judgement that had imposed a change to the Standing Orders and protocol of all 11 Councils. Attached correspondence from the Minister underscored that it was an ongoing issue and that the DfC had received legal advice to urgently address this.

RESOLVED, on the proposal of Councillor McKee, seconded by Councillor P Smith, that the recommendation be adopted.

9. QUARTERLY PERFORMANCE REPORT (FILE 160127) (Appendix VI)

PREVIOUSLY CIRCULATED:- Report from the Director of Regeneration, Development and Planning detailing that that Council was required, under the Local Government Act 2014, to have in place arrangements to secure continuous improvement in the exercise of its functions. To fulfil this requirement Council approved the Performance Management Policy and Handbook in October 2015. 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 Towards 2024 in operation)
- Performance Improvement Plan (PIP) – published annually (for publication 30 September 2021)
- Service Plan – developed annually (approved April/May 2021)

The Council's 17 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.

The report for Quarter 3 2021-22 was attached.

Key points to note:

- Two applications in the major category of development were determined within the period.
 - LA06/2019/0603/F for 108 no. dwellings within the bawn wall in Newtownards was valid in June 2019 however went through a substantive number of amendments to address both consultee and planning concerns.
 - LA06/2020/0682/F concerned a change of house type for 11 dwellings within the already approved development – 'Rivenwood' – only recorded as 'major' due to the red line linking to the Movilla Road.
- Decisions on 292 applications in the local category of development were issued within the quarter, with an average processing time of 24.1 weeks. Staff absence and vacancies and consultee response times contributed to an increase in the quarterly average target processing time.
- Enforcement received 84 new complaints of alleged breaches of planning control, whilst concluding 81 cases.
- The Householder Team issued 40 decisions, of which 20 were determined within 8 weeks, 19 within the 15 week target for locals, with one remaining decision issued at 15.6 weeks.

Emerging issues:

- Processing times for applications continue to raise concern. Those had been affected due to COVID, other staff absences, quality of applications and external factors such as consultee response times.

Action to be taken:

- The Planning Service continued to work with the Planning Forum (DFI, Local Government and statutory consultees) to identify issues and address better procedures and standing advice where possible. Senior management within Planning continue to meet regularly with consultees to raise issues for resolution.

RECOMMENDED that the report is noted.

Referring Members to the content of the report, the Head of Planning confirmed that it was based on the Service Unit Plan. Processing times had been lengthier due to staff working from home and on a rota for attending the workplace with adherence to social distancing measures. Also, there had been difficulties utilising the public access system since mid January as Officers were unable to upload representations and plans or generate decision notices. They would continue to work with the Planning Forum and ascertain how that timeliness might be enhanced.

RESOLVED, on the proposal of Alderman Keery, seconded by Councillor McKee, that the recommendation be adopted.

10. NOTICE OF MOTION SUBMITTED BY COUNCILLORS KENDALL AND MCKEE

Councillor Kendall proposed, seconded by Councillor McKee that this Council will, for transparency in response to growing public interest in, and concern about, the protection of the trees in our Borough, and in light of the recent commitment this Council has made to “Stand4Trees”, make a monthly or bi-monthly report to the Planning Committee detailing: The number of applications received for Tree Protection Orders, granted and/or refused including the basis for those decisions and, The number of applications received for Works to Trees protected by virtue of being in Conservation Areas and/or protected by Tree Protection Orders considered by the Council, granted and or refused including the basis for those decisions. Subject to a report, this Council, in line with the principles set out in the Aarhus Convention in respect of citizens' right of access to environmental information, will also upload details of Tree Protection Order applications and applications for Works to Trees to the planning portal or the Council website, to ensure the public can access these documents without the need to submit an Expression of Interest and/or Freedom of Information Request.

(At this stage, the Chairman asked that Councillor Kendall be admitted to the meeting – 7.57 pm)

Ahead of asking Councillor Kendall to speak to her Motion, the Chairman sought an assurance that Members were content with the minor amendment of the decision being subject to a report.

Speaking to her Motion, Councillor Kendall explained that there were two aspects to this motion, providing information in relation to Tree Protection Orders to firstly Members here at the Planning Committee, and then secondly providing information to our residents.

There had been a wave of public outcry in relation to the felling of trees. To note three recent examples, tree works by the Department of Infrastructure at Seahill, the felling of trees in Stranmillis and recent tree felling at Stormont. All had caused significant public concern. Regardless of the reasons behind the felling, a significant cause of outcry had been the absolute lack of information shared with people about works that would be done and the reasons for the those works. People looked out of the window, suddenly walked past, and the trees were gone, decimated without explanation.

Whilst those were not the actions of our Council, she drew Members' attention to them because they were examples where transparency, community engagement and collaboration had fallen short. This Council had a Tree and Woodland Strategy, which reflected the views of our residents in recognising the importance of trees, the many benefits they afforded us and the important role trees play in mitigating some of the effects of climate breakdown. Members would be aware that the aims of this strategy included:

Aim 1 - Community engagement and collaboration in valuing trees as a vital community asset, tree planting to ensure a healthy balanced tree population and, tree management, ensuring trees are managed in the interests of safety and prevention of disease.

Although communities and residents may not always agree with decisions in relation to trees, it was the view of Councillor Kendall, that it was only through transparent communication and community involvement in our decision-making as far as possible, that we gained, retained and upheld public trust in what we did. Where we could find easy means of sharing information, we should take steps to improve. In public office, both elected Members and Council Officers were bound by Codes of Conduct – accountability and openness were shared principles which we all agreed to uphold and, as she mentioned when she last spoke at this Committee, under the Aarhus Convention, members of the public had a right to environmental information.

Currently elected Members and residents had limited means to find out about TPO applications or applications for Works to TPO'd trees in the Borough. At present, that was done predominantly via Freedom of Information requests. Anyone could raise a freedom of information request to find out about TPO applications or Works to TPO trees applications in the local area; one must either:

1. know about a TPO application/or Works to TPO'd trees application via some source – you needed the benefit of telepathy, or have been lucky to have observed work to trees, in order to prompt you to raise the FOI, or
2. regularly raise FOIs periodically to ensure that should a TPO application or should Works to TPO trees application be made by someone, you were made aware of it

Councillor Kendall insisted that neither way was easy nor fully transparent, nor was it efficient or an effective way to provide that information. Both methods led to unnecessary FOI requests and time spent by Officers to provide the answers to each individual case. Councillor Kendall went on to outline that their motion sought to respect residents' rights to environmental information and their efforts to protect their trees where possible, by being open and transparent with regards to information and decision-making in terms of TPOs and Works to protected trees, by making it readily available to members via planning committee and residents via the Council website.

Lastly, she commented that this Council had the opportunity to be a leader in sustainability and environmental protection, to continue to hold the respect of residents in the Borough through its commitment to the environmental information, by supporting greater transparency and engagement with residents of the Borough, and she hoped that Members would therefore support this Motion.

As seconder, Councillor McKee contended that it did not take a person to be a tree hugger or an environmentalist to see the value in trees. They played such a significant importance in our world and the fabric of this Borough. Despite that importance and the value people placed in trees, currently the lack of freely available information could leave the public disempowered when trees were felled.

He maintained that the trees natural capital was grossly undervalued under current planning legislation, with their status appearing disposable or easily replaced, meaning works to or removal of trees protected by Tree Preservation Orders or in Conservation Areas were never shared openly with the public. As elected representatives we would have engaged with members of the public, who had little or no faith in the tree protection processes of the planning system because it all appeared to be behind closed doors and untransparent. That mistrust of the processes and the public's perception of being shut out of decision-making shone a light on just one of the many flaws of the current planning legislation.

He indicated that this Council of course did not have the power to right the wrongs of the planning legislation, but it did have the opportunity to improve the transparency of this small part of the planning process and he hoped the outcomes of this NOM could improve the public perception of tree protection in this Borough.

Councillor McKee asserted that the importance of trees to the public and in particular mature trees was only going to increase as our Borough grew and as we mitigated and adapted to the challenges of climate breakdown. We had the chance to demonstrate that transparency was important to us, and we respected the public's right to engage in the processes of Tree Protection. We could demonstrate that the community engagement and collaboration in valuing trees was a vital community asset as detailed in the Tree and Woodlands Strategy and was something we really stood for, not just words in a strategy.

Alderman McIlveen was pleased that Councillor McKee had alluded to the aspect of legislation as he was mindful that we were still working within policy and legislation. He detailed that he had received emails on the matter and there appeared to be a degree of misconception amongst the public that this Notice of Motion would change everything. Having said that, he was very happy to offer his support as we had to guarantee there was transparency around the planning process. Undeniably there was gossip about how the Council reached decisions and therefore it was vital to ensure as much pertinent information as possible was accessible in the public domain. It was clear that the public held a keen interest in trees, particularly those covered by Tree Protection Orders and situated in conservation areas and he regretted that one gap persisted in respect of illegal works and investigations around those. There were of course significant concerns in those instances and perhaps the report could further examine such occurrences. He reiterated that the Motion was not a major game changer that the public anticipated. As Councillor McKee had ably said, we were dealing with the same legislation and policy and working within those confines but he hoped it better informed the public on how we reached decisions in terms of the Planning Department.

Also grateful for the explanations and amendment for the inclusion of a report, Councillor McClean stressed the importance of that as initially the Motion was demanding certain actions that the Council may or may not be able to undertake. In fact, it may not be a game changer as correctly identified by Alderman McIlveen. The opening remarks of Councillor McKee outlined that you did not need to be a tree hugger to understand the importance of trees. He assumed that it was likely that most elected Members in Northern Ireland recognised the fundamental value of trees, given their environmental effects whilst understating their social attributes in

keeping places cool and beautiful during hot weather. In a similar vein, he had received numerous emails from the public so on this subject he felt everyone was on the same page. However, he said he would depart from the opinions of Councillors Kendall and McKee by advising that rather than worrying about the lack of consultation, many people were more concerned about trees being felled and the resultant environmental impact. We all wanted to plant more trees and preserve native hedging and mature trees.

Continuing, Councillor McClean emphasised that the emails he had received related to two distinct issues; some agreed with the wording of the Motion but others asked him to understand the importance of trees and we had to be very careful to distinguish between those two viewpoints. Councillor McKee had indicated that a lack of information could lead the public to feel disempowered when the trees were felled. He did not accept that the public's main concern was not receiving due information. They acknowledged that they had no legal power and were upset because the trees were cut down. Councillor McKee had intimated that if legislation was insufficient to provide protection for trees and repair the damage caused after centuries of felling trees on this island, then that had to be looked at separately. Taking account of public perception and receipt of the report, we had to be wary that we did not give the false impression that every tree thereafter would gain complete protection. Those circumstances would not transpire and inevitably would exacerbate the level of public frustration with the current process. He was content to support the Motion and await the Officers' report as it was essential to have transparency for the public. Ultimately, even with the report it could continue to be Officers who made the calls about which trees came down subject to TPOs, unless the appropriate legislation was changed. It may be counterproductive by agreeing the Motion tonight and being viewed that we would be in a better position to protect trees. Additional information would not empower the public to have any impact on saving particular trees and thus he again commented on the need to tread carefully on how the message was heard by the public.

Following on, Councillor McRandal articulated that he endorsed the sentiments of Councillors Kendall and McKee although acknowledging that the Motion did not change the relevant legislation and rights. He fully supported transparency but also the elevation of ecological and environmental considerations within the planning function and the amendment was crucial. He understood that there was no easy way for implementation and in effect a database would be set up for public access. The report provided an opportunity to scrutinise and reassure ourselves that what we wanted and needed could be delivered and he thanked the Councillors for bringing the Motion forward.

Looking ahead to the report, Councillor P Smith underlined the significance of conversation and how we presented information to the public. He was certain Members were aware of an interactive map which displayed the position of TPOs, the plans and details of the Order. The information was readily available for the public to view albeit not in chronological order or showing works to trees. He supposed we should look at how we could make certain those details were delivered timely and more accessible fashion. He urged those Members who had not viewed the system to have a look to understand where the gaps were and he welcomed the report in due course.

Extending his support for the Motion, Alderman McDowell wished to concur and highlight the concerns of previous speakers. Having been a Councillor for 30 years he had witnessed abuses involving some developers. As an example, he recalled how on occasion it was suggested on the application that only two or three trees would be felled but in reality that could result in over 20 trees being lost. An array of excuses was often proffered that the trees were diseased or dead but there was always a suspicion that diesel had been poured around the roots to kill them or diggers had purposely damaged them. It was his viewpoint that preventing such future occurrences was the predominant issue given that there was currently no legislation in place to do so. Transparency was vital but so too was strict legislation and more trees must be planted. He appreciated that in some development sites a few trees may have to come down but new replacement trees should be planted. There seemed to be no protection or consultation as trees could suddenly be felled in the middle of the night when it was too late to preserve them. Given the obvious lack of safeguards, he stated that if we were serious about protecting trees, stronger legislation was key to prevent trees from being felled without permission. In his opinion, it should be an offence to remove trees without going through a due process.

With no additional comments from Members, the Chairman invited Councillor Kendal to summarise.

Concluding, Councillor Kendall thanked Members for their support and took on board the concerns many had raised. She added that without doubt, the current planning legislation was notably lacking and if they had the powers to make changes she would do so. Alongside her colleague Councillor McKee, she was confident that the Notice of Motion represented a tangible means to increase awareness and demonstrate our commitment to providing relevant information to residents. The interactive map showing the TPOs seemed to be a great means to do so but she was sure that Officers could suggest some options. She argued against some remarks made by Councillor McClean as she thought residents were aware of both the concerns and powers of the Council. Where decisions had to be taken to fell trees for safety or disease, she said people would understand that rationale if the appropriate information was available. She conveyed to Members that difficulties arose when they could not easily access those facts and it led to rumours and growing frustration. Concurring with Alderman McIlveen, she believed greater enforcement action would be beneficial but we were reliant upon planning legislation for those powers. In closing, Councillor Kendall again thanked Members for their input which would back up how Council Officers undertook excellent decisions based on applicable information. It would also allow a proper review of the tree safety issues and assist the community to better understand those decisions.

Thanking Councillor Kendall, the Chair asked that she be placed in the virtual public gallery.

RESOLVED, on the proposal of Councillor Kendall, seconded by Councillor McKee, that this Council will, for transparency in response to growing public interest in, and concern about, the protection of the trees in our Borough, and in light of the recent commitment this Council has made to “Stand4Trees”, make a monthly or bi-monthly report to the Planning Committee detailing: The

number of applications received for Tree Protection Orders, granted and/or refused including the basis for those decisions and, The number of applications received for Works to Trees protected by virtue of being in Conservation Areas and/or protected by Tree Protection Orders considered by the Council, granted and or refused including the basis for those decisions. Subject to a report, this Council, in line with the principles set out in the Aarhus Convention in respect of citizens' right of access to environmental information, will also upload details of Tree Protection Order applications and applications for Works to Trees to the planning portal or the Council website, to ensure the public can access these documents without the need to submit an Expression of Interest and/or Freedom of Information Request.

TERMINATION OF MEETING

The meeting terminated at 8.21 pm.

ITEM 4.1

Ards and North Down Borough Council

Application Ref	LA06/2020/0714/O
Proposal	Erection of 2 No. detached dwellings and garages with associated site works
Location	Land between 45 Ballyhay Road and 11 New Line Road, Donaghadee DEA: Ards Peninsula
Committee Interest	A Local development application 'called-in' to Planning Committee from the delegated list w/c 07 March by a member of that Committee- Called in by Cllr Adair: <i>"I wish to call in the above application to give the committee the opportunity to consider loss of amenity of existing properties and lack of infrastructure in the area to accommodate further developments"</i>
Validated	14/09/2020
Summary	<ul style="list-style-type: none">• Site located in the countryside• Proposal is for outline planning permission therefore it is the principle of development which is being considered• CTY8 of PPS 21 deals with proposals for infill dwellings• Consultees have no objection• 5 objections from 3 addresses• All objections dealt with in case officer report
Recommendation	Approval
Attachment	Item 4.1a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2020/0714/O	DEA: Ards Peninsula	
Proposal:	Erection of 2 No. detached dwellings and garages with associated site works		
Location:	Land between 45 Ballyhay Road and 11 New Line Road Donaghadee		
Applicant:	Mr P Turtle		
Date valid:	14.09.2020	EIA Screening Required:	No
Date last advertised:	24.09.2020	Date last neighbour notified:	31.12.2021
Letters of Support: 0	Letters of Objection: 5 objections from 3 addresses	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads	No objection		
DAERA Water Management Unit	Refer to standing advice		
NI Water	No objection		
DfI Rivers	No objection		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Design, integration and impact on rural character • Access and parking • Drainage and Flooding 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site is located at lands between 45 Ballyhay Road and 11 New Line, Donaghadee. The site is part of grassed fields with a gravel area adjacent to an outbuilding. The site slopes slightly downwards from the roadside towards the rear of the site. There is hedging along the roadside boundary and timber fencing along part of the rear boundary. There are trees along the adjoining boundary with No. 11 New Line and the south-eastern boundary adjacent to the outbuilding is undefined.

The area is within the countryside as designated within the Ards and Down Area Plan 2015. The area is characterised by agricultural land with dispersed dwellings and agricultural buildings. In the immediate area there are several dwellings and farm buildings at the junction of New Line and Ballyhay Road.

2. Site Location Plan



3. Relevant Planning History

No relevant site history.

4. Planning Assessment

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- 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

Principle of Development

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 land use proposals that will be used to guide development within the area. The site is within the countryside as designated within the Ards and Down Area Plan 2015. There are no other designations affecting the site. The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 21. Policy CTY1 of PPS 21 lists a range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. The relevant criteria will be considered in the assessment below.

The proposed site is part of a field between a dwelling and outbuildings and an agricultural shed. At this location there is a line of three or more buildings along New Line – travelling north-west along New Line at the junction with Ballyhay Road there is a dwelling at No. 45 Ballyhay Road, an agricultural shed then the gap site and a dwelling with three outbuildings beyond at No. 11 New Line. The dwelling at No. 45 Ballyhay Road is considered to have frontage onto New Line as the plot on which it sits abuts the road along New Line. It is therefore considered that there is a substantial and continuously built-up frontage in accordance with Policy CTY 8 as there is a row of three buildings along the road.

The gap is considered as a small gap site suitable only to accommodate a maximum of two dwellings as the gap site width between the agricultural shed and the nearest outbuilding at No. 11 New Line along the frontage is 75m and the frontage width of

No. 11 New Line is 39m and the frontage width of No. 45 Ballyhay Road is 44m. An indicative site layout has been provided which demonstrates the frontage width of one dwelling will be 31m and the second will be 34m. Two dwellings could therefore be accommodated on this site with frontage widths comparable to the other dwellings along the frontage. The gap site is considered as too large to only accommodate one dwelling.

As this application is for outline permission, only an indicative site layout plan has been submitted. This demonstrates satisfactorily how two dwellings can be accommodated on the site which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposed dwellings will be sited to front the road and although built slightly in front of the adjacent dwelling at No. 11 New Line, there is no established building line along the frontage and the agricultural shed and dwelling at No. 45 Ballyhay Road are built closer to the road. The rear boundary of the site will tie in with the rear boundary line of No. 11 New Line and No. 45 Ballyhay Road to ensure the proposed dwellings will have similar plot sizes.

It is therefore considered that the principle of development of this site is acceptable as the proposal complies with Policy CTY8 of PPS 21.

Integration and Impact on Rural Character

The proposed dwellings will visually integrate into the surrounding landscape and will not be a prominent feature as the site is relatively flat, the proposed dwellings will be sited fronting the road between several existing buildings and will respect the existing building line along the frontage.

As this is for outline permission, full details of the height and design of the proposed dwellings have not been included. However, an indicative site section drawing has been provided which demonstrates the dwellings will have a maximum height of 6m above finished floor. This height will be conditioned in any approval. The adjacent dwelling at No. 11 New Line is single storey and the dwelling at No. 45 Ballyhay Road is 1 and a half storeys therefore the proposed height will tie in with the character along the frontage and aid integration of the proposed dwellings.

There is existing hedging along the front of the site which the indicative site plan demonstrates will be removed and new hedging planted behind the visibility splays. A landscaping plan will be conditioned to be submitted at the reserved matters stage and a condition added that all new boundaries shall be post and wire fencing with native species hedgerow planted on the inside to aid integration and soften any visual impact of the dwelling.

It is considered that the proposal will not cause a detrimental change to, or further erode the character of the area. The siting and height of the proposed dwellings and landscaping will be conditioned to ensure the proposal is in keeping with the rural character of the area. The proposal will not create ribbon development as it is infilling a small gap site within a substantial and continuously built-up frontage. At the junction of Ballyhay Road and New Line there are several dwellings and agricultural buildings. The site will not extend into the open countryside and will be contained within and

read with this group of development to prevent any adverse impacts on the character of the rural area.

It is therefore considered that the proposal complies with policies CTY 13 and CTY 14 of PPS 21 as it will visually integrate into the surrounding landscape and will not cause a detrimental change to, or further erode the rural character of the area.

Sewerage Disposal

As this is for Outline permission, no detailed plans have been provided to show the location of septic tanks etc. However, it is considered that the size of the site is sufficient to ensure sewerage proposals can be provided without any adverse impacts on the amenity of the area.

Residential Amenity

The proposed dwellings will have no unacceptable adverse impacts on residential amenity. The proposed dwellings will be located on a gap site between a dwelling at No. 11 New Line and an agricultural shed. The indicative layout indicates that the dwellings will be built gable to No. 11 with a sufficient separation distance and a garage and existing band of trees along the adjoining boundary. The indicative layout demonstrates that a new boundary will be created between the site and the agricultural shed at the rear of No. 45 Ballyhay Road to prevent any unacceptable adverse impacts on the residential amenity of the site.

Access and Roads Safety

The proposal will create two new accesses onto New Line. New Line is not a protected route. DfI Roads was consulted and offers no objections subject to a site plan being submitted at reserved matters stage showing the access to be constructed in accordance with the specified details.

The indicative site layout demonstrates there is sufficient space within each site for the parking of more than 2 cars and each dwelling will have a detached garage.

It is, therefore considered that the proposal complies with policies AMP 2, AMP 3 and AMP 7 of PPS 3 and will not prejudice road safety or significantly inconvenience the flow of traffic.

Designated Sites and Natural Heritage

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.

Completion of a Biodiversity checklist demonstrates that the proposal is not likely to impact any protected species or priority species or habitats.

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

Flooding and Drainage

Initial consultation with DfI Rivers set out that the site is in the 1-100 year Strategic Flood Plain under Policy FLD 1 of PPS (Revised) 15. As this is the strategic flood map and not a detailed modelled Flood Hazard map, the applicant was required to undertake a Flood Risk Assessment to verify the more accurate extent of the flood plain. A Flood Risk Assessment was submitted and DfI Rivers reconsulted. The FRA details that in line with Policy FLD 1 no development is to take place within the 1-100 year floodplain and the proposed dwellings finished floor level is to be located a minimum of 600mm above the adjacent floodplain and 300mm above existing ground level. No loss of floodplain is expected as a result of this development and the site is not at risk from fluvial flooding.

DfI Rivers commented that it accepts the logic of the FRA and has no reason to disagree with its conclusions.

Under Policy FLD 3 a drainage assessment is not required as the proposal does not exceed any of the thresholds. However, DfI Rivers commented that '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.'

DfI Rivers confirmed that Policies FLD 2, 4 and 5 are not applicable to the site.

The proposal is therefore considered to comply with the policies in PPS 15 (revised) and will not be at risk from flooding or increase the risk of flooding elsewhere.

5. Representations

Five objections have been received from three addresses. The main issues of concern are:

- *The site is not within a cluster of development.*

It is agreed that the site is not within a cluster of development as per the definition in Policy CTY2a of PPS 21. The development is being applied for under Policy CTY8 of PPS 21 for the development of a small gap site within an otherwise substantial and continuously built up frontage.

- *Infill policy refers to a 'building' which makes it clear that multiple dwellings are not considered acceptable under this policy.*

Policy CTY 8 of PPS 21 refers to the development of a small gap site sufficient only to accommodate up to a maximum of two houses. This proposal is for two houses and therefore can be considered under Policy CTY 8.

- *SPPS states that development in the countryside must be sited and designed to integrate, not have adverse impact on rural character, meet other planning and environmental considerations including drainage, sewerage, access and road safety.*

These issues have been discussed in detail in the body of the report and for the reasons stated it is considered that the proposal is sited and designed to integrate and will not have adverse impact on rural character or drainage, sewerage, access and road safety.

- *Does not respect pattern of development along New Line where there are gaps between buildings. No substantial and continuous frontage along this part of the road. Proposal would create a substantial frontage to detriment of countryside. The Big Plan Outcome 5 refers to looking after natural environment. Does not integrate and will have an adverse impact on rural character.*

Policy CTY 8 of PPS 21 allows for the development of a small gap site sufficient only to accommodate a maximum of two dwellings within an otherwise substantial and continuously built up frontage. It has been considered in detail in the body of the report how the proposal complies with Policy CTY 8, and it will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and integrate into the surrounding area without an adverse impact on rural character.

- *Additional traffic, road safety, narrow road, issues at junction with Ballyhay Road. Removal of hedge to achieve sight splays.*

DfI Roads was consulted and offers no objections from a road safety perspective. The plans indicate that the existing hedging will be replaced behind the splays.

- *Land subject to flooding – flood plain concerns, drainage problems.*

DfI Rivers was consulted, and a Flood Risk Assessment was submitted which details that the site is not within the flood plain. DfI Rivers is content with the proposal from a flood risk perspective.

- *Discharge of sewage*

As this is outline permission the details of the septic tank and soakaways have not been provided. However, Water Management Unit was consulted and has no objections to the proposal. It refers to standing advice which the applicant will need to comply with and apply under separate legislation outside of Planning for Consent to discharge under the Water (NI) Order 1999.

6. Recommendation

Grant Planning Permission

7. Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

4. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform and to ensure residential amenity is not adversely affected.

5. The development hereby permitted shall have a layout which is broadly in line with the indicative layout plan drawing no. 02A bearing the date stamp 14 December 2021 but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.

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

6. The proposed dwellings shall have a ridge height of 6 metres or less above finished floor level.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the surrounding landscape.

7. The depth of underbuilding for each dwelling between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

8. A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage. Such a scheme shall provide for species, siting and planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of development. The landscaping shall be carried out as approved and completed during the first available planting season following the occupation of the first dwelling hereby approved.

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

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

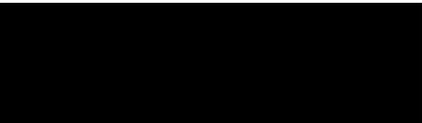
Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape.

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

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

Informatives:

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.

Case Officer Signature:		Date:	
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ITEM 4.2

Ards and North Down Borough Council

Application Ref	LA06/2020/0464/F
Proposal	Demolition of existing industrial buildings and replacement with 23 unit Social Housing development comprising 10no. 2 bedroom townhouses, 11no. 2 bedroom apartments (including 3 wheelchair needs GF apartments) and 2no. 1 bedroom apartments, associated access, parking and landscaping
Location	Lands at 101 Quarry Heights, Newtownards DEA: Newtownards
Committee Interest	A Local development application 'called-in' to Planning Committee from the delegated list w/c 14 March by a member of that Committee- Called in by Ald McDowell: <i>"I wish to call in Planning Application LA06/2020/0464/F land at 101 Quarry Heights Newtownards on the grounds of Traffic Safety and the site is situated in former Industrial Lands in a major Industrial Estate in Newtownards"</i>
Validated	08/06/2020
Summary	<ul style="list-style-type: none">• Proposal for the provision of 23 housing associated units• Site located within development limits of Newtownards therefore presumption in favour of development• Previous extant outline approval for residential development on the site which is a material consideration• No designations on the site• Consultees have no objections• 2 letters of objection and one letter of support from MP for the area
Recommendation	Approval
Attachment	Item 4.2a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2020/0464/F	DEA: Newtownards	
Proposal:	Demolition of existing industrial buildings and replacement with 23 unit Social Housing development comprising 10no. 2 bedroom townhouses, 11no. 2 bedroom apartments (including 3 wheelchair needs GF apartments) and 2no. 1 bedroom apartments, associated access, parking and landscaping.		
Location:	Lands at 101 Quarry Heights, Newtownards		
Applicant:	AKM Development Ltd		
Date valid:	08.06.2020	EIA Required:	Screening Yes
Date last advertised:	17.02.2022	Date last notified:	neighbour 03.03.2022
Letters of Support: 1	Letters of Objection: 2	Petitions: 0	
<p>Letters of Objection: 2 from 2 separate addresses</p>			
Consultations – synopsis of responses:			
Dfl Roads	No objections.		
NIEA	No objections.		
Dfl Rivers	No objections.		
Health and Safety Executive for NI	No objections.		
NI Water	No objections.		
Environmental Health Department	No objections.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Planning history of the site • Impact on the character and appearance of the area • Access and parking requirements • Impacts on residential amenity 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site is located at the corner of North Road and Quarry Heights in Newtownards and consists of a redundant quarry and concrete batching plant. There is an existing vehicular access into the site from Quarry Heights near its junction with North Road. There are a number of sheds and equipment associated with the former concrete plant still in situ. The topography of the site is split into 3 areas, the North Road frontage which slopes gently upwards from west to east, the lower ground containing the former working quarry area in the northern half of the site and a raised level area in the south east corner of the site. Unprotected trees previously lined the southern (North Road) and western (Quarry Heights) boundaries of the site and these have been felled and removed from the site in October 2021.

The area surrounding the site comprises residential properties to the east, south and west with industrial units to the north and north west.

2. Site Location Plan

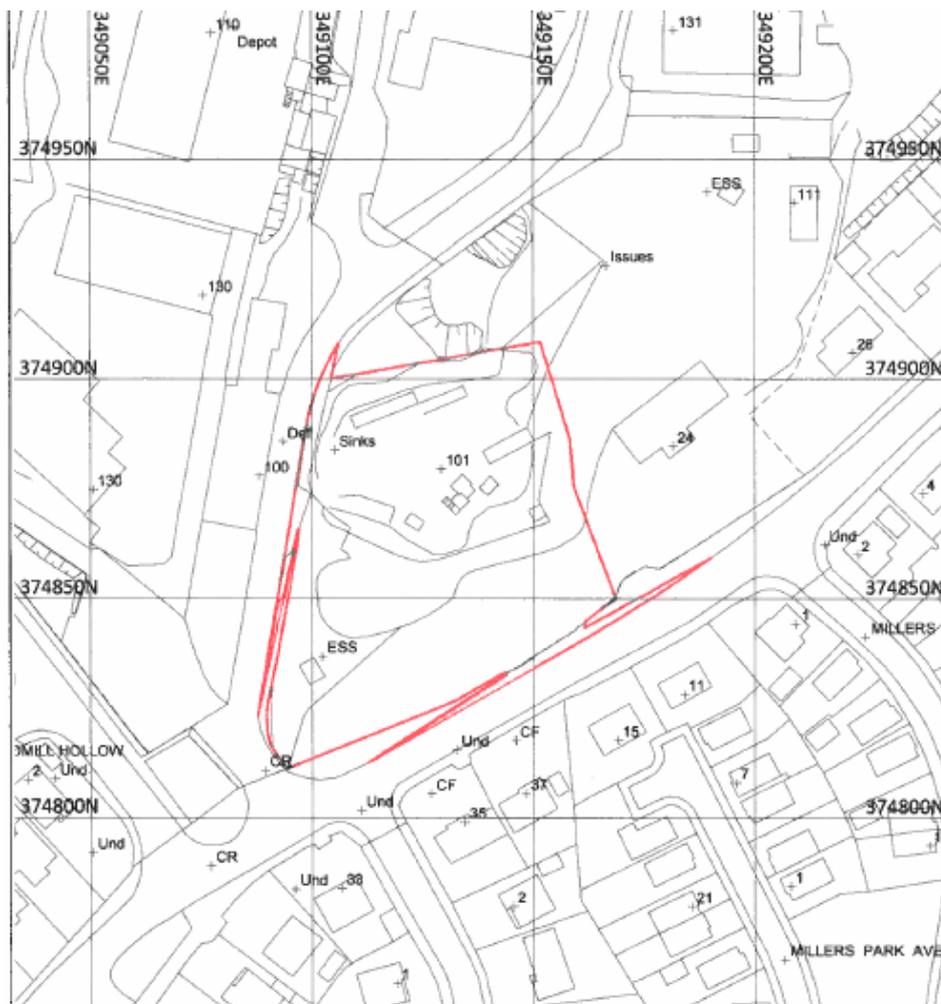


Figure 1 Site location plan

3. Relevant Planning History

LA06/2017/1116/O - Demolition of existing industrial structures and proposed residential development of 18 apartment units averaging 750sq ft with associated carparking and landscaping. Outline permission granted on 11.04.2019.

The above outline permission is still extant.

Amendment to the initial proposal in the current application LA06/2020/0464/F

The initial proposal submitted for this application was for 23 units however the proposed layout was deemed not to be policy compliant in that the relationship between the 3 storey apartment building and the semi-detached dwellings was unacceptable in terms of inadequate separation distances and overlooking and a lack of amenity space for the apartments and terraced dwellings also needed to be addressed.

The applicant was given the opportunity to amend the proposal. An amended scheme for the same number of units (23), consisting of 13 apartments and 10 dwellings, was received on 30 March 2021 and this will now be assessed in the following report.

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 7: Quality Residential Environments
- Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas.
- Planning Policy Statement 15: Planning and Flood Risk

Planning Guidance:

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

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is within the settlement limit of Newtownards as designated within the Ards and Down Area Plan 2015. There are no

other designations affecting the site. The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 7 – Quality Residential Environments and PPS 3 - Access, Movement and Parking. 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. The proposed development represents a sustainable form of development through the use of a brownfield site to accommodate residential development in an accessible location. The proposed development will provide residential units where occupants can access the town centre facilities within walking distance of the application site. The history of the site is relevant to this proposal as outline permission was previously granted for residential development under L06/2017/116/O and is still extant and on this basis, the principle of residential development on this site is considered acceptable.

Design, Visual Impact and Impact on Character of the Area

Policy QD1 of PPS 7 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character, appearance and residential amenity of the local area. The proposal will not damage the quality of the local area and will respect the surrounding context. The site is within the settlement limit of Newtownards. The North Road is predominantly residential with a mix of house types and designs. The area to the north and north-west of the site consists of properties on Quarry Heights and is predominantly an existing industrial area. Extant outline approval for residential development for 18 apartments exists on the site so the principle of residential development including apartments has already been established on the site.

The layout, scale and massing of the proposed units will respect the topography of the site and the character of the area. The surrounding context comprises of medium density housing consisting of mainly 2 storey detached and semi-detached dwellings and then the buildings associated with the industrial area on Quarry Heights including large and small scale industrial and commercial buildings. The proposed layout of the development respects the topography of the site in that the 3 storey apartment building and 2 storey townhouses have been positioned on the lower level of the site in the northern section of the site against Quarry Heights and 2 storey detached dwellings fronting onto North Road. The apartment building and 2 storey townhouses will benefit from the backdrop of the face of the quarry. Figure 2 below shows the proposed layout.



Figure 2
plan showing
the proposed
layout

The proposed roof styles for both the apartment building and the dwellings are described as ‘saw tooth’ gable roofs and chimney stacks and have been designed as such to reflect the historical, industrial land use of the site and adjacent industrial buildings – see figure 3 below. As the site is adjacent to both residential and industrial buildings, the design of the proposed buildings is considered acceptable and will be read in context with both the adjacent residential and industrial properties. The external finishes will include smooth rendered walls painted white and fibre-cement blue/black, flat and non-profiled roof slates. On this basis it is considered that the proposal will respect the surrounding context and character.



Figure 3 – cross section plan showing elevations of apartment and house types from Quarry Heights.

The layout is considered to be acceptable in that upon entering the development from the main vehicular access on Quarry Heights, the 3 storey apartment building will face towards the access with communal car parking to the front of the building creating an attractive layout. The dwellings on sites 1-10 and 11-12 will front onto North Road to ensure the dwellings are in keeping with the existing pattern of development along North Road. This results in the properties backing onto the site which is not ideal but mitigation in the form of attractive boundary treatments, has been included in order to ensure the area is as visually attractive as possible when viewed from within the site. The boundaries of the dwellings on sites 1-5 are to be defined by the existing retaining wall on the site which is to be reduced in height, re-rendered and painted white to match the dwellings and topped with timber fencing. The retaining wall to the rear of sites 6-10 will also be similar, being re-rendered, painted white with a planted buffer along the

frontage. A birch tree will be planted in each of the rear gardens in sites 1-5 and a cherry tree will be planted in each of the rear gardens in sites 6-10. It is considered that the view from within the site is acceptable and will create an attractive environment to live in.

Policy LC1 of the Addendum to PPS7 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where the proposed density is not significantly higher than that found in the locality; the pattern of development is in keeping with the overall character of the neighbourhood and all dwelling units are built to a size not less to those set of in Annex A of the policy document. The application site is considered to be a vacant infill site surrounded by an established residential area. The density of the proposed development is not considered as significantly higher than the surrounding residential area taking into consideration the properties on the North Road and also in the nearby Glen Estate. The density of 23 units on the 0.6ha site will equate to 38 units per hectare. The proposed density is considered to be within the range of densities in the immediate area of the site with an estimated density of 28 units per hectare in Killard Heights and 62 units per hectare in Glenburn Road. I am therefore satisfied that the proposed density would not be significantly higher than that found within the wider area. As previously discussed in the report the pattern of development is in keeping with the surrounding character. The proposed apartments and dwellings meet the space standards set out within this policy.

The proposal is therefore considered to comply with parts (a) and (g) of Policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS7 and all relevant guidance.

Amenity Space

Sufficient amenity space will be provided within the development. The proposal is for less than 25 units and areas of public open space are not required for this proposed development as per Policy OS 2 of PPS 8.

The dwellings fronting onto North Road on sites 1-10 have rear garden areas ranging from 40sqm to 89sqm in area which is above the minimum recommended area of 40sqm in Creating Places.

The apartments will share amenity space to the rear and side of the building which totals an approximate area of 362sqm. Creating Places recommends a minimum of 10sqm per apartment; 13 apartments are proposed and therefore the apartments are adequately provided for. A Landscape Management and Maintenance Plan has been submitted as part of the application which sets out a long-term maintenance schedule. An appropriate condition will be attached to any approval. The proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7 and all relevant guidance.

Impact on Residential Amenity

The proposal will have no unacceptable adverse impacts on residential amenity. The closest property to the site is 24 North Road and it is separated from the site by a row of mature, tall Leylandii trees on its own western side, together with a significant drop in levels by approximately 3m towards the front of the site, which increases significantly

towards the rear (northern) boundary. The gable end to end separation distance is 25m. The residential amenity of 24 North Road will not be directly impacted by the proposed development.

In terms of layout, siting and location of windows with regard to the relationship between each of the proposed units, this has been considered in the design and there will be no potential overlooking of private garden areas or facing windows between the properties. In terms of the apartment building, the elevation closest to the dwellings on sites 1-5, has one window serving a bathroom on this elevation on both the upper floors on the first and second floor and this will be fitted with opaque glazing and conditioned accordingly. There are two windows on this elevation on the ground floor to serve a bathroom and a bedroom and given the retaining wall that will run along the rear boundary of sites 1-5, it is considered that there will be no loss of privacy caused to either property. The separation between the apartment building and the rear elevation of the dwellings on sites 1-5 is 15m. The dwellings on sites 1-3 and 6-8 are a row of 3 townhouses and the dwellings on sites 4-5 and 9-10 are semi-detached. There are no windows at ground floor and the only gable windows at first floor level serve landings and bathrooms which will be fitted with opaque glazing. The units on sites 11-12 consist of a ground and first floor apartments. The building fronts onto North Road and there are no gable windows proposed that face the adjacent semi-detached dwelling on site 10.

All dividing boundaries between the dwellings on sites 1-10 will be defined by 1.8m close boarded fencing.

In terms of the proposed properties, in particular the outdoor amenity areas being impacted upon by existing traffic noise and from the nearby industrial buildings, the Council's Environmental Health Team requested a Noise Impact Assessment was submitted. A noise Impact Assessment was submitted and following consideration of this information, the Environmental Health Team has no objections to the proposed development subject to conditions being attached to any permission granted.

It is therefore considered that the proposal complies with part (h) of Policy QD 1 of PPS 7 and all relevant guidance.

Access, Roads Safety and Car Parking

The proposal will be served by two vehicular entrances; one from Quarry Heights which will serve the majority of units including the apartments and the dwellings on sites 6-10 and 11-12; and one from North Road which will serve 5 dwellings on sites 1-5. North Road or Quarry Heights are not protected routes. The access, parking and turning areas within the development which are accessed from Quarry Heights have been designed to adoptable standards and DfI Roads has no objections. The access off North Road will not be adopted by DfI Roads and has been designed as a shared private driveway. DfI Roads initially had concerns regarding how this arrangement could facilitate the entering, parking, turning and existing in a forward gear onto North Road which is a busy road. A meeting was held to discuss the issues that DfI Roads had concerns with and following the meeting, an auto tracking analysis plan (drawing 27) was submitted which showed how a vehicle such as a delivery van could enter the area, turn and exit the area in a forward gear. DfI Roads was consulted and now has no objections. Deliveries to the dwellings on sites 1-5 can also be made via the main

access off Quarry Heights as there is a pedestrian link from this area to the dwellings fronting on North Road and North Road itself.

A parking schedule has been provided (see Figure 4 below) and following consultation with DfI Roads, it is content with the proposed parking provision.

PARKING SCHEDULE

Dwelling Size	Spaces Req. (Unassigned Carriageway)	Parking Zones						Total
		Zone (I)		Zone (II)		Zone (III)		
		Units (1-4)	Parking	Units (5-12)	Parking	Units (13a-23)	Parking	
1 Bed Apartment	1.25	-	-	2	2.5	-	-	-
2 Bed Apartment	1.5	-	-	-	-	10	10.5	-
2 Bed Terrace	1.4	5	7.5	5	7.5	-	-	-
Total			7.5		10		17.5	34 (34 Provided)

Figure 4 – Proposed parking provision

It is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. It is therefore considered that the proposal complies with Policies AMP 2, AMP 3 and AMP 7 of PPS 3, part (f) of Policy QD1 of PPS 7 and all relevant guidance.

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. The trees that lined the boundaries on the North Road and Quarry Heights were *Leylandii* trees and were not protected by a tree preservation order. They have been felled and removed from the site. There are no other landscape features within the site. The *Leylandii* trees that run along the eastern boundary are outside the ownership of the applicant as they are within the property of 24 North Road. 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. There are no areas within the proposed development which do not have any surveillance from the properties within. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

Local Neighbourhood Facilities

As the proposal is only for 23 units there is no need to provide local neighbourhood facilities as part of the development. The site is within the settlement limit of Newtownards with access to shops and services. It is therefore considered that the proposal complies with part (d) of Policy QD1 of PPS 7 and all relevant guidance.

Designated Sites and Natural Heritage

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 application site is not within 100m of any designated sites. It is considered that the proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

A Biodiversity checklist and a Bat Roost Potential Survey were submitted and following consultation with NIEA's NED, it stated that it is content with the conclusions presented in the report in that all buildings and trees on the site have been classified as having negligible bat roosting potential.

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

Land Contamination

NIEA Regulation Unit Land and Groundwater Team was consulted and has no objections to the proposed development subject to conditions.

Flooding and Drainage

The proposed development is for 23 units and therefore a drainage assessment is required as per PPS 15. A Drainage Assessment was submitted with the application and DfI Rivers was consulted. Following consideration of the drainage assessment DfI Rivers has stated that while not being responsible for the preparation of the drainage assessment, it accepts its logic and has no reason to disagree with its conclusions. DfI Rivers notes the drainage proposals are preliminary and requests that the following planning condition should be included in any planning decisions: 'Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval. Reason – To safeguard against flood risk to the development and elsewhere'.

It is therefore considered that the proposal complies with PPS 15 and will not cause a flood risk to the development and elsewhere.

5. Representations

3 representations have been received to date - 2 objections from 2 separate addresses and 1 support from a local MP.

I have read the contents of all the representations received and can summarise the main points raised below:

Objections

Has the avenue opposite the entrance to Quarry Heights been notified of the application?

The neighbour notification was carried out in accordance with Article 8 (1) of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) resulting in the properties in Hillcrest Avenue not required to receive a neighbour notification letter as these properties are separated from the site by the North Road and are located on a separate road off North Road, rendering them too far away from the site to receive a neighbour notification letter as per the legislation. The application was advertised in the local press which is a statutory requirement of the Council.

Why are names publicly displayed in relation to registering concerns regarding planning?

This is in accordance with Northern Ireland planning legislation.

Concerns regarding road safety and the increase in the volume of traffic

DfI Roads has considered the proposed development in detail and has concluded that the proposed development is policy compliant and will not prejudice road safety.

The proposal is too close to other houses.

The application site only abuts one other residential property 24 North Road, and as discussed in the main report, it is not considered that it will be subjected to unacceptable impacts caused as a direct result of the proposed development.

Support

The local MP supports the proposed development and requests that the application is progressed quickly.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing 25C bearing the Council's received date stamp 21.01.2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The vehicular access, including visibility splays and any forward sight distance,

shall be provided in accordance with Drawing 25C bearing the date stamp 21.01.2022, prior to the commencement of any other 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.

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

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

5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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 user.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

7. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

8. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Conditions 9 and 10 will apply.

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

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing the remediation works under Conditions 8 and 9; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

11. All noise mitigation measures stipulated in the Noise Impact Assessment titled 'Housing Development, Quarry Heights', prepared by Irwin Carr Consulting, referenced RP002N 2020065 and dated 29.09.2020 shall be incorporated into the development and remain in perpetuity.

Reason: To protect the amenity of future occupants of the proposed development.

12. Glazing, capable of providing a sound reduction index of at least 35dB R_w will be installed within all facades and remain in perpetuity.

Reason: To protect the amenity of future occupants of the proposed development.

13. The internal ceilings to the uppermost floors of the proposed development must be capable of providing a sound reduction index of at least 49 dB R_w .

Reason: To protect the amenity of future occupants of the proposed development.

14. An acoustic mechanical ventilation system shall be installed into the proposal, in addition to that provided by open windows, capable of achieving a sound reduction index of at least 35 dB R_w when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all facades and remain in perpetuity. All provided mechanical ventilators shall meet the minimum ventilation rates as contained within, 'The Building Control Technical Booklet K'.

Reason: To protect the amenity of future occupants of the proposed development.

15. Timber fences enclosing the amenity areas shall be at least 1.8m in height, lapped with no gaps and have a mass of at least 15kg/m³. Amenity areas 1&2 should be enclosed by a 2.5m high fence lapped with no gaps and have a mass of at least 15kg/m³. Garden

fences shall be positioned as specified in Appendix C of Noise Impact Assessment titled 'Housing Development, Quarry Heights', prepared by Irwin Carr Consulting, referenced RP002N 2020065 and dated 29.09.2020.

Reason: To protect the amenity of future occupants of the proposed development.

16. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing 26B bearing the date stamp 1.02.2022 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season within 6 months following occupation of the last dwelling hereby permitted.

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

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

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

18. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of occupation another tree or trees shall be planted at the same place and those trees shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

19. The long term management and maintenance of the communal open space, as indicated on drawing 26B bearing the date stamp 01.02.2022, and the Landscape Management Plan bearing the date stamp 1.02.2022 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 dwelling hereby approved.

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

Informative

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

other statutory purpose. Developers are advised to check all other informatives, advice or guidance provided by consultees, where relevant, on the Portal.

Case Officer Signature:		Date:	
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ITEM 4.3

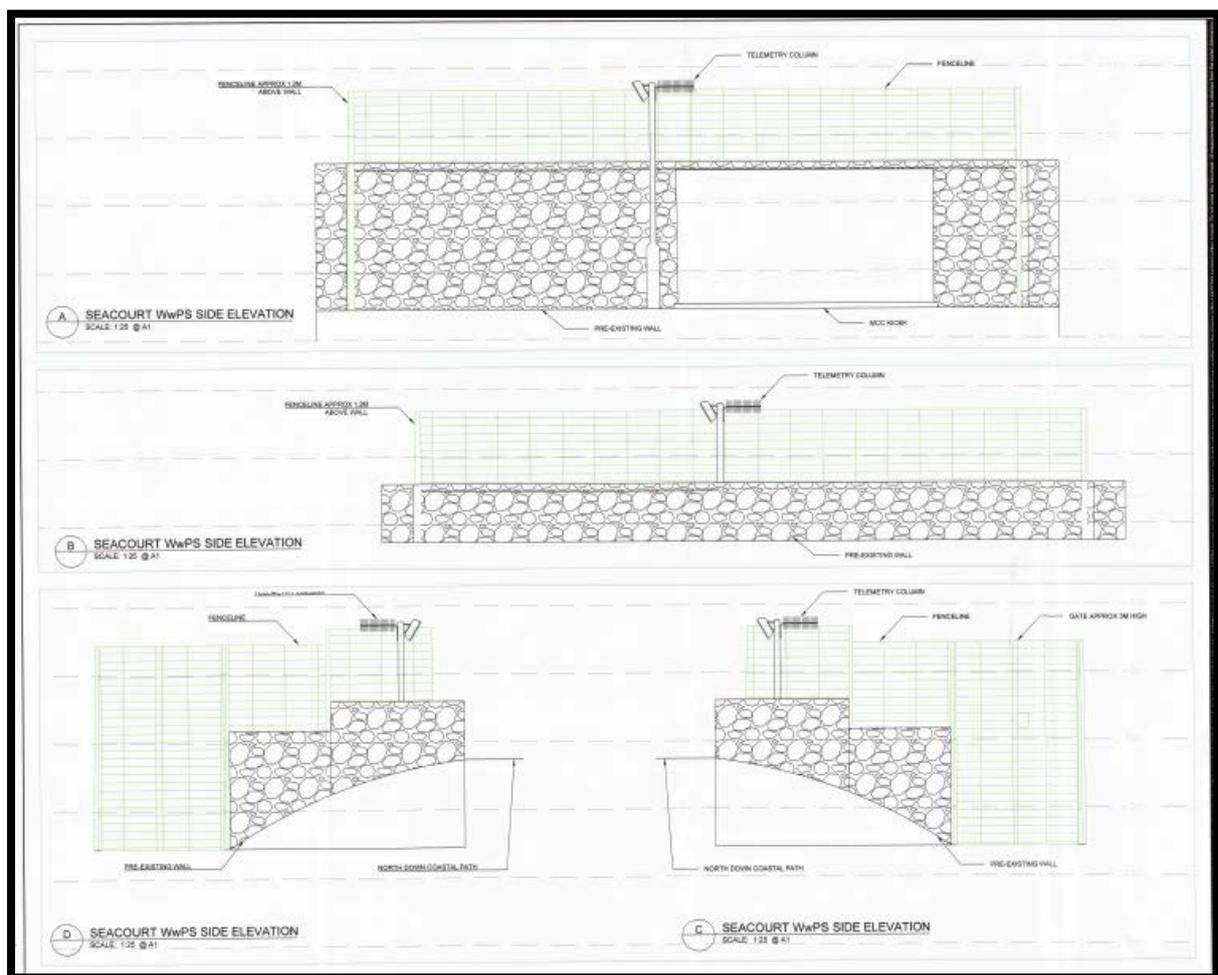
Ards and North Down Borough Council

Application Ref	LA06/2019/1007/F
Proposal	Retention of a fence and gate surrounding an existing pumping station (Retrospective)
Location	Seacourt WWPS, Lands 20m North of 1 Seacourt Lane, Bangor DEA: Bangor Central
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	10/10/2019
Summary	<ul style="list-style-type: none">• Application deferred from 07 September 2021 Planning Committee Meeting to allow representatives from NI Water consider amending coastal fence• 51 objections originally received with a further 6 objections received since amended drawings were submitted (5 of the 6 previously objecting to original proposal)• Impact on visual amenity• Requirement of fence for health and safety reasons
Recommendation	Approval
Attachment	Item 4.3a – Further addendum to case officer report 4.3b- Addendum to case officer report 4.3c – Case officer report

ITEM 4.3a

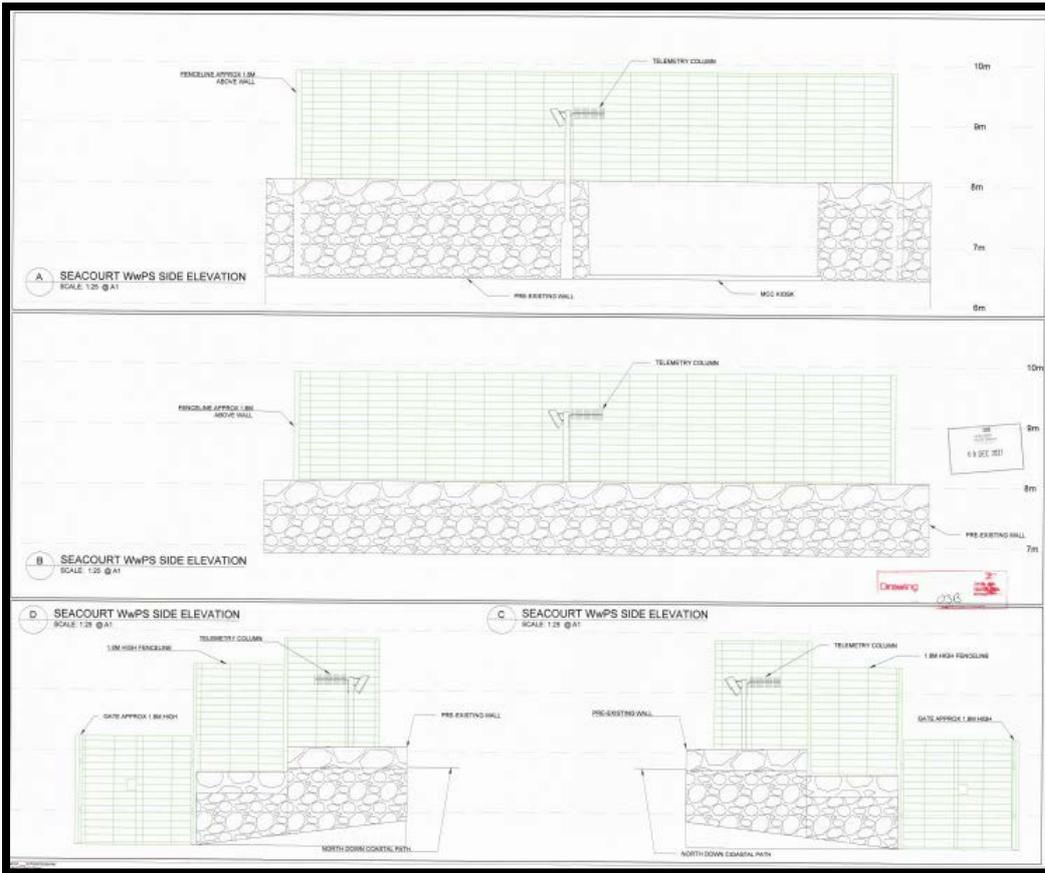
Further Addendum to COR LA06/2019/1007/F

Members will recall representatives from NI Water (NIW) attended Planning Committee on 07 September 2021 and voted to further defer the application to allow NIW to consider amending the design of the fence as they were minded to refuse the proposal put before them contrary to the recommendation of the Planning Service, in line with its options within the Protocol for the Operation of the Planning Committee, paragraph 49



Drawing no 03A

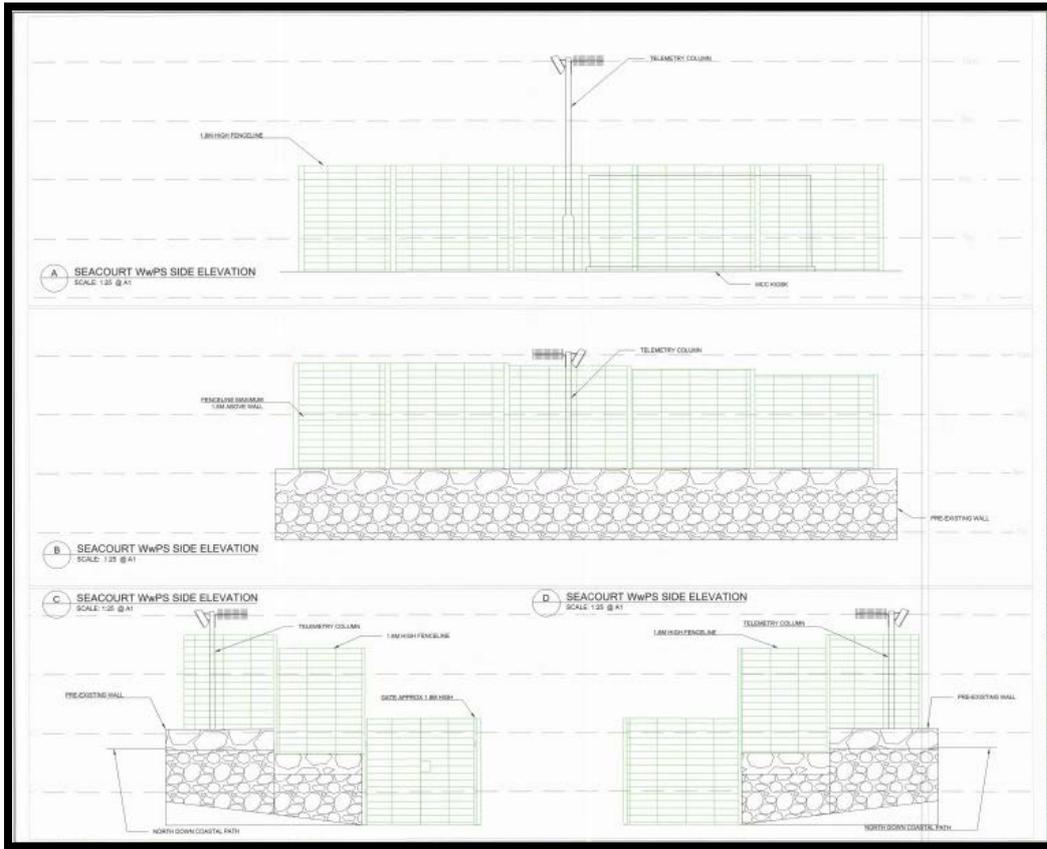
As the amended drawing submitted to the Planning Department illustrated above (No.03A) did not accurately reflect what was constructed on the site a further amended drawing (No.03B illustrated below) was requested by the case officer. Following further investigation, as the telemetry aerial was shown at an incorrect height another amendment was requested.



Drawing no.03B



Photo of existing structure on site



Drawing 03C

Following the submission of the amended drawing (03C illustrated above) the proposal was re-advertised and re-neighbour notified with 6 representations being made from 22 February 2022 to present.

All the representations made commented on the visual impact of the fencing believing it to be totally out of keeping with the surrounding area. Comments were also received stating that the amendments made no difference to the visual impact the proposal has within this area. The proposal does not consider the Local Landscape Policy area and should not be given permission.

The drawing illustrated above shows the changes made to reduce visual impact by 'stepping down' the at the sides. It is my planning judgment that the reduction of the fencing to the sides will reduce the visual impact of the structure given its translucent finish. The main issues raised by objectors is that of the visual impact when using the coastal path. The objective of the fencing is to protect the public from any harm or accident, and it would be my assessment that the height of the fencing is now at its minimal level to achieve its objectives.

The recommendation remains to grant planning permission

ITEM 4.3b

Addendum to Planning Case Officer Report

LA06/2019/1007/F: Retention of a fence and gate surrounding an existing pumping station (Retrospective) at Seacourt WwPS Lands 20m North of 1 Seacourt Lane, Bangor

1. A recommendation of Approval was presented to the Planning Committee meeting of 03 August 2021 and further to discussion and debate, Members voted to defer the application to enable NIW to present itself at the next available meeting to respond to particular queries from Members. It was also recorded that Members were 'minded to refuse' the application, contrary to the recommendation of the Planning Service, in line with its options within the Protocol for the Operation of the Planning Committee, paragraph 49.
2. The Planning Service has contacted NIW requesting that officials make themselves available at the September Planning Committee to provide clarification in respect of the various elements set out below.
3. Mark Consiglia, NIW's Waste water Assets Area Manager has responded to Planning Service in the first instance as detailed below:

a) Why did NIW erect the fence without planning permission in the first place?

NIW clarified that when the issue regarding the anti-social behaviour was brought to its attention and when the risk was identified, it made the decision that for health and safety reasons the site needed to be secured.

NIW made reference to a similar situation at the pumping station at Luke's Point on the Seacliff Road, whereby there had been an alleged injury to a minor. Officials stated that they had originally made contact with the Planning Service and were advised of the restrictions surrounding permitted development rights in relation to erection of enclosures, and constructed the fencing in this regard. NIW was unaware of the location of the pumping station within an Area of Special Scientific Interest (ASSI) and as such would have been required to comply with Regulations 55 and 56 of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended). Regulation 55 requires the development, where it is likely to have a significant effect on a European site, and where it is not directly connected or necessary to the management of the designated site, to receive assurance that the development will not adversely affect the integrity of the site.

Given that the fence had already been erected, the Planning Service, further to receipt of complaints, had opened an enforcement investigation and the NIW responded with submission of a retrospective planning application, permitted under section 55 of the Planning Act (NI) 2011.

- b) Given the longevity of the pumping station in situ in this location, and the apparent lack of accidents relating to health and safety over previous years, why did NIW now consider it an essential requirement to provide the fencing/enclosure?**

NIW responded to advise that there have been an increasing number of incidents over the last few years resulting in injuries to the public and resultant public liability claims. NIW operates a 'Zero Harm Health & Safety Policy' whereby it believes that it is essential to be proactive to prevent accidents or incidents from occurring as opposed to being solely reactive to incidents occurring. The fact that NIW is unaware of any previous serious incidents does not exclude it from ignoring a potential risk once it has been identified. NIW is of the opinion that it is preferable to prevent injury before it occurs. It is also its position that this is the position held by NIW's legal team and insurers.

- c) Would NIW be liable for damages if an injury were sustained by someone falling into the compound area were the fencing not in place?**

Yes, NIW would be liable.

- d) What consideration did NIW give to the design of the fencing given its location within a designated area of open space and a Local Landscape Policy Area (as proposed within the draft Belfast Metropolitan Area Plan)**

NIW confirmed that it had given a lot of consideration to the type/design of fence, considering that its normal standard for security fencing would be galvanised palisade-type fencing. In this particular case, given the location, it was considered that Paladin-type open mesh fencing would be much less visually intrusive and was in keeping with that previously utilised at Luke's Point. It is also similar to the fencing used by Ards and North Down Borough Council around the Pickie area, albeit a different colour.

- e) Would NIW be minded to consider alternatives to the current fencing, including the possibility of erection of a building structure around the pumping station, such as that design employed at Brompton Pumping Station.**

NIW clarified that this was also considered, however, was ruled out for the following reasons. In order to adequately remove the risk, any building would have to be built over the whole surface area of Seacourt Pumping station. Health and safety regulations do not permit construction of any buildings directly over the wet wells of pumping stations, due to the fact that there would be an inherent risk from gases affecting anyone entering the building. Gases also have the potential to cause corrosion to the equipment within any building, leading to risk of failure and raising the potential for pollution incidents. It was also clarified that the building example referred to at Brompton only houses the control equipment, with the wet well and the

access hatches for the wet well sitting outside the footprint of the building. It was also cognisant that a solid structure would have much more of an impact in terms of its location, and restrict the view much more than the fencing.

This addendum is prepared to ensure Members and objectors have all the information required prior to the meeting in September to facilitate full and fruitful discussion with the representatives from NIW.

Mark Consiglia and John Burke (Senior Lawyer) from NIW have confirmed attendance.

Development Management Case Officer Report					
Application Ref: LA06/2019/1007/F		DEA: Hollywood & Clandeboye			
Proposal: Retention of a fence and gate to surround an existing pumping station (Retrospective).					
Location: Seacourt WWPS, Lands 20m North of No.1 Seacourt Lane, Bangor.					
Applicant: NI Water			Agent: N/A		
Date Valid: 02/10/2019			Env Statement Requested: No		
Date last Advertised: 16/10/2019					
Date last Neighbour Notified: 24/10/2019					
Consultations: Yes					
Representations: Yes					
Letters of Support		0	Letters of Objection		51
			Petitions		0
Summary of Main Issues:					
<ul style="list-style-type: none"> • Principle of development on North Down Coastal Path • Design and Appearance • Impact on the character and appearance of the area • Impact on landscape features and environmental quality • Impact on biodiversity 					
Case Officer:		Michael Creighton			
Recommendation: Grant Planning Permission					
Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/					

1. Description of Site and Surrounding Area

Characteristics of Site and Area

The site is located at lands 20m North of no.1 Seacourt Lane. The site consists of a pumping station on the north-side of the existing coastal path. A small stone wall surrounds the southern part of the equipment located within the site and there is a metal wire mesh fence enclosing the site. The site is open to views to the public using the path and dwellings close to the site may have an oblique view of the pumping station.

The site is located inside the settlement limit of Bangor, within an area designated as recreation and open space, near to the Outer Ards Ramsar site, Special Protection Area, Coastal Policy Area and Area of Special Scientific Interest.

2. Site Location Plan



3. Relevant Planning History

There is no planning history on this site, nor within the immediate area which would need consideration in the assessment of this application.

4. Planning Policy Framework

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

- North Down & Ards Area Plan 1984-1995
- Belfast Metropolitan Area Plan 2015 (DRAFT)
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5. Supplementary Planning Guidance

Relevant supplementary planning guidance for this application is as follows: **N/A**

6. Consultations

Consultation was carried out with the following statutory and non-statutory consultees and a synopsis of responses is listed

Consultee	Response
SES	No objection
NIEA	No objection

7. Consideration and Assessment

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.

Area Plan Considerations:

Draft Belfast Metropolitan Area Plan 2015 (dBMAP)

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.



The site described is located within the development limit of Bangor as defined in the extant Plan and Draft BMAP.

As detailed within the draft Belfast Metropolitan Area Plan (Part 4 Volume 7), the site is located within/or in close proximity to the following designations:

- within an area of recreation and open space,
- near to the Outer Ards Ramsar site,
- Outer Ards Special Protection Area,
- Coastal Policy Area,
- Outer Ards Area of Special Scientific Interest,
- Wilson's Point Local Landscape Policy Area, and
- Area of Constraint on Mineral development

Those designations of relevance to the development proposal are those associated with Outer Ards, the Coastal Policy Area and LLPA.

Policy ENV 3 BMAP Draft – Local Landscape Policy Areas

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage states that development plans will, where appropriate, designate local landscape policy areas (LLPAs), and include local policies and guidance to maintain the intrinsic environmental value and character of these areas.

LLPAs contain those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and which are therefore worthy of protection from undesirable or damaging development. Specific to consideration of this proposal is Wilson's Point LLPA, which is noted as an area of local amenity importance with nature conservation interest – incorporating the North Down Coastal Path as far as Strickland's Glen to the west and the Marina car park and associated structure planting to the east.

Policy ENV 3 states that planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, character or integrity of the LLPA.

I am satisfied that the proposed development takes these features into account. The impacts on natural heritage and built heritage features have been considered through the consultation process, and the proposed development is not considered to adversely affect the features of the LLPA.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS document sets out the guiding principle relating to the grant/refusal of development which is contained within Paragraph 3.8.

This 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 4.12 of the SPPS states that:

‘Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.’

With regard to the area of open space the site is located within, the SPPS states 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. It is noted that the fencing is more visually prominent than the existing low-level wall, however it is my planning judgement that the requirement of the fencing for health and safety and anti-social behaviour reasons outweighs the minimal visual impact the fencing has.

The site is located on a bend at the top of a small hill along the coastal path and visitors enjoying the path will pass within a few metres of the site. The fencing is translucent and as the photographs below show, within close proximity the landscape beyond the site is seen through the structure, so creating minimal visual prominence. It is estimated that there is approximately 180m of the path where the fencing will be seen by the public. The applicant has outlined that sites of this nature owned by NIW throughout Northern Ireland now require secure fencing. There is a high wall on the south side of the coastal path and it is my planning judgement that the dwellings beyond the wall are screened from any direct views from their properties of the structure because of the well-established high stone wall and the topography of the land. It is therefore only a close proximity view along the path which will have any impact on visual amenity. As detailed above I consider there is minimal visual impact and that the fence is required for health and safety reasons.



View from mouth of Bangor Harbour

The fencing only surrounds the area required and there will only be short passing views when in close proximity to the site, and it is my planning judgment that the fencing is not detrimental visually from adjacent dwellings, nor is the visual impact so significant that it is detrimental to the public when enjoying the existing open space area when walking along the path. Distant views are not disrupted towards the site and the translucent structure blends into the landscape when viewed from a distance at an angle without a backdrop and then with the backdrop of the wall when viewed from the harbour in Bangor Marina.

Coastal Development (SPPS)

6.31 Northern Ireland is valued for its beautiful and relatively unspoilt coast including well known features such as the Giant's Causeway and Causeway Coast, Benone Strand, Antrim Coast Road, Strangford Lough and the Mourne Coast. The coastline – which is some 650 kilometres in length – is a unique part of our natural heritage. It includes a wide variety of landscapes many of which are of high scenic quality. It is also of great importance in terms of its scientific interest, nature conservation value and its wildlife habitats. Much of the coast is designated within Areas of Outstanding Natural Beauty, Areas of Special Scientific Interest, or as Marine Conservation Zones.

The proposal is required in order to secure the site and the minimum amount of fencing has been constructed while being cognisant of its visual impact upon the coastal area it is set within. The minimal visual impact caused by the fencing is outweighed by the health and safety issues outlined by the applicant.

Planning Policy Statement (PPS) 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

Policy NH 1 relates to European and Ramsar Sites and states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on European and Ramsar sites.

In safeguarding Biodiversity and protected Habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests with the wider environment.

The Shared Environmental Service (SES) concluded that, having considered the nature, scale and location of the project, it could be eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

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

Policy NH 5 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

As discussed above I have carried out a site inspection after which I was not convinced of any potential roosting areas or foraging areas, and as such I consider that there are no adverse impacts or damage to the features above. All relevant consultees have been consulted and have no objections to the proposal.

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

PPS 8 contains policies relating to the protection of open space. Whilst the area in which the proposal is situated is designated as existing amenity open space, it is occupied by the pumping station, and the proposal relates to fencing which has been erected around the station within the ownership of NIW. As such I do not consider that PPS 8 is engaged.



Looking east towards site



Looking west towards site

8. Consideration of Representations

The proposal has been advertised in the local press and the neighbours have been notified as per Section 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015. 51 letters of objection have been received.

Issues Raised – in bold

Visually intrusive / Eyesore / ruins the appearance of one of the prime portions of coastal path / inappropriate in the location and requires a bespoke design solution / hideous structure

The main content of the objections received are in relation to the visual impact the fencing has on the immediate and wider area. In terms of the visual impact the retention of the fencing will have has been considered within this report.

No evidence of risk to which the fence is required

Objections have been received which relate to the requirement of the fence. The applicant advised that further to contact from third parties, including elected members, complaints regarding antisocial behaviour were raised, including those concerning public drinking at the site whilst sitting on the low stone wall. Given the drop in levels between the coastal path and concrete area directly below the wall, and associated public liability claims arising from incidents such as this across NIW properties, it was considered a necessary response to fence off the area in the interests of health and safety,

The site has been secured in response to health and safety issues and concerns of local residents, and elected members. Consideration of the design and impact is detailed earlier in this report.

Contrary to Area Plan designations including within the outer Ards Ramsar site, LLPA, Special Protection Area, Coastal Policy Area and Area of Special Scientific Interest

All the sites referred to have been considered within the report.

Telementor Column reposition

The telementor column referred to is not a part of this planning application. It is my planning judgment that all the issues raised within letters of objection have been considered. I have also considered the fact that the fencing is a requirement to secure the site to prevent any risk to the public in terms of anti-social behaviour and health and safety, also the fact that issues were raised by a local councillor after receiving complaints by local residents. The issues raised have been discussed and considered and it is my planning judgment that, in terms of the planning balance, the retention of the fencing for the reasons outlined outweighs any of the arguments against the fencing.

9. Conclusion

The development has been considered with regards to the relevant Area Plan, Planning Policy, supplementary planning guidance and any other planning material considerations. The fencing is required to restrict public access to a well-established pumping station along the coastal path in the Bangor Area. The site is located within an area open to public views and while its design has been objected to by the local community, its requirement to restrict public access in the context of the location and arrangement of the site out-weighs the minimal visual impact it will have within the local area.

10. Recommendation

Grant Planning Permission

11. Planning Conditions

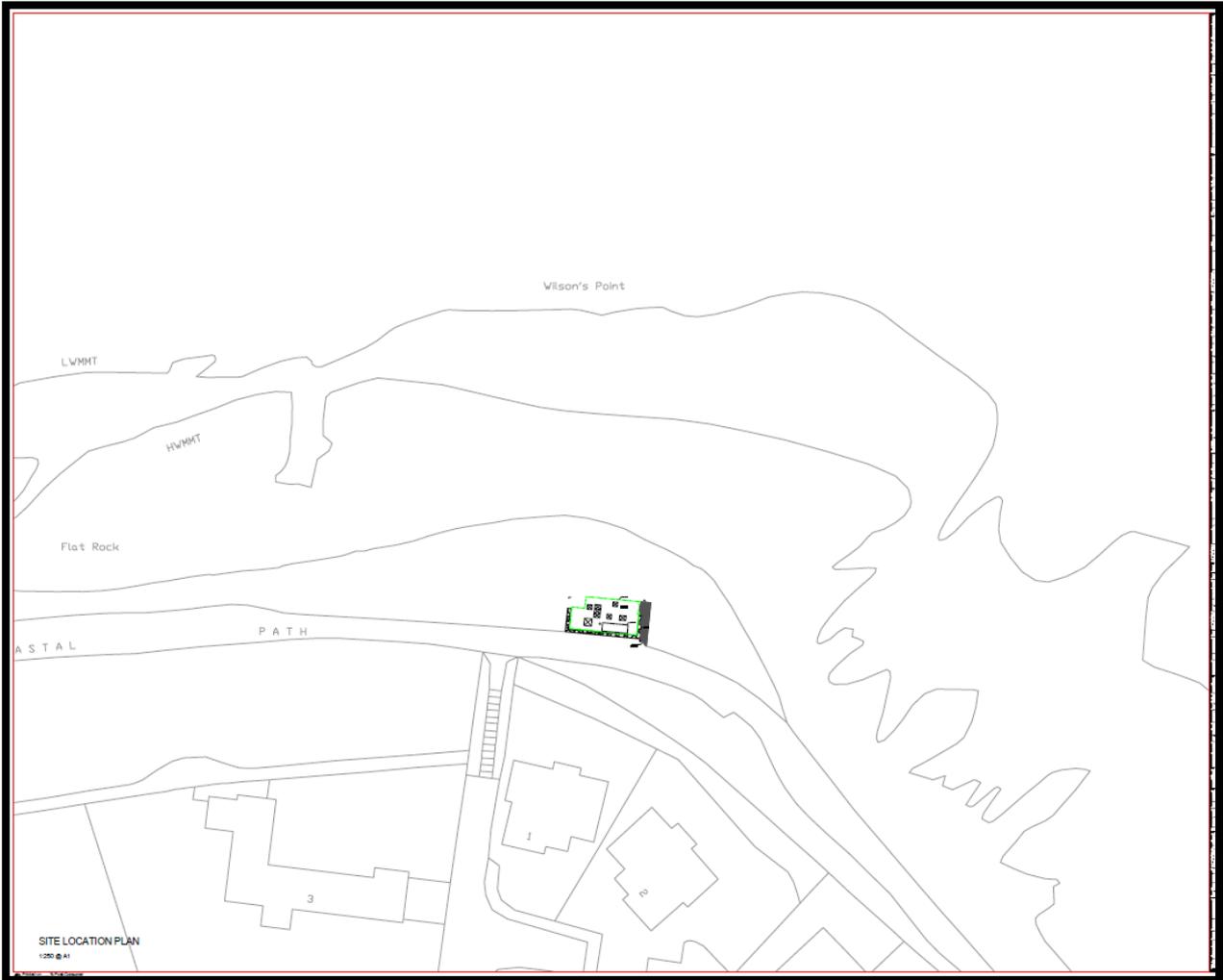
1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

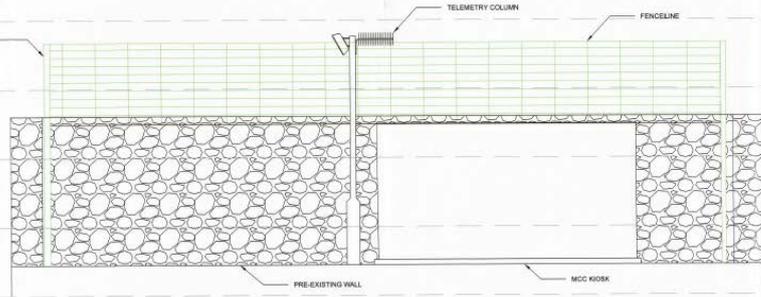
Informative

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

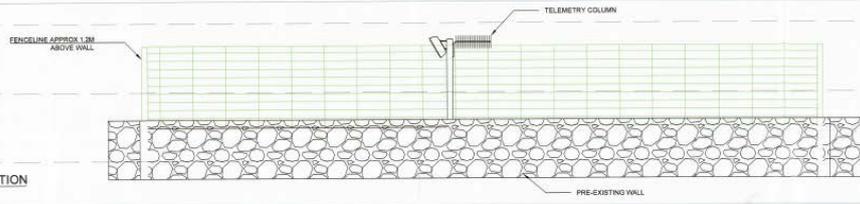




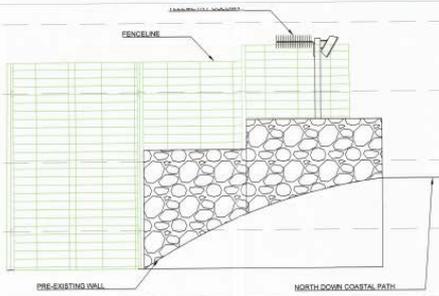
A SEACOURT WwPS SIDE ELEVATION
SCALE: 1:25 @ A1



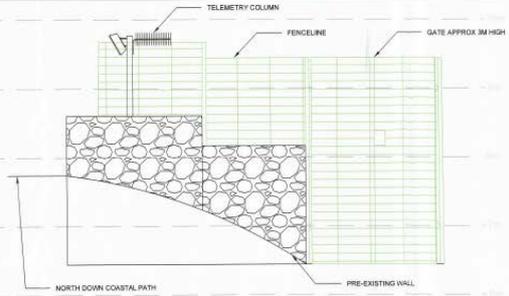
B SEACOURT WwPS SIDE ELEVATION
SCALE: 1:25 @ A1



D SEACOURT WwPS SIDE ELEVATION
SCALE: 1:25 @ A1



C SEACOURT WwPS SIDE ELEVATION
SCALE: 1:25 @ A1







ITEM 4.4

Ards and North Down Borough Council

Application Ref	LA06/2020/0014/F
Proposal	Single-storey amenity building to serve established fishery with kitchen, clubroom, overnight guest accommodation, hardstanding and associated site works
Location	Lands approximately 200m East of 155b Movilla Road, Newtownards DEA: Ards Peninsula
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	09/01/2020
Summary	<ul style="list-style-type: none">• Site located in the countryside, no designations on the site• Previous permission a material consideration LA06/2017/0882/O - Site for single storey amenity building to serve established fishery, with small cafe/clubroom, storage, managers facilities and overnight accommodation. Outline permission granted on 20.09.2019• Current application seeks full permission instead of an application for reserved matters, mainly due to the building being sited in a slightly different position that would not be reflective of the outline permission• All other conditions of the outline permission have been adhered to in this proposal for full permission• 9 objections from 7 addresses• All material matters raised considered in case officer report
Recommendation	Approval
Attachment	Item 4.4a – Case Officer Report

Development Management Case Officer Report

Reference:	LA06/2020/0014/F	DEA: Ards Peninsula	
Proposal:	Single-storey amenity building to serve established fishery with kitchen, clubroom, overnight guest accommodation, hardstanding and associated site works		
Location:	Lands approximately 200m East of 155b Movilla Road, Newtownards		
Applicant:	Movilla Trout Fishery		
Date valid:	09.01.2020	EIA Screening Required:	Yes
Date last advertised:	17.02.2022	Date last neighbour notified:	04.02.2022
Letters of Support: 0	Letters of Objection: 9 objections from 7 separate addresses.	Petitions: 0	
Consultations – synopsis of responses:			
DFI Roads	No objections subject to conditions.		
DAERA Natural Environment Division	No objections.		
DAERA Water Management Unit	No objections.		
DAERA Inland Fisheries	No objections.		
DFI Rivers	No objections.		
Shared Environmental Services	No likely impact on designated site(s).		
NI Water	No objections.		
Environmental Health Department	No objections.		
Summary of main issues considered:			
<ul style="list-style-type: none"> • Principle of development • Planning history of the site • Impact on the character and appearance of the area • Impacts on residential amenity • Natural heritage impacts and the potential effects on designated sites • Drainage and potential flood risk 			
Recommendation: Grant Planning Permission			
Report Agreed by Authorised Officer			
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/			

1. Site and Surrounding Area

The site is located south of the Movilla Road and east of Loughries Road. The site is within the existing Movilla Fishery facility; the site is positioned between the existing car parking area and the pond. The site is located approximately 620m from Loughries Road and is accessed from Loughries Road via an existing laneway. At this junction with the laneway and Loughries Road, there is a brown tourist sign providing directions to Movilla Trout Fishery. There is another similar direction sign at the junction with Loughries Road and Movilla Road. The topography of land is typically flat and the site is surrounded by mature vegetation.

The site is within the countryside in the Ards and Down Area Plan 2015 and is not included within a designated area.

2. Site Location Plan

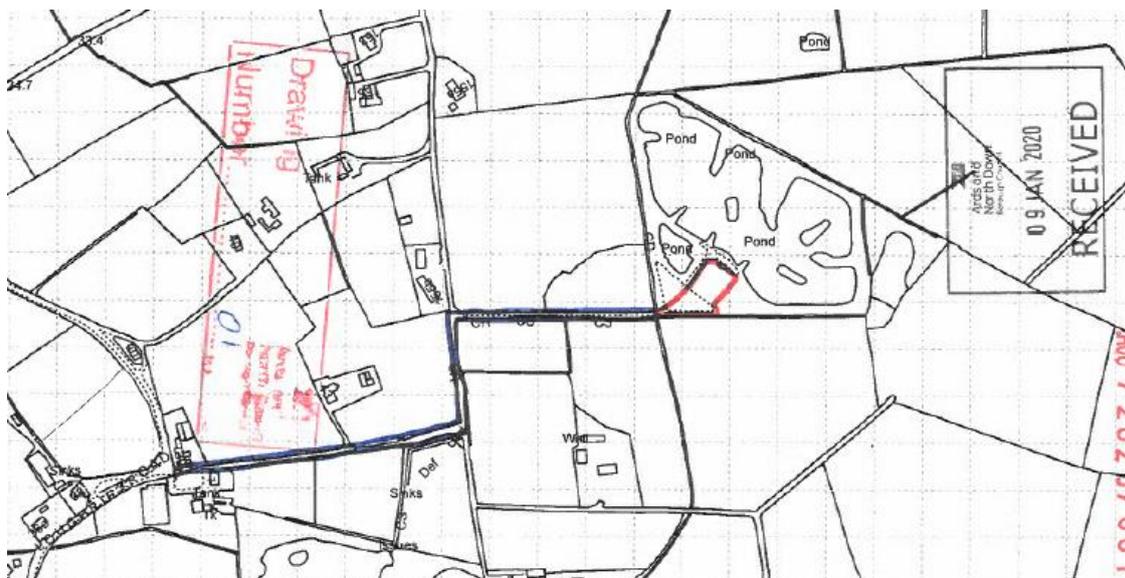


Figure 1 Site location plan

3. Relevant Planning History

X/1996/0575/F – Retention of pond for recreational fishing. Permission granted 31/1/2001.

LA06/2017/0882/O - Site for single storey amenity building to serve established fishery, with small cafe/clubroom, storage, managers facilities and overnight accommodation. Outline permission granted on 20.09.2019.

LA06/2021/0304/CA – enforcement case - Alleged unauthorised structure/building erected without planning permission. Decision pending.

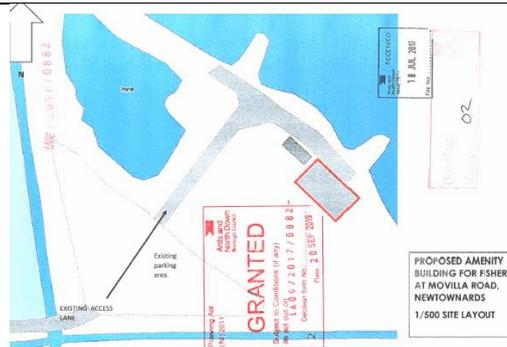


Figure 2 Site location for previously approved building under LA06/2017/0882/O

This outline permission is extant and will therefore be a material consideration in this assessment. The current application seeks full permission instead of an application for reserved matters, mainly due to the building being sited in a slightly different position that would not adhere with the outline permission, however, all other conditions of the outline permission have been adhered to in this proposal for full permission.

LA06/2021/0304/CA - Alleged unauthorised structure/building erected without planning permission – Currently being investigated.

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 8: Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15: Planning and Flood Risk
- Planning Policy Statement 16: Tourism

Principle of Development

The Ards and Down Area Plan 2015 sets out the land use proposals that will be used to guide development within the area. The site is located outside any designated settlement limit as per the Ards and Down Area Plan 2015. There are no other designations affecting the site. The proposal is considered to be in conformity with the plan provided it complies with the relevant regional planning policies.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 3 – Access Movement and Parking, PPS 8 – Open Space, Sport and Outdoor Recreation, PPS15-Planning and Flood Risk, PPS 16 – Tourism and PPS 21- Sustainable Development in the Countryside. 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.

The history of the site is relevant to this proposal as outline permission was previously granted for an amenity building associated with the fishery under LA06/2017/0882/O which is still extant and therefore the principle of development for the proposed building on this site has already been established.

Proposed development

The proposal is for a single-storey amenity building to serve the established fishery to provide a small reception area, a kitchen with a dining area, a lounge area and 2 ensuite bedrooms for overnight guest accommodation. The single storey building has a footprint of approximately 147sqm and will be finished in smooth render with the porch finished in Scrabo Stone cladding and natural slate roofing.

Policy Context

The site is located within the countryside and therefore Policy CTY 1 of PPS 21 is applicable. It states that there are a range of types of development which in principle are considered to be acceptable in the countryside. As the site contains a lawful recreational fishing pond and the proposal is for an amenity building, it will be considered as non-residential development. Under this category PPS21 directs towards, outdoor sport and recreational uses which are to be considered under PPS 8 and as the proposal is considered to be a potential tourism facility, then PPS 16 will also be applicable.

Design, Visual Impact and Impact on Character of the Area

The recreational use of the fishing pond was approved by the Department of the Environment in 2001 under X/1996/0575/F and the extant outline permission is in place on the site for a single storey amenity building associated with the fishery – see Figure 3 below. This application seeks full permission however the principle of the building has already been established via the outline permission.



Figure 3. Image showing the existing fishery and location of the application site which has extant outline permission for an amenity building associated with the fishery.

The reason the proposal has been submitted as a full application instead of a reserved matters application is due to the building being sited in a slightly different position than

that approved at outline. The proposed building under this application is still to be sited immediately adjacent to the pond area and is therefore considered acceptable.

In order to ensure that the design and visual appearance of the building did not have an unacceptable impact on the surrounding landscape, a number of conditions were included on the outline permission.

Condition 3 of LA06/2017/0886/O: The proposed building shall have a ridge height of no greater than 5.5 metres above finished floor level and an underbuild depth of no more than 0.45 metres. The proposed building meets this condition.

Condition 4 of LA06/2017/0886/O: The proposed building shall have a floor area of not more than 144 sq. metres measured externally. The proposed building including the front lobby measures 147sqm and given this is only slightly larger than 144sq, it is considered to be acceptable.

Condition 5: The cafe/kitchen area hereby permitted shall have a floor area of not more than 40 sq. metres measured internally. The proposed floor area for the kitchen and dining area measures 28sqm and this is considered to be acceptable.

Condition 6: The over-night accommodation hereby permitted shall have a floor area of not more than 40 sq. metres measured internally. The proposed bedrooms and ensembles measure 40sqm and these are considered acceptable.

The layout, scale and massing of the proposed building will respect the topography of the site and the character of the area. Figure 4 below shows the elevations of the proposed building. The site is relatively flat. The building is single storey with a pitched roof which will respect existing buildings in the local area. It is considered to be of an appropriate scale to be considered as ancillary to the approved fishery and this is in line with Policy OS 3 of PPS8.

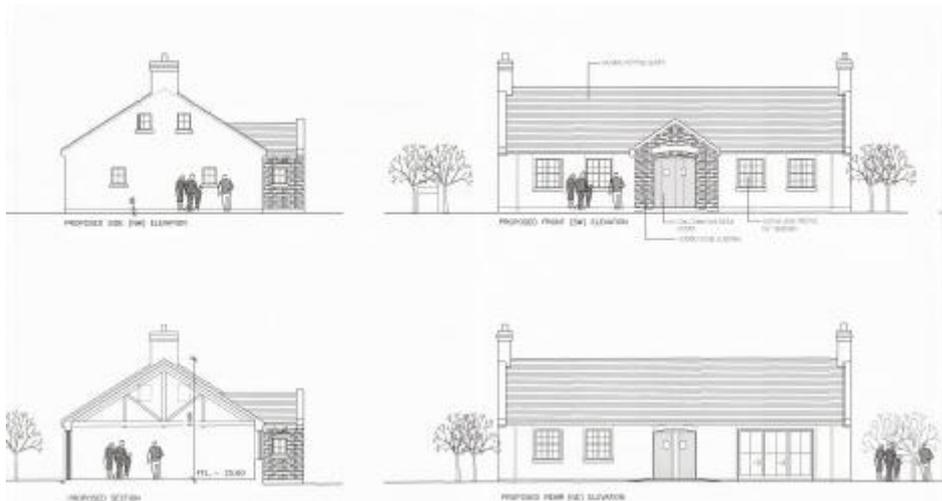


Figure 4 shows the elevations for the proposed amenity building. It is considered the building is of appropriate scale and massing to be considered ancillary to the approved fishery.

The building will face towards the vehicle entrance and onto the existing parking area. The building will be finished in smooth render with the front lobby porch area being finished in Scrabo Stone cladding with natural roof slates. This is considered as

sympathetic and in keeping with the character of the surrounding rural area. Landscaping will be provided within the site to soften the visual impact of the proposal.

The proposed building is considered compatible with the existing use, providing facilities for those using the fishery.

The proposed facility takes into account the needs of people with disabilities as it is noted that the building is single storey and provides an accessible bedroom that has been designed to be suitable for wheelchair users.

There is no conflict with the provisions of any local management plan.

The existing container on site that is presently used as a tea room will be removed as annotated on Drawing 02A date received 15 October 2021. This will also be included as a condition on any approval.

The proposal is therefore considered to comply with parts (iii) and (vi) of Policy OS 3 of PPS 8, parts (i), (iii), (v), (vi) and (vii) of Policy OS 6 and all relevant guidance.

Residential amenity

The proposal is not considered to have an adverse impact on water pollution or noise and disturbance. The nearest residential property at 45a Loughries Road is approximately 200m from the site of the proposed building. This is considered to be an acceptable separation distance to mitigate against any unlikely noise and disturbance from such a proposal. The Environmental Health Department of the Council has been consulted and has no objections. The proposal is therefore considered to comply with part (iv) of Policy OS 3 of PPS 8 and all relevant guidance.

Access, Roads Safety and Car Parking

The proposal will use an existing access from Loughries Road, which is not a protected route. This existing access and existing parking area for the fishery will be unaltered. Following consultation with DfI Roads, it has no objection to the proposal. It is therefore considered that the proposal complies with parts (vii) and (viii) of Policy OS3 of PPS 8 and part (vi) of Policy OS 6 of PPS 8 and all relevant guidance as well as PPS 3 Access Movement and Parking.

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 (i) of Policy OS3 of PPS 8 and all relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as the building will front onto the existing parking area and access laneway. It is therefore considered that the proposal complies with part (v) of Policy OS3 of PPS 8 and all relevant guidance.

Designated Sites and Natural Heritage

The application site is hydrologically connected to Strangford Lough Part 1 Area of Special Scientific Interest (ASSI)/ Strangford Lough Special Protection Area (SPA)/Special Area of Conservation (SAC)/Ramsar (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

The Council in its role as the competent authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 25.02.2022. This found that the project would not have an adverse effect on the integrity of any European site. The following condition should be included on any permission granted:

‘A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all watercourses within or adjacent to the site and the defined floodplain.

Reason: To prevent polluting discharges entering adjacent watercourses and impacting on the site integrity of Strangford Lough SAC/SPA/Ramsar’.

NIEA’s NED was consulted regarding the NI Biodiversity Checklist, bearing the Council date stamp 9 January 2019, and the Outline Construction Environmental Management Plan (WM Associates Ecology NI), date stamped received by Council on 9 April 2021 and following consideration of this information is of the opinion that, due to the nature of the development and the distance to the designated sites, there will be no likely significant impact on the designated sites.

NED has also considered the Bat Survey (Hopkirk & Russ Bat Ecology) and Drawing 02A, both date stamped received by Council 15 October 2021. As such, NED is content that no unfavourable impact will be caused to any bats and recommend that, if essential, artificial illumination/light spill upon the ponds, watercourses and trees should be avoided.

It is therefore considered that the proposal complies with Policies NH1, NH2 and NH5 of PPS 2 and parts (i) and (ii) of Policy OS3 of PPS8 and parts (ii) and (iv) of Policy OS 6 of PPS 8.

Drainage

DAERA’s Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content subject to conditions being included on any approval.

DAERA’s Inland Fisheries Inland Fisheries are content with the general principles outlined in the submitted preliminary CEMP and is content for this application to proceed as long as there is mitigation for the potential release of deleterious material to the adjacent water course.

The construction methodology must consider the potential for the release of these pollutants, including suspended solids, to the aquatic environment and where risks identified adequate and appropriate mitigation measures put in place to minimise potential harm and these should be outlined fully in a Construction Method Statement. This will be required as a condition of any permission granted – see Condition 4 in Section 7 of this report.

Flooding

Dfl Rivers was consulted in relation to the submitted Flood Risk Assessment.

FLD1 - Development in Fluvial and coastal Flood Plains – Dfl Rivers has reviewed the Flood Risk Assessment, by Flood Risk Consulting, and while not being responsible for the preparation of the Flood Risk Assessment, Dfl Rivers accepts its logic and has no reason to disagree with its conclusions.

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

FLD3 - Development and Surface Water - In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a Drainage Assessment is not required as there is no proposed additional hard-standing of 1000m² or greater included in the proposed development.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Dfl Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Movilla Trout Fishery Reservoir. It has not been demonstrated to Dfl Rivers that the condition, management and maintenance regime of Movilla Trout Fishery Reservoir is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5, so as to enable the development to proceed. However, in relation to this site, Dfl Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Movilla Trout Fishery Reservoir. The proposed development is fully outside the inundation area of Movilla Trout Fishery Reservoir. The existing access to the development is in an area considered to be an acceptable combination of depth and velocity.

The overall hazard rating at this site is considered as low. However, in the event of an uncontrolled release of water there will be risk to some including children, the elderly and infirm; as these groups can be more vulnerable to risks associated with flood water. Nevertheless, as the overall risk at this site is low, it is considered to be an acceptable combination of depth and velocity, apart from development that involves the more vulnerable groups listed above.

On this basis, Dfl Rivers has no objection to the proposal and is content that the proposal meets the tests set out in PPS 15. It is therefore considered that the proposal complies with PPS 15 and will not cause a flood risk to the development and elsewhere.

Tourism

The principle of this building has already been established through the previous outline permission which at present is still extant. However, the policy for tourism proposals will be assessed for this application below.

The supporting statement submitted with the planning application advises that the current fishery attracts tourists to this area. The proposal intends on improving the current facilities for anglers to provide ancillary en-suite bedrooms and are not to be full self-catering facilities. The existing users coming for fishing events and competitions tend to start very early in the morning and can finish late at night. The amenity building will allow anglers to have hot food and drinks as well as toilets and changing facilities.

Planning Policy TSM5 of PPS16 allows for self-catering accommodation in the countryside at an existing tourist amenity that is/will be a significant visitor attraction in its own right. Policy TSM 5 does not define what is meant by a 'significant visitor attraction' but directs the Planning Authority to consider the nature and scale of the tourist amenity as well as the facilities available and numbers of visitors.

Appendix 1 of PPS 16 defines a tourist amenity as an amenity, facility or service for tourists. Tourists can be both overnight and same day visitors.

The existing tourist amenity here is a fishery which has been open since 2001. It attained a brown tourist sign from the Northern Ireland Tourist Board in 2002. The facility has also been listed on 'Discover Northern Ireland' since 2014.

Policy TSM 5 refers to a cluster of 3 or more new units at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right. The fishery was considered to be a significant visitor attraction at the time of granting outline permission on 20.09.2019 and on the basis that no information has been provided to state otherwise, and this building will enhance the facility, it is considered that the fishery can still be regarded as a significant visitor attraction in own rights.

The accommodation proposed is site specific to meet the needs of the fishermen. Fishing tends to occur in the evening and early morning when it is darker and hence why accommodation is proposed to encourage fishermen from farther afield to fish and stay. The proposed 147sqm amenity building is of limited scale and the layout of the building is designed for those taking part in this site-specific activity and is not considered to attract general tourists. The policy refers to a cluster of 3 or more new units at or close to an existing tourist amenity – on balance, it is considered that the failure to comply with the cluster of 3 or more units, in these particular circumstances is not determining and permission should be granted. The site is adequately landscaped and therefore integration of a single storey building is not of concern. The location is well screened from public viewpoints and will not detract from the visual appearance of the rural area.

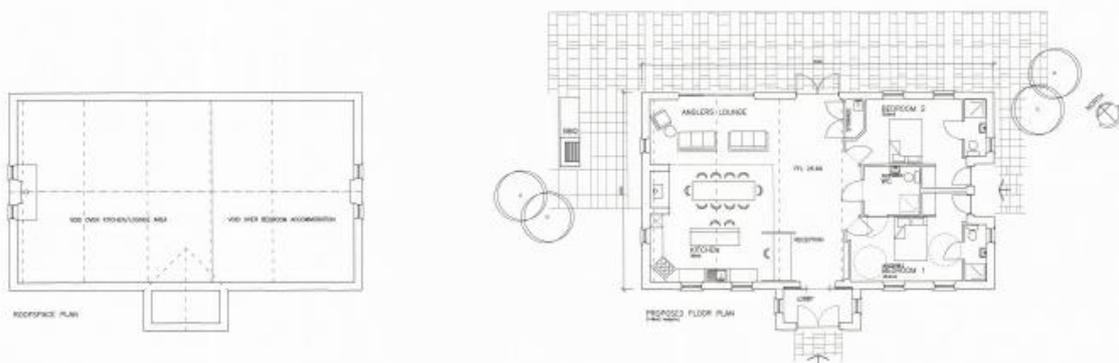


Figure 5 Proposed floor plan for the 147sqm footprint

Given the principle of the amenity building has already been considered against this policy and deemed to meet the criteria, with no knowledge of any significant changes taking place since permission was granted, it is considered that the proposed amenity building meets Policy TSM 5 of PPS16.

5. Representations

9 objections have been received from 7 separate addresses.

1. Increase traffic on the lane which will cause an increase in danger to local pedestrians who use the lane to walk with their dogs, children and horses. Traffic should come from Movilla Road.

DfI Roads cannot comment on the safety of the lane as it is not in their control. They have been consulted and are content that the access at Loughries Road is acceptable in terms of road safety. The lane is not a public road and therefore all users of the lane do so at their own risk. The fishery is currently accessed from Loughries Road and it is proposed to continue using the existing access and DfI Roads has no objection to the access onto Loughries Road in terms of safety.

2. Littering on the lane.

If this is an existing problem the relevant department within the Council should be contacted and asked to investigate it. An approval of this proposed development will not directly result in an increase of littering in the area.

3. Increase in noise / increased risk of entertainment licence being issued / anti-social behaviour

The Environmental Health Department of the Council has been consulted regarding the proposed development and has not raised any objections. The applicant requires an Entertainment Licence to be issued by the Council if this type of activity is proposed at the site and as this is a separate matter, it cannot be assessed as part of this application for planning permission. If there is an existing problem regarding anti-social behaviour at the site, this should be reported to the relevant authorities.

4. Already noise caused by parties with clay pigeon shooting and fireworks at the site, together with dogs barking all night.

Only 1no.complaint has been received by the Council's Environmental Health Department on 7 February 2022 and this related to excessive firearms use at the site

and is currently being investigated by them. The proposal does not include any activities such as gun use or clay pigeon shooting.

5. Possibility of being used as a campsite

This is not part of the proposal. If future use of the site includes persons camping at the site, this should be reported to the Council and an enforcement investigation will take place.

6. Digger on site and lorries visiting the site

The applicant's agent has stated that no work has commenced at the site regarding the proposed development. The HGV's deliver aggregate's occasionally to fill any holes in the lane, carpark and around the lake as required. A lorry load of gravel was delivered recently and dumped beside the green hut. An enforcement case has been opened for an alleged unauthorised structure/building erected without planning permission and this is currently under investigation.

7. Possibility of devaluation of neighbouring properties

This is a matter that does not hold any determining weight in the assessment of planning applications.

8. Challenge to ownership of the lane – site outlined in red includes the laneway however a third-party states that he owns part of the lane.

The applicant was asked to clarify this matter. The P1 Form has been amended to show Certificate C has now been completed.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Prior to the building hereby permitted becoming operational, the existing container currently in use as a temporary office / tea room as indicated on Drawing 02A bearing the date stamp 15 October 2021 will be removed from the site in perpetuity.

Reason: To ensure there is not a build up of development at the premises.

3. The amenity building hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residence.

Reason: The site is located within the countryside and the permission is granted solely because of its proposed tourism use.

4. 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 in perpetuity, 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 onsite.

Reason: To protect the site features of Strangford Lough ASSI/SAC/SPA and aquatic Environment.

5. Essential lighting during construction shall be positioned to ensure illumination/light spill of less than 1 LUX onto the adjacent watercourses, ponds, and trees.

Reason: To protect bats

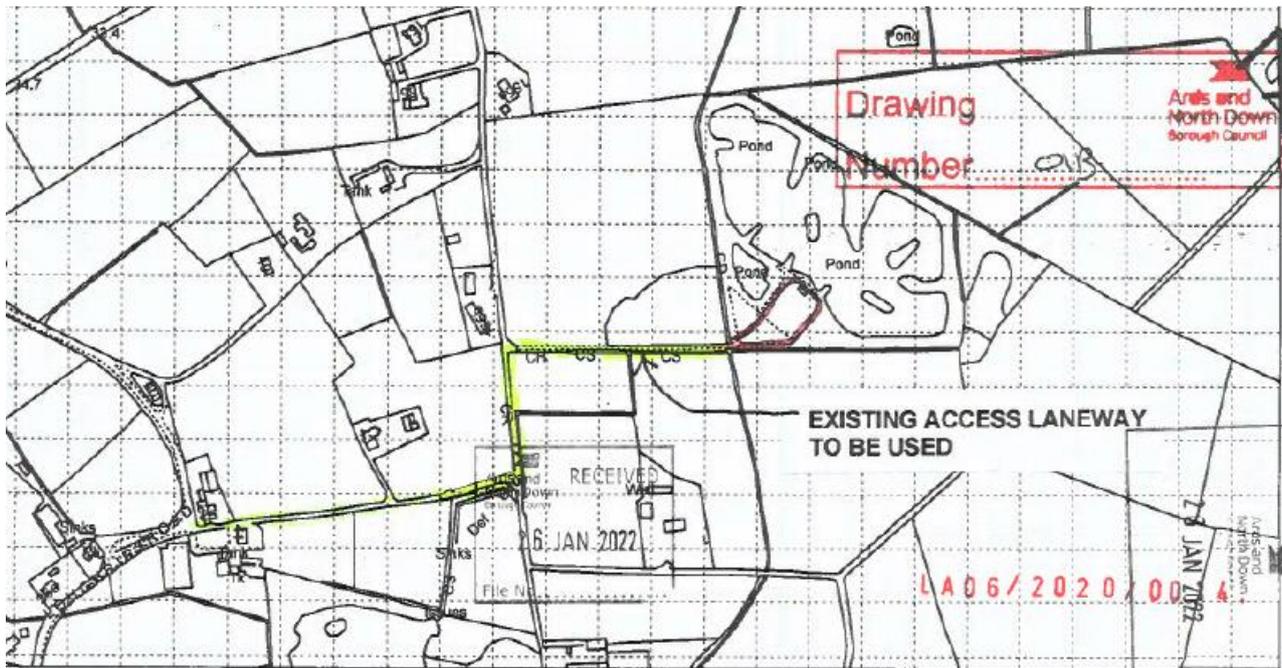
6. A clearly defined buffer of at least 10m must be maintained between the location of all refueling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all watercourses within or adjacent to the site and the defined floodplain.

Reason: To prevent polluting discharges entering adjacent watercourses and impacting on the site integrity of Strangford Lough SAC/SPA/Ramsar.

Informative

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

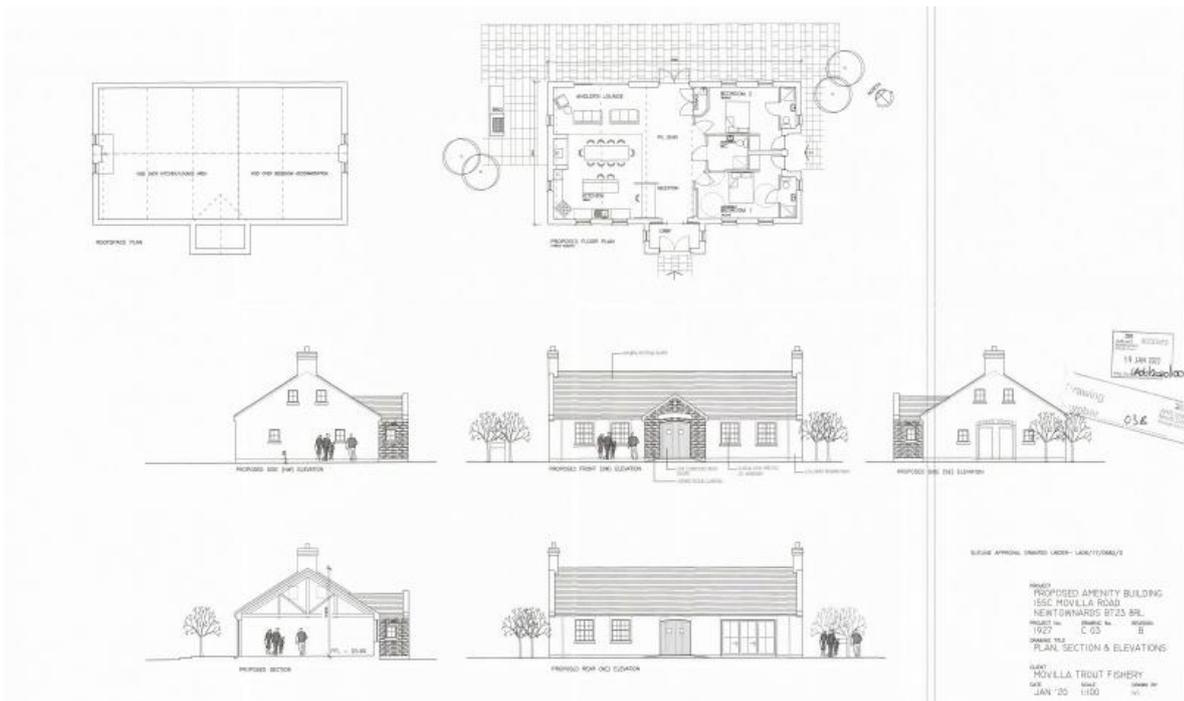
Site location plan



Google Earth Image



Proposed plans



Photos of the application site



Photo 1 View of the site from the existing car parking area



Photo 2 View of the site with the existing car parking area beyond



Photo 3 View of the site from the existing car parking area looking at the existing lane serving the fishery.

ITEM 4.5

Ards and North Down Borough Council

Application Ref	LA06/2020/0823/F
Proposal	Construction of 29 No. dwellings (16 No. houses and 13 No. apartments) with associated car parking and landscaping
Location	Land at 160 High Street, Holywood DEA: Holywood & Clandeboye
Committee Interest	A Major development application
Validated	23/09/2020
Summary	<ul style="list-style-type: none">• Major application - Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals.• Site located within development limits of Holywood-presumption in favour of development• Located within proposed Area of Townscape Character (Holywood South)• Trees on site protected by TPO• All consultees content with some recommending conditions• 7 objections from 6 addresses• All material issues raised fully considered within the case officer report
Recommendation	Approval
Attachment	Item 4.5a – Case Officer Report

**Management
Case Officer Report**

Reference:	LA06/2020/0823/F	DEA: Holywood & Clandeboye	
Proposal:	Construction of 29 No. dwellings (16 No. houses and 13 No. apartments) with associated car parking and landscaping.		
Location:	Land at 160 High Street Holywood		
Applicant:	Scotco Eastern Ltd Osborne King		
Date valid:	23.09.2020	EIA Screening Required:	Yes
Date last advertised:	27.05.2021	Date last neighbour notified:	13.10.2021
Letters of Support: 0	Letters of Objection: 7 objections from 6 addresses	Petitions: 0	
Consultations – synopsis of responses:			
DfI Roads	No objection subject to PSD conditions		
DfI Rivers	No objection subject to a condition relating to a final Drainage assessment		
NI Water	No objection – capacity at WWTW		
Environmental Health	No objection		
DAERA Water Management Unit and Inland Fisheries	No objection subject to a condition relating to the submission of a CEMP		
DAERA Natural Environment Division	Content subject to a condition relating to the submission of a Protected Species Mitigation Plan.		
Shared Environmental Service	No objection subject to a condition relating to the submission of a CEMP		
Historic Environment Division – Historic Buildings	Content subject to a landscaping condition.		
Historic Environment Division – Historic Monuments	Content subject to archaeological mitigation conditions		

Summary of main issues considered:

- Principle of development
- Design and impact on character and appearance of the area
- Impact on residential amenity
- Access and parking
- Flooding and drainage
- Impact on natural heritage
- Impact on built and archaeological heritage

Recommendation: Grant Planning Permission**Report Agreed by Authorised Officer**

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

1. Site and Surrounding Area

The site is located at lands at 160 High Street, Holywood. The site is the former Council for Catholic Maintained Schools, the building has been demolished. Parts of the hard standing still remain. The site topography rises gradually from High Street towards the rear boundary. The entrance, along the boundaries of the site and throughout the site is densely vegetated with TPO trees. There is a watercourse that runs from the west corner of the site, across the site and along the eastern boundary. There is an existing access to the site off High Street.

The site is within the settlement limit of Holywood and the proposed Holywood South Area of Townscape Character. The surrounding area is predominantly residential with a mix of house types and designs. There are also some schools and churches. The site is approximately 175m south of Holywood's Town Centre.

2. Site Location Plan



3. Relevant Planning History

TPO/2015/0060/LA06 - 160 High Street, Hollywood - TPO Confirmed – 30.03.2018

LA06/2020/0474/PAN - 160 High Street, Hollywood - Residential development comprising circa 17 detached dwellings and 13 apartments including internal roadways, landscaping and ancillary works - Proposal of Application Notice was deemed acceptable.

Section 27 of the Planning Act (NI) 2011 places a statutory duty on developers to carry out a Pre-application Community Consultation on major development proposals. The threshold for housing sites is sites that are greater than 2 hectares or more than 50 units. The site is 2.41 hectares. The PAN was submitted to the Council 12 weeks in advance of the submission of this application. The PAN was received by the Council 3rd June 2020 and the application received 16th September 2020.

The PAN submitted complies with the legislation and community consultation was carried out through online and remote means due to current COVID-19 social distancing restrictions. A website was designed for the consultation to allow

residents and stakeholders an opportunity to view plans for the development, details to get in touch with members of the project team and provide feedback on the plans before the planning application was submitted. The online and remote consultation ran from Monday 20th July 2020 to Friday 7th August 2020 and a webinar also took place on Wednesday 5th August 2020. For residents/ stakeholders with no internet access, hard copy project information packs were delivered to their addresses as well as enclosed feedback forms and pre-paid envelopes.

Statutory requirements for the advertisement of the consultation were met through the placing of a Public Notice in the County Down Spectator on Thursday 9th July 2020.

A Community Consultation Report is submitted as part of this proposal which details the proposal of application notice, the public consultation, stakeholder issues and feedback and the amendments made to the proposal prior to submission following the feedback.

4. Planning Assessment

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

- North Down & Ards Area Plan 1984-1995
- Belfast Urban Area Plan
- Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 6 – Planning, Archaeology, and the Built Heritage
- Planning Policy Statement 6 (Addendum) – Areas of Townscape Character
- Planning Policy Statement 7 - Quality Residential Environments
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12 - Housing in Settlements
- Planning Policy Statement 15 – (Revised) Planning and Flood Risk

Planning Guidance:

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

Principle of Development

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.

Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgment in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) and Belfast Urban Area Plan are now the statutory development plans for the area. A further consequence of the judgment is that draft BMAP published in 2004, is a material consideration in the determination of this application. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations.

Work on the adoption of BMAP has not been abandoned and the Chief Planner clarified in his update to Councils on 25 November 2019 that the draft BMAP remains an emerging plan and, as such, the draft plan, along with representations received to the draft plan and PAC Inquiry Reports, remain as material considerations to be weighed by the decision-maker.

The application site is located within the settlement development limit of Holywood as designated in the North Down and Ards Area Plan 1985-1994, Belfast Urban Area Plan and draft Belfast Metropolitan Area Plan 2015. The site is also designated within the proposed Holywood South Area of Townscape Character (ATC).

The Planning Appeals Commission considered objections to the proposed ATC designation within its report on the BMAP public inquiry. The Commission recommended to extend this ATC designation boundary with this site remaining within the ATC boundary. Therefore, it is likely, that if and when BMAP is lawfully adopted, a Holywood South Area of Townscape Character designation will be included. Consequently, the proposed ATC designation in draft BMAP is a material consideration relevant to this application.

The Commission also considered objections to the general policy for the control of development in ATCs which is contained in draft BMAP. It is recommended that the policy be deleted and that a detailed character analysis be undertaken, and a design guide produced for each individual ATC. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of the Holywood South ATC will be repeated. It is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the proposed ATC remains a material consideration and can be objectively assessed.

Regional planning policies of relevance are set out in the SPPS and other retained policies, specifically PPS 7 – Quality Residential Environments, PPS 3 - Access, Movement and Parking and PPS 15 (Revised) Planning and Flood Risk.

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.

The principle of development of housing on this site is therefore considered acceptable as the site is within the settlement limit of Hollywood and on a brownfield site where housing development is encouraged.

Design, Visual Impact and Impact on Character of the Area

Policy QD1 of PPS 7 seeks to achieve residential developments which promote quality and sustainability in their design and layout, and which respect the character, appearance and residential amenity of the local area.

The proposal will not damage the quality of the local area and will respect the surrounding context. The proposal is for 16 dwellings and 13 apartments within the settlement limit of Hollywood and adjacent to a predominantly residential area. The site is well screened by existing trees and vegetation which will be retained where possible to aid integration and ensure the character of the area is maintained. As the site is currently derelict, it is considered that developing the site with a quality housing scheme will improve the character of the area.

The layout, scale and massing of the proposed dwellings will respect the topography of the site and the character of the area. The site slopes upwards slightly from the road to the rear of the site. The proposed dwellings will respect the topography of the site with only minor changes to the existing contours. The dwellings will be a mix of two and two and a half storeys with pitched roofs and the apartment blocks will be two and a half and three and a half storeys with pitched roofs which will respect the massing within the surrounding area.

All properties will face onto the road network within the site. The dwellings will have in-curtilage car parking and private amenity space which is a similar pattern of development to the surrounding streets and area. The apartments will have shared car parking at the rear and shared amenity space surrounding the buildings which is characteristic of apartment developments.

The proposed dwellings will be detached and will be located towards the rear of the site with two separate apartment blocks closer to the entrance to the site. The dwellings and apartments will be finished in a mix of render and red brick with a mix of grey natural slate or terracotta tiled roofs. This is considered as sympathetic and in keeping with the character of the surrounding area. Within the Design and Access Statement, the agent has demonstrated how the design, materials and detailing has been drawn from similar properties within the surrounding area.

Landscaping will be provided within the site to soften the visual impact of the proposal. Dwellings will have grassed garden areas with planting at the front. The areas surrounding the apartment blocks will have grassed gardens and communal landscaped amenity space will be provided between the apartment blocks. As the

site is protected by a TPO the majority of trees will be retained.

The density of the proposed development is not considered as significantly higher than the surrounding residential area. The dwellings and apartment blocks are well spaced out with large, landscaped areas and gardens. The density of the site (outlined in red below) will provide 12 dwellings per hectare. The density of the adjacent area (as outlined in blue) provides 12.35 dwellings per hectare.



It is, therefore considered that the density of the site is similar to the immediate surrounding area and will not have an adverse impact on the character of the area.

The site is within the proposed Hollywood South Area of Townscape Character (ATC). Under Policy ATC 2 in the addendum to PPS 6 development proposals will only be permitted in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is not possible to assess the impact of the proposed development on that character. However, recent decisions by the PAC have clarified that the impact of an application on a proposed ATC remains a material consideration and can be objectively assessed.

It is considered that the proposal will maintain and enhance the character of the ATC as it is developing a derelict site with a quality residential development. Within the Design and Access Statement, the agent has demonstrated how the design, materials and detailing has been drawn from similar properties within the surrounding area.

The trees and vegetation on the site contribute to the distinct character of the area. Following consultation with the Council's Tree Officer, trees within the site will be protected and integrated into the design and layout of the development and conditions will be added to any approval to ensure their protection to ensure the proposal maintains the character and appearance of the area.

Due to the dense vegetation and trees within the site, the buildings will not be highly visible from public views therefore the overall character of the ATC will be maintained.

Policy QDI also refers to development in Areas of Townscape Character (ATC) and states that 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.

As previously discussed, the site is currently derelict and is being replaced with a quality residential development which will improve the character and appearance of the area. The buildings have been designed to be reflective of the materials and architectural features that are evident in the surrounding area. The layout of the site has been well designed to ensure that existing trees and vegetation are retained and integrated into the overall development which will maintain the distinct character of the area. This will also limit public views of the site and therefore the overall character of the ATC will be maintained. It is therefore considered that the proposed development will cause no harm to the proposed ATC and that this matter should be afforded significant weight in the determination of the application.

The proposal is therefore considered to comply with parts (a) and (g) of Policy QD1 of PPS 7 and its reference to ATCs, policy LC1 of the Addendum to PPS 7, Policy ATC 2 of the addendum to PPS 6 and all relevant guidance.

Amenity Space

Sufficient amenity space will be provided within the development. For the dwellings, the size of each plot is adequate to ensure that sufficient provision is made for private amenity space in rear gardens with the average space standard for the development as a whole providing greater than 70m² amenity space per dwelling as recommended in Creating Places. The private amenity space for the dwellings ranges from approximately 109 sqm to 982 sqm.

The apartments are also provided with greater than 10 sqm amenity space per unit as recommended in Creating Places. All apartments will have access to garden areas surrounding the apartments and some apartments will have balconies. Block 2 is provided with 219 sqm of garden space for five apartments and Block 1 with 265 sqm of garden space for 8 apartments. An area of communal open space is also provided between the two apartment blocks.

The development is well spaced out with an extensive area of open space. There is a watercourse within the site with a 5m landscaped buffer maintained adjacent to it and many trees that are protected by a TPO with sufficient space around

them. The Council's Tree Officer has been consulted and is content that the layout will not harm any tree protected by the TPO and that any trees to be felled are not part of the TPO.

As the proposal is for greater than 25 units, an area of open space has been provided within the site as per Policy OS 2 of PPS 8. It has been demonstrated that the area of useable open space is greater than 10% of the total site area as advised under policy. The area of useable open space is approximately 0.4 hectares which on a 2.41 hectare site is 16.6% of the total site area. It is therefore considered that a good level of amenity space is being provided which will create a quality residential environment.



The proposal is therefore considered to comply with part (c) of Policy QD1 of PPS 7, Policy OS 2 of PPS 8 and all relevant guidance.

Impact on Residential Amenity

The proposal will have no unacceptable adverse impacts on residential amenity. Block 2 of apartments will be built gable onto an existing dwelling at No. 158 High Street with a separation distance of 12m between the gables and native hedging will be planted along the adjoining boundary. There are also existing mature trees on No. 158's side. The plans indicate that the windows on the gable elevation facing No. 158 High Street will have opaque glazing. This will be conditioned on any approval to be retained in perpetuity to prevent any unacceptable adverse impacts from overlooking on No. 158 High Street.

In relation to loss of light to No. 158, policy suggests a light angle test of 45 degree for adjacent properties which the proposal meets therefore there will be no loss of light on front or rear windows. There are some windows on the gable elevation.

However, it is considered that due to positioning of Block 2 gable onto No. 158 with a pitched roof, the 12m separation distance and the existing trees and vegetation along the adjoining boundary that there will be no unacceptable adverse impacts from loss of light on the gable elevation.

Block 1 of apartments will be built in the middle of the site with over 30m separation distance between it and the nearest existing dwelling at No. 2 Belfast Road with a dense band of trees along the adjoining boundary to prevent any unacceptable adverse impacts on residential amenity from overlooking or overshadowing.

The proposed dwellings on sites 14-18 will back onto existing dwellings at nos. 1-8 Craigtara and nos. 3 and 5 My Lady's Mile. There will be at least 42m ranging to 70m separation distance between the proposed and existing dwellings and there is a watercourse and existing trees and vegetation along the adjoining boundaries to prevent any unacceptable adverse impacts on residential amenity.

The proposed dwelling on site 20 will back onto existing dwellings at No. 1 and 2 Norwood Lane. The site is at a higher level than the existing dwellings and both No. 1 and 2 Norwood Lane are set at oblique angles to the site. It is considered that due to the oblique angles and that there will be a sufficient separation distance of over 23m between the dwellings (20m separation distance advised within the guidance Creating Places) with a watercourse, fencing and trees and hedging planted in between that this will prevent any unacceptable adverse impacts on residential amenity by reason of overlooking or overshadowing.

The proposed dwelling on site 21 will be built gable onto No. 1 Norwood Lane. However, it is considered that there will be no unacceptable adverse impacts on residential amenity as there will be 28m separation distance between the gable of the proposed dwelling and the rear of No. 1 Norwood Lane and there will be a watercourse, fencing and trees and hedging planted in between to protect residential amenity.

The proposed dwellings on sites 21-24 and 27-30 will back onto the Sullivan Upper School site with separation distances ranging from 20m to 52m and therefore will have no impact on residential amenity. Trees and vegetation along the adjoining boundary with the school will be retained and fencing added to the new boundaries within the site to protect the residential amenity of the new dwellings.

The layout of the development within the site will ensure that residential amenity is protected for future residents. The apartment blocks are well spaced out from other development within the site and the proposed dwellings will face onto the road layout with the majority backing onto the boundaries of the site with sufficient depths of rear gardens and fencing and landscaping (as discussed previously in the report). The proposed dwellings on sites 25 and 26 will back onto the gable of site 27 with a separation distance of at least 10m and the windows on the gable elevation of site 27 will be opaque glazing to ensure there is no unacceptable adverse impacts on the residential amenity of these dwellings.

It is therefore considered that the proposal will have no unacceptable adverse impacts on residential amenity and complies with part (h) of Policy QD 1 of PPS 7 and all relevant guidance.

Access, Roads Safety and Car Parking

The proposal will use an existing access onto High Street, Hollywood, which is not a protected route. A Transport Assessment form and Private Streets Determination drawings were submitted as part of the proposal and DfI Roads was consulted.

The Transport Assessment form demonstrates that 'the development is considered to have a minimal transport impact relative to the existing traffic flows in the area. The threshold where a detailed Transport Assessment may be necessary is 100 residential units or 100 trips in the peak hour. This application is well below these thresholds; therefore, no detailed Transport Assessment should be required. The housing is replacing a former office use, which required approximately 75 parking spaces. When this is offset against the development traffic, any minimal traffic impact will reduce further.'

The site is within walking distance to Hollywood Town Centre and has pedestrian links to other shops/ services, schools and recreational facilities within the wider Hollywood area.

The site is well served by public transport with bus stops within 100m from the development access and Hollywood Train Station is 800m walk from the site.

DfI Roads is content with the proposal, and the road layout has been designed to adoption standards with PSD drawings being stamped granted.

The site layout plan demonstrates that there will be sufficient parking for the apartments. Block 1 will consist of one 1-bed apartment which requires 1.25 spaces, five 2-bed apartments which require 1.5 spaces per apartment and two 3-bed apartments that require 1.75 spaces per apartment with the total requirement being 12.25 spaces.

Block 2 will consist of four 2-bed apartments which require 1.5 spaces per apartment and one 3-bed apartment which requires 1.75 spaces with the total requirement being 7.75.

Block 1 will be provided with 13 spaces and Block 2 with eight spaces which meets the current parking standards.

The site layout plan demonstrates that each dwelling will be provided with at least 2 in-curtilage parking spaces (44 in-curtilage spaces provided in total) and 12 visitor spaces will be provided along the road. There will be nine 5-bedroom detached dwellings which require 3.75 spaces per dwelling and seven 4-bedroom detached dwellings which require between 3 – 3.75 spaces per dwelling based on the number of in-curtilage spaces provided. In total the number of spaces required is 57 and 56 spaces will be provided. Although the parking provision falls short it is considered that sufficient in-curtilage parking will be provided with each dwelling having at least 2 spaces. It is only the visitor parking that falls short by one space,

and therefore it is considered on balance that the proposal will have no unacceptable adverse impact on parking and DfI Roads is content with the proposal from a road safety perspective.

As DfI Roads offers no objections it is considered that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. It is therefore considered that the proposal complies with Policies AMP 2, AMP 3 and AMP 7 of PPS 3, part (f) of Policy QD1 of PPS 7 and all relevant guidance.

Archaeology and Built Heritage

The site is in close proximity to several listed buildings which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011, such as 140 – 150 (evens) High Street, Holywood and St Colmcille's Tower & Spire at 2a My Lady's Mile, Holywood which are Grade B2 listed.

Historic Environment Division (HED) – Historic Buildings was consulted and commented that 'it is content with proposals for dwellings on site under policy BH11 of PPS 6 and note the development shall benefit from the fact that the site was until recently, partially developed. Under criteria c) HED (Historic Buildings) have no objection to the use, as the nature of the proposed as dwellings matches that of most other surrounding buildings.'

HED considers the development shall exert no greater demonstrable harm on the setting of the listed buildings and structures than the current arrangement and the application site is sufficiently removed from the listed buildings. To ensure the wider setting of the listed buildings are not duly impacted, HED requests that a similar depth of appropriate landscaping must be implemented and welcomes that this is the approach the applicant has taken. The landscaping will be conditioned as part of any approval on the site.

In relation to any archaeological features on site HED Historic Monuments was consulted and commented that 'it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH4 of PPS 6.'

It is considered that the proposal complies with part (b) of Policy QD1 the relevant policies in PPS 6 and all other relevant guidance.

Security from Crime

The layout has been designed to deter crime and promote safety as all dwellings will front onto the road and rear amenity space will be protected by fencing and landscaping. It is therefore considered that the proposal complies with part (i) of Policy QD1 of PPS 7 and all relevant guidance.

Local Neighbourhood Facilities

As the proposal is only for 29 dwellings there is no need to provide local

neighbourhood facilities as part of the development. The site is within the settlement limit of Holywood with accessibility to shops and services. It is therefore considered that the proposal complies with part (d) of Policy QD1 of PPS 7 and all relevant guidance.

Designated Sites and Natural Heritage

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

Following an appropriate assessment in accordance with the regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects provided mitigation is carried out relating to the submission of a final site-specific Construction Environmental Management Plan (CEMP) before commencement of any works on site. This will be conditioned within any approval.

In relation to protected species, priority species and habitats within the site an Ecological Survey & Appraisal was submitted and DAERA Natural Environment Division (NED) was consulted. It commented that 'it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.'

A condition will be added to any approval to ensure that no development activity shall take place until a Protected Species Mitigation Plan (PSMP) has been submitted to and approved by the Council to ensure there will be no likely impact on protected species.

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

Flooding and Drainage

Following consultation with DfI Rivers it commented that the site is traversed at the south-west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and is known to DfI Rivers as: 'Sullivan Stream'. The site is bounded at the east and traversed from the north-east to the south-west by an undesignated watercourse.

Policy FLD 1 of PPS 15 is not applicable to this site as the site is not within the 1-100 year floodplain.

Under Policy FLD 2 (point 6.32), it is strongly advised that a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. The applicant has demonstrated that they are leaving a minimum working strip of 5m adjacent to the watercourse.

As the proposal is for 29 dwellings a drainage assessment was submitted under

Policy FLD 3 of PPS 15. Dfl Rivers commented that it has 'reviewed the Drainage Assessment by Sheehy Consulting and while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.' Dfl Rivers has requested that a condition is added to any approval to ensure that prior to the commencement of development on site, a final drainage assessment is submitted for approval.

Under Policy FLD 4 of PPS 15, the planning authority will only permit the artificial modification of a watercourse where it is necessary to provide access to a development site or for engineering reasons. Dfl Rivers has indicated that a footbridge is proposed at the undesignated watercourse and that Schedule 6 consent for the works is required. Dfl Rivers further commented that it 'is content that Schedule 6 Consent has been obtained from Dfl Rivers, Eastern Division to carry out the works detailed by the applicant.'

It is considered that the proposed footbridge is necessary for engineering reasons to allow future residents to access the amenity space within the site and as Schedule 6 consent has been granted these works are not likely to increase flood risk to the site or elsewhere.

Policy FLD5 - Development in Proximity to Reservoirs – is not applicable to this site.

It is therefore considered that the proposal complies with PPS 15 as it will not cause a flood risk to the development and elsewhere.

5. Representations

Seven objections have been received from six separate addresses. The main issues of concern are:

- *Increase in traffic using High Street, tailback onto/ from carriageway*

A Transport Assessment form has demonstrated that due to the previous use on the site which used the same access and had 75 parking spaces, the change of use of the land to 29 dwelling units will have no greater impact on traffic. Dfl Roads was consulted and offers no objections to the proposal from a road safety perspective.

- *Retain trees*

Many of the trees within the site are protected under a Tree Preservation Order (TPO) and therefore will be retained. The Council's Tree Officer was consulted and is content that the proposal will not harm any trees protected by the TPO. Several conditions will be added to any approval to ensure the protection of trees within the site.

- *Impact on protected species/ wildlife*

As discussed within the report an Ecological Survey & Appraisal was submitted and DAERA Natural Environment Division (NED) was consulted. It commented

that 'it has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.' A condition will be added to any approval to ensure that no development activity shall take place until a Protected Species Mitigation Plan (PSMP) has been submitted to and approved by the Council to ensure there will be no likely impact on protected species.

- *Submission of cross section showing site and existing dwellings at Norwood Lane*

As a result of this objection the applicant submitted cross sections.

- *Overshadowing/ loss of light/ dominant impact and impact on privacy of Norwood Lane due to higher levels*

Due to concerns regarding the original proposal and its impact on the dwellings in Norwood Lane, one dwelling was removed to allow a greater separation distance between the proposed and existing dwellings which will prevent any unacceptable adverse impacts on their residential amenity. The impact on the dwellings in Norwood Lane has been discussed in detail previously in the report and it is considered that due to the oblique angles between the existing and proposed dwellings and that there will be a sufficient separation distance of over 23m between the dwellings (20m separation distance advised within the guidance Creating Places) with a watercourse, fencing and trees and hedging planted in between that this will prevent any unacceptable adverse impacts on residential amenity by reason of overlooking or overshadowing.

- *Noise during construction*

This is considered as temporary and will be controlled by different legislation regarding the operation of building sites. Any noise outside of the detailed construction hours can be reported to the Council's Environmental Health Department.

- *Water and sewage services at capacity*

NI Water has indicated that there is capacity at the WWTW and although there is no public foul sewer capacity, the developer has provided information which proves that the storm is currently discharging into the combined network. The proposal is to remove this storm from the combined network, therefore achieving a significant reduced loading compared to the existing and a connection will be approved by NI Water.

- *Flooding from watercourse*

A Drainage Assessment was submitted, and Schedule 6 consent granted. DfI Rivers was consulted and is content that the proposal will not cause a flood risk to the development or elsewhere.

- *Design out of character*

The Design and Access statement submitted as part of the proposal demonstrates how the design, materials and architectural features of the buildings have been drawn from the surrounding area and the proposal is in keeping with the character of the area.

- *Location of Block 2 is within an undeveloped and wooded area of the site. It does not maintain the character of the ATC, respect built form or protect trees, contrary to Policy QD 1 and ATC 2. Proximity to the adjoining boundary with No. 158 High Street, no buffer planting, overlooking into gable windows on No. 158, loss of light/ overshadowing and noise and disturbance.*

It has been demonstrated that the location of Block 2 will not harm the existing wooded area as it will be positioned approximately 45m back from the roadside to ensure the trees are retained. It is considered that the design and height of Block 2 are similar to the adjacent dwelling at No. 158 High Street - 2 ½ storey, red brick with dormer and bay windows. The similar design combined with the retention of the dense band of trees along the front boundary will ensure the character of the ATC is maintained in line with policies QD1 of PPS 7 and Policy ATC 2 of the addendum to PPS 6.

There will be 12m separation distance between the gables of Block 2 and No. 158 High Street. Plans indicate that there will be hedging planted along the adjoining boundary with a wall on the site side of the hedging. The windows on the proposed gable elevation at first floor level and above will be opaque glazing to ensure there is no unacceptable adverse impacts from overlooking. It is considered that the separation distance, boundary treatments and opaque glazing will ensure there are no unacceptable adverse impacts on the existing residential amenity of No. 158 High Street.

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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992
The Council hereby determines that the width, position and arrangement of

the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 83C bearing the date stamp 17 August 2021.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 83C bearing the date stamp 17 August 2021. The Council hereby attaches to the determination a requirement under Article 3 (4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

4. The visibility splays of 2.4 metres by 70 metres at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. 83C bearing the date stamp 17 August 2021, prior to the commencement of any other works or other development and shall remain in perpetuity.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

6. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of each site for the parking of private cars at the rate of 2 spaces per dwelling.

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

7. 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 CG300 of the Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of the Design Manual for Roads and Bridges.

8. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and approved by the Department for Infrastructure Roads Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

9. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section.

(These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

10. All hard and soft landscape works shall be carried out in accordance with the approved details as indicated on Drawing No.04E bearing the date stamp 10 September 2021 and the relevant British Standard 5837: 2012 or other recognised Codes of Practice. All new planting as indicated on the stamped approved drawing shall be undertaken during the first available planting season after the occupation of the first dwelling hereby approved and retained in perpetuity.

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

11. The management and maintenance of the approved landscaping shall be carried out in accordance with the approved Landscape Management and Maintenance Plan prepared by RPS dated April 2021 in perpetuity.

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

12. The existing trees as indicated in green on Drawing No. 04E bearing the date stamp 10 September 2021 shall be retained. 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, or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written consent of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with the relevant British Standard 3998: 2010.

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

13. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plan Drawing No. 03F bearing the date stamp 29 November 2021 and in accordance with BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, or any other works carried out, or fires lit without the written consent of the Council.

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

14. 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.

15. The proposed utility apparatus associated with the development, including foul and storm sewers, shall be positioned and carried out in accordance with Drawing No. 03F bearing the date stamp 29 November 2021. The development shall be carried out in accordance with the approved details.

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

16. The proposed 1.8m high timber fencing along the boundaries of the site shall be erected in accordance with the 'Methodology for Implementing Boundary Fences within the RPA of Retained/ Protected Trees' as shown on Drawing No. 04E bearing the date stamp 10 September 2021. All foundations shall be hand dug and lined as annotated.

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

17. The areas shaded purple, red and yellow on approved plan Drawing No. 03F bearing the date stamp 29 November 2021 shall be completed using a geo-cell construction and methodology as indicated on this approved plan and shall be retained as such in perpetuity.

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

18. The proposed service trench as shown as a thick dashed orange line on Drawing No. 03F bearing the date stamp 29 November 2021 shall be carried out using a directional drilling technique in accordance with the detail contained on this approved plan and NJUG 4: Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees. The technique for the development shall be completed as approved.

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

19. The amenity open space as indicated on Drawing No. 04E bearing the date stamp 10 September 2021 shall be laid out in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and shall not thereafter be used for any purpose other than as open space/ play space.

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

20. The long-term management and maintenance of the open space as indicated on Drawing No. 04E bearing the date stamp 10 September 2021, 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 by the Council prior to the occupation of any dwelling hereby approved.

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

21. Prior to the occupation of the apartments within Block 2 as shown on Drawing No. 02D bearing the date stamp 6 August 2021, all windows coloured yellow on Drawing Nos. 68, 69A, 70A and 73A bearing the date stamps 16 September 2020 and 20 November 2020 shall be glazed with obscure glass and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

22. Prior to the occupation of the dwelling on site 27 as shown on Drawing No. 02D bearing the date stamp 6 August 2021, all windows coloured yellow on Drawing Nos. 19 and 21 bearing the date stamp 16 September 2020 shall be glazed with obscure glass and this obscure glazing shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

23. Prior to the commencement of any of the approved development on site, a

final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to and agreed by the Council in writing and implemented to its satisfaction.

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

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

- a) Details of appropriate mitigation for protected species to be implemented during the site preparation, construction and operational phases, including timing of works and tree felling;
- b) Details of updated pre-construction surveys for badgers;
- c) Provision of 25m buffers from all development activity to any badger setts;
- d) Details of wildlife corridors to allow movement of badgers to and from setts and foraging areas;
- e) Details of appropriate fencing to protect badgers, their setts and wildlife 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 protected species mitigation measures during the construction phase, including their roles, responsibilities and timing of visits.

Reason: To mitigate for impacts on protected species using the site.

25. A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Council prior to the commencement of any works. The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period to the satisfaction of the Council.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect the hydrologically connected European Site features in Belfast Lough.

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

Communities. The POW shall provide for:

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

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

27. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 26.

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

28. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 26. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council

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

Informatives:

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.

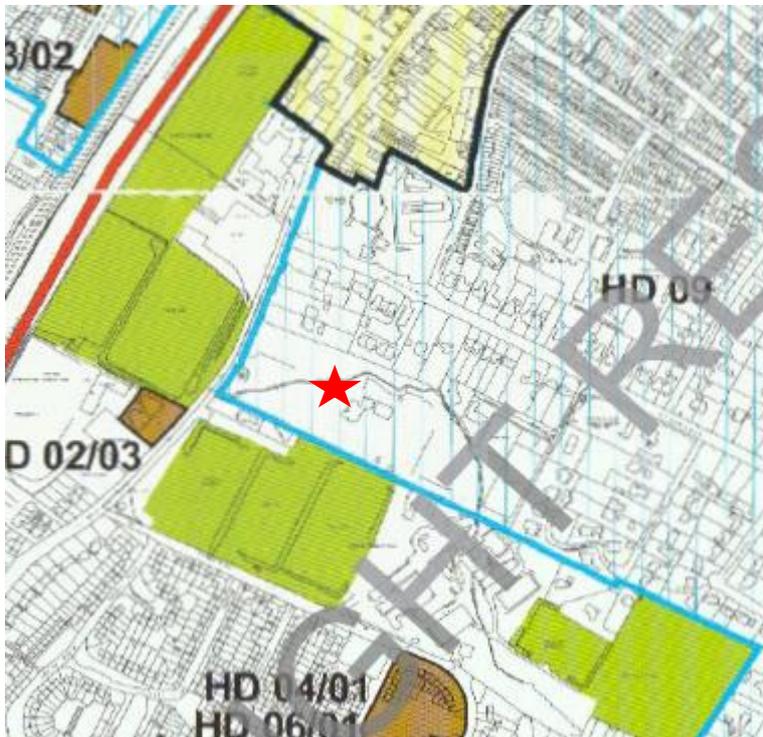
Aerial Image of Site



Site Layout



Draft BMAP Plan Designations





Visual of proposed scheme within surrounding context

Examples of Elevations of the dwellings



Elevations of Apartment Blocks



Photos of the site

Entrance



View towards Norwood Lane



View Towards Properties along High Street



View from rear of site looking towards the entrance



View from entrance looking towards northern boundary



View from entrance looking towards eastern boundary



ITEM 4.6

Ards and North Down Borough Council

Application Ref	LA06/2020/0273/F
Proposal	Ground floor extension to NW side of existing offices, to replace existing ground floor offices
Location	17 Moss Road, Ballygowan DEA: Comber
Committee Interest	Local application involving development which constitutes a departure from the Development Plan and which is recommended for approval
Validated	16/03/2020
Summary	<ul style="list-style-type: none">• Site located within settlement limit of Ballygowan• Application site located on lands zoned for housing – HPA 4 Ards and Down Area Plan 2015• Weight being given to long established use of the existing factory of over 40 years• 9 objections from 6 addresses• All material considerations raised fully addressed in case officer report• All consultees content with some recommending conditions
Recommendation	Approval
Attachment	Item 4.6a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2020/0273/F	DEA:	Comber
Proposal:	Ground floor extension to NW side of existing offices, to replace existing ground floor offices	Location:	17 Moss Road, Ballygowan
Applicant:	CCP Gransden		

Date valid:	16/03/2020	EIA Screening Required:	No
Date last advertised:	06/01/2022	Date last neighbour notified:	14/02/2022

Consultations – synopsis of responses:

Environmental Health	No objection with condition
NI Water	No objection with condition
NIEA WMU / Land, Soil and Air	No objection
DFI Roads	No objection

Letters of Support	0	Letters of Objection	9 (6 different addresses)	Petitions	0
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Summary of main issues considered:

- Visual impact
- Effect on adjacent domestic properties
- Potential Land contamination
- Noise impact

Recommendation: Grant Planning Permission

Report Agreed by Authorised Officer

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

1. Site and Surrounding Area

This application site is located at 17 Moss Road, Ballygowan. The site is accessed off the Moss Road through large electronic metal gates. The site is generally flat and oblong in shape. In the centre of the site is a large factory building which is two storey in height and single storey to the western side. There is staff / visitor parking to the western side. The topography of the site is generally flat and open to the north, west and south of the building. A brick wall marks the western boundary of the site, and beyond this wall is a housing development. Along the eastern boundary is mature vegetation.

To the immediate east and south of the site is agricultural land, with a quarry approximately 50m east of the site. The company on site is CCP Gransden which is a company specializing in advanced composite design and manufacture.

The site is located within the settlement limit of Ballygowan as shown within the Ards and Down Area Plan 2015 and within an area zoned for housing. The site however is used as a well-established factory with planning history approved in 1975 for an extension to the factory.

2. Site Location Plan



3. Relevant Planning History

Planning Reference: LA06/2018/1290/F

Proposal: Extension to existing factory to accommodate self-contained spray booth
Address: 17 Moss Road Ballygowan
Decision: Pending

Planning Reference: LA06/2016/0243/F
Proposal: Proposed workshop, storage and office building plus extension to existing building to provide additional workshop and storage space
Address: 17 Moss Road Ballygowan
Decision: Permission Granted 06.10.2016

Planning Reference: X/1998/0071
Proposal: Extension to existing yarn factory
Address: Moss Road Ballygowan
Decision: Permission Granted

Planning Reference: X/1994/0409
Proposal: Warehouse extension to existing factory
Address: Moss Road Ballygowan
Decision: Permission Granted

Planning Reference: X/1986/0397
Proposal: New Shed - For Storage and Manufacture Work Already Carried Out In Existing Premises
Address: 17 Moss Road, Ballygowan
Decision: Permission Granted

Planning Reference: X/1976/0043
Proposal: Extensions to Building
Address: film fibre division, moss road, Ballygowan
Decision: Permission Granted

Planning Reference: X/1975/0625
Proposal: extension to factory
Address: film fibre division, moss road, Ballygowan
Decision: Permission Granted

The planning history of the site shows that there is a well-established business on site with a factory that has been extended over the past forty-five years.

4. Planning Assessment

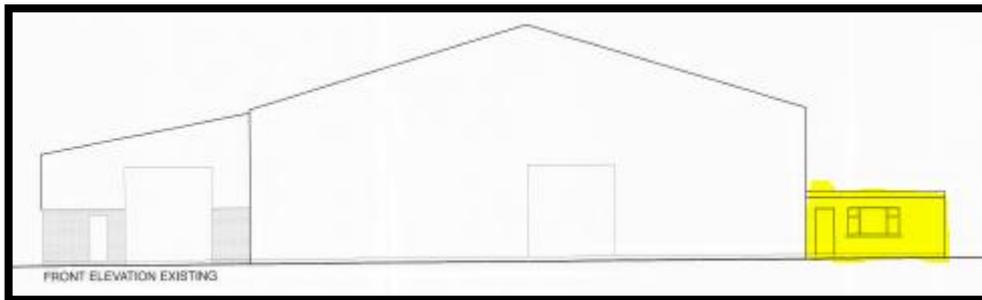
The relevant planning policy framework, including supplementary planning guidance where relevant, for this application is as follows:

- 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 4: Planning & Economic Development

Principle of Development

Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan unless material considerations dictate otherwise. The site described above lies within the development limits of Ballygowan and within an area zoned for housing. While the land on which the site is located is within an area zoned for housing, the site is well-established as a commercial factory.

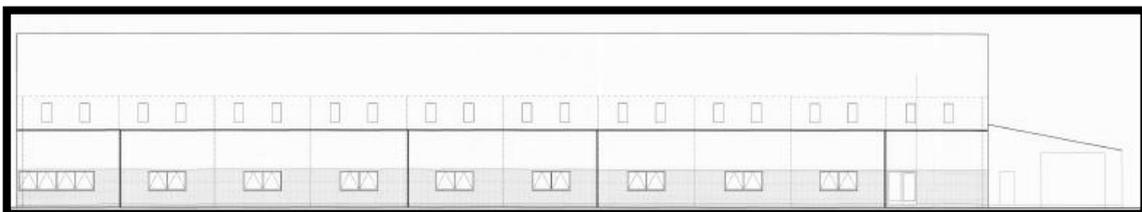
The proposal involves a ground floor extension to the NW side of existing offices, to replace existing ground floor offices. The existing single storey off shot projection to the north-west side is to be demolished. (highlighted below)



As the proposal seeks permission for a minor extension and will not introduce a new use, the principle of development is acceptable. The factory currently has a single storey flat roof off-shot to the north-west facing elevation. This measures 3m high, 6.4m deep and 55.7m long. This provides ground floor office space to the existing business. It is proposed to replace this with an extension which will have a sloping roof 4.9m high rising to 6.8m high, 9.5m deep and 61m long.



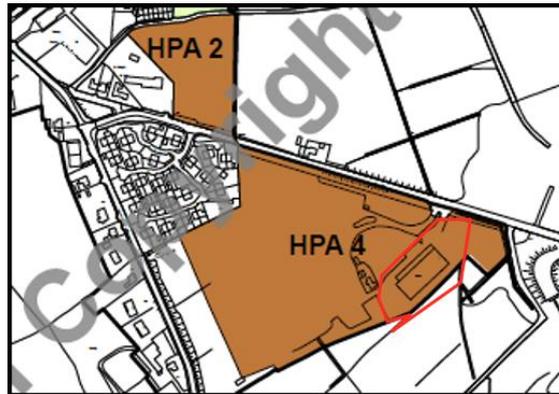
Proposed gable elevations



Proposed north-west elevation showing roof lights within the roof structure

There are no environmental, architectural or archaeological designations relating to the site. Whilst the proposal is not in conformity with the land use zoning it is however in general conformity with the well-established use of the site, subject to the relevant

policy considerations below. There is nothing within the Area Plan which restricts the extension of this existing factory.



Extract from Map No. 2/006 Ballygowan (Ards and Down Area Plan 2015)

Residential Impact

There is a residential development to the west of the site which was granted permission between 2000 and 2010. There is a row of 14 dwellings along the north-west boundary of the site, adjacent to where the proposed extension is to be constructed. The original submitted design was for a two-storey extension to the building, with first floor windows facing the row of dwellings along the NW boundary. Concerns were raised with regard to the first-floor element of the proposal. The design has since been amended so that there are no first-floor windows now proposed and no first floor. It is now proposed to demolish the existing ground floor off-shot office and replace it with an extension with a larger footprint than the existing. The proposed extension is to have only ground-floor office space, ground-floor windows and roof lights on the slanted roof structure.

Environmental Health has been consulted with regard to any potential impact the development proposal may have on the dwellings with respect to noise, air pollution, general amenity, ambient air quality and contaminated land. Environmental health responded with no objection to the proposal in this regard and confirmed that the extension will provide additional office space and it is noted that no externally mounted plant or equipment is to be located on the facade. Taking into consideration the proposed future office use, Environmental Health is satisfied that the development proposed should not cause significant adverse noise impact to the occupiers of nearby residential dwellings.

The proposed extension is also to facilitate storage for the factory and any emissions or effluent has been considered by Environmental Health. A Preliminary Risk Assessment (often referred to as a Phase I) that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and a Preliminary Conceptual Site Model outlining all potential Source-Pathway-Receptor pollutant linkages, was requested and after consideration Environmental Health had no objection to the proposed development and recommended inclusion of a condition in any permission granted.

The proposed development is to be approximately 20m to the shared boundary with dwellings and between 25m and 33m away "back-to-back". Given the distance to the shared boundary, which is approximately 20m, the intervening 3m high boundary wall,

the use of the proposal and the “back-to-back” distance, the development will have no detrimental impact on the adjacent dwellings.



Existing factory with boundary wall.

The outlook from the adjacent dwellings is interrupted by the existing 3m high wall, the extension proposed is single storey and will have a backdrop provided by the existing factory.

Visual Impact

The proposed extension will match the design and materials of the existing building. The building is well-established on this site and the extension has been designed to be a subordinate extension to that which exists. The materials to be used match those of the existing building and glazing has been used to provide adequate day light.

The building as discussed has been well-established on this site for more than 40 years with previous approvals for its extension. The extension will be viewed from the rear of the dwellings beyond the 3m high wall boundary. There is already a view of the factory from these buildings and while there will be change in that view, it will not be detrimental from that which exists given the single storey design of the proposed extension. It will not create a significant increase of impact with regard to a dominant outlook.

Access, Movement and Parking

No alterations to the access with the public road are proposed. An increase of 10 car parking places is proposed for 5 visitors and 5 staff in addition to existing parking to the front and rear of the building. DFI Roads were consulted and have no objection. The road network surrounding and within the site are not affected by the proposal.

Contaminated land

NIEA – Land, Soil and Air were consulted and have responded with the following –

The proposed development is located approximately 100 metres from the boundary of a PPC Part B permitted site which is regulated by the Industrial Pollution and

Radiochemical Inspectorate (IPRI). Due to the proximity of the proposed development to the boundary of this site there is the potential for occupants to suffer periodic loss of amenity due to noise, dust.

As the application site is well-established within the area and has always been located in close proximity with this PPC Part B permitted site, together with the fact that the proposed extension is to be further away from the boundary than the existing buildings already on site, no exacerbated impact is expected upon the proposal.

Natural Heritage

The biodiversity checklist was applied, and as the proposal is not likely to have a significant impact on any protected species further investigation is not considered necessary.

It is considered that there will be no significant impact caused to protected species as a direct result of the proposed development.

The potential impact of this proposal has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Wildlife Order (Northern Ireland) Order 1985 (as amended).

5. Representations

The proposal has been advertised in the local press and neighbours have been notified as per the Section 8 of the “The Planning (General Development Procedure) Order (Northern Ireland) 2015”; there were nine objections from six different addresses to consider.

The original application submission proposed a two-storey extension to the factory which included ground floor and first floor office space, with first floor windows facing north-west towards adjacent residential development. After discussion with the agent the proposed scheme has been amended so that there will only be a ground floor extension.

Issues Raised

7 of the letters of objection were received prior to the amended drawings being submitted.

Overlooking / Directly in line with bedrooms

As discussed in this report, the proposed development has been amended so that it is single storey in design. There are not to be any first-floor windows. Given the distance to the shared boundary which is approximately 20m, the intervening 3m high boundary wall, the use of the proposal and the back to back distance, the development will have no detrimental impact on the adjacent dwellings.

Increased noise disturbance

Environmental Health considered noise impact upon the adjacent dwelling and had no objection to the proposed development.

Increased light disturbance

Given that the proposed use of the extension is no different to the existing building and taking into account the separation distances proposed, it is my planning judgment that there will be no detrimental impact created by the proposal given the design of the extension is now single storey with no external lights proposed.

I have considered all the issues raised within the objections received, it is my planning judgment that the issues raised have been considered within the planning report and there are no issues which would warrant refusing the proposed development.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. All services within the development should be laid underground.

Reason: In the interests of visual amenity

3. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health

4. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

5. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Ards and North Down Borough Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

Informative

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

ACEmap[®] Single

Printed: 05/11/2015 Customer Ref: Jim Erskine

Centre Point (Easting, Northing): 343693, 363401

17 MOSS ROAD, CARRICKMANNAN, BALLYGOWAN, BT23 6JQ, 185230964

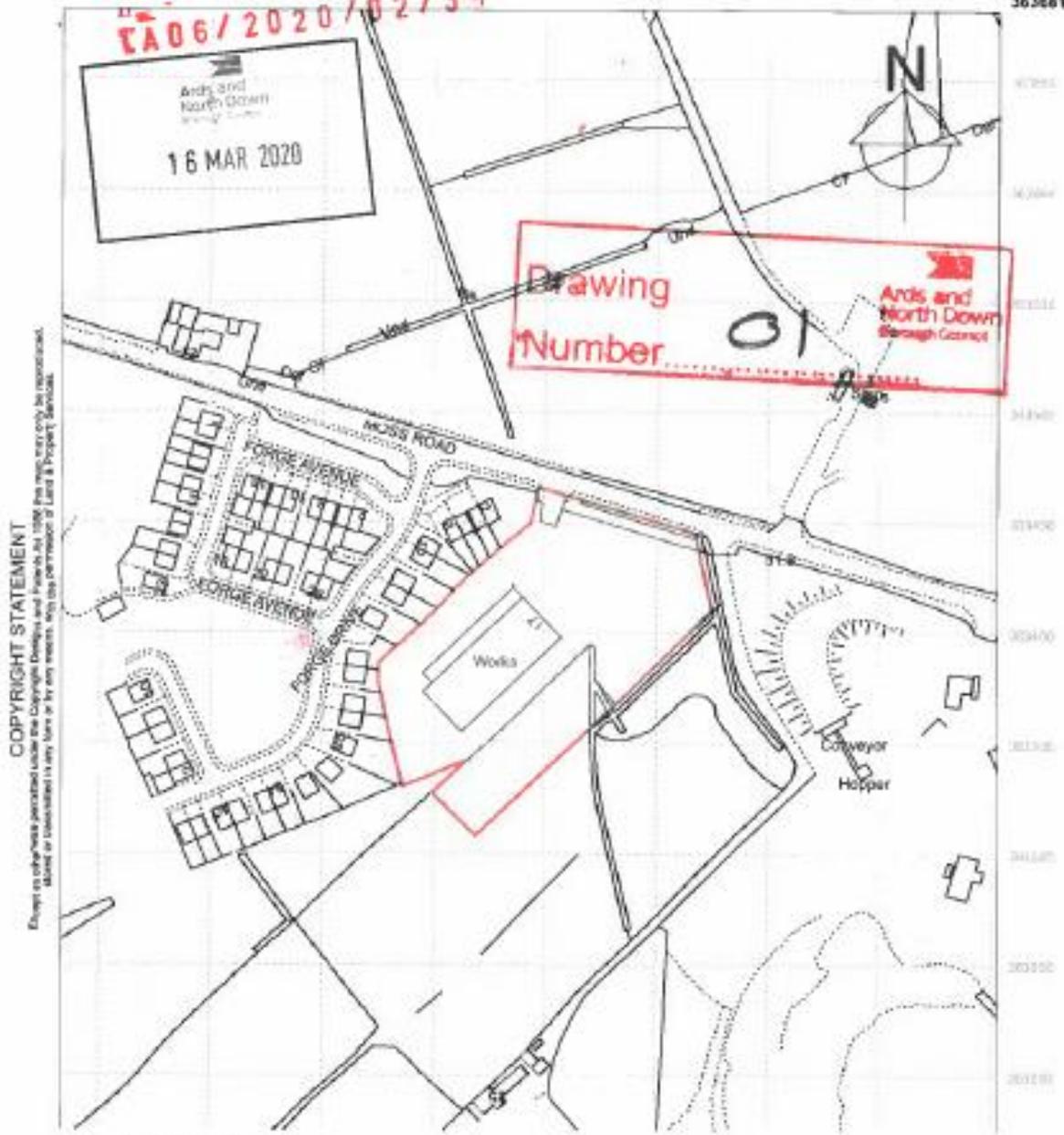
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Order no. ORD18882

Plan No. 16709NE

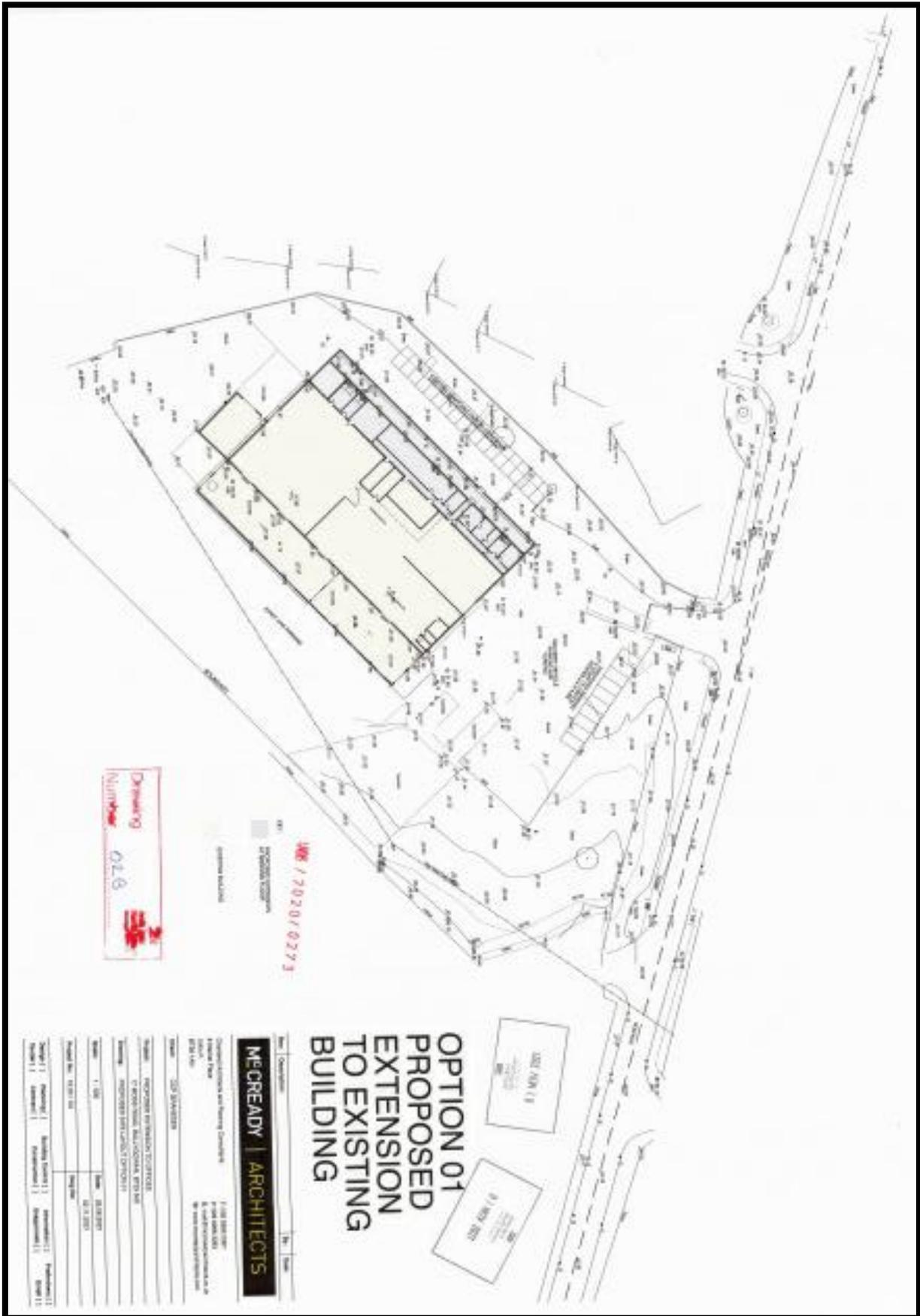
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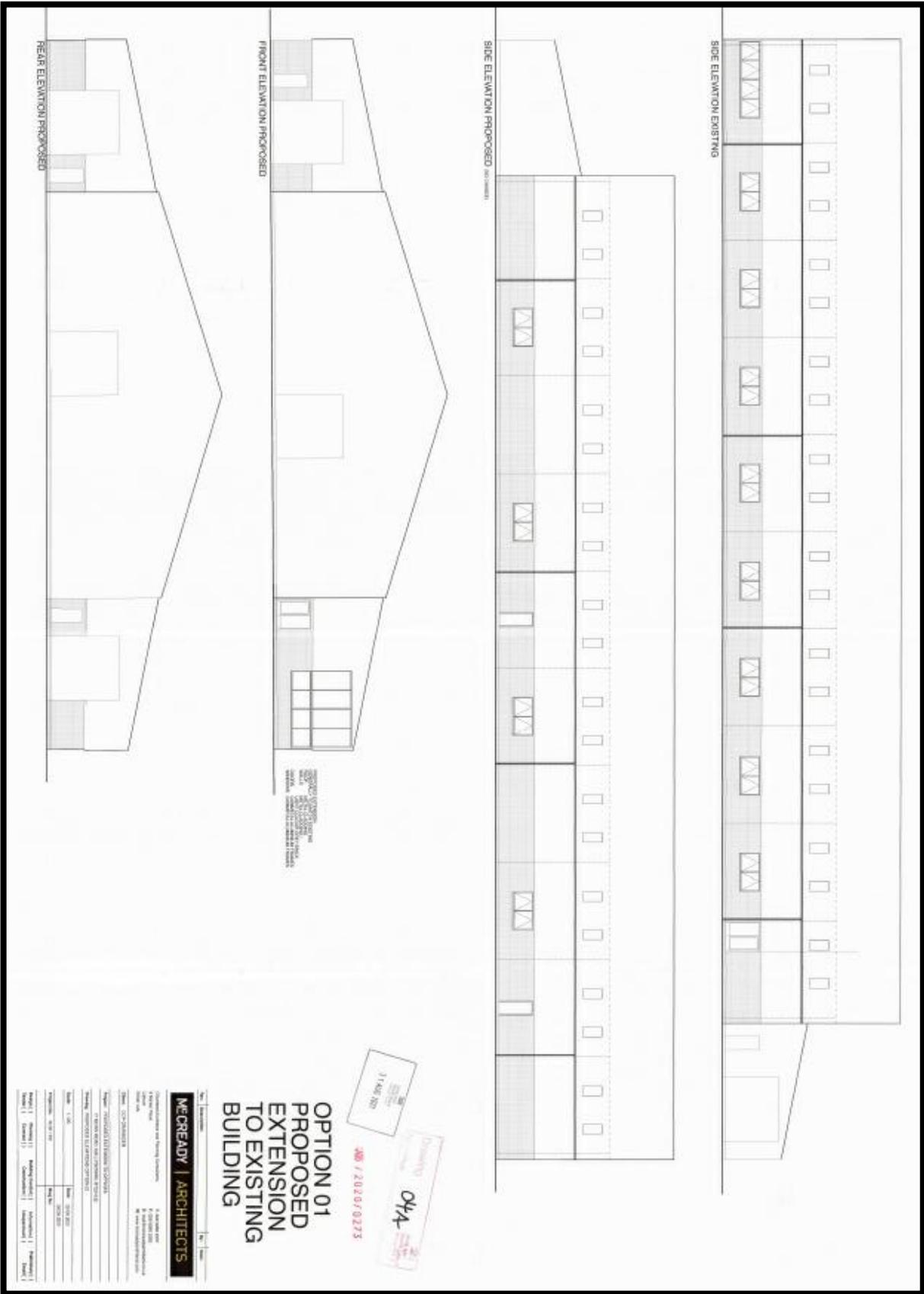


Client: CCP GRANSDEN	MC CREADY ARCHITECTS Chartered Architects and Planning Consultants 8 Market Place Lisburn BT20 1AN T: 028 9268 2267 F: 028 9268 2263 E: mail@mccreadyarchitects.co.uk W: www.mccreadyarchitects.co.uk
Project: PROPOSED OFFICE EXTENSION 17 MOSS ROAD, BALLYGOWAN, BT23 6JE	
Drawing: SITE LOCATION PLAN	
Scale: 1 : 2500	Date: 21.02.2020
Drawing No: 16.20 / 01	Rev:

Site location map figure 1



Proposed block Plan map figure 2



Proposed elevations figure 3



Existing single storey off-shot to be demolished



View of boundary wall and adjacent housing



View of boundary wall and adjacent housing



View of boundary wall and adjacent housing



View from road of existing factory



Aerial view of site

ITEM 4.7

Ards and North Down Borough Council

Application Ref	LA06/2020/1054/F
Proposal	2 No. detached dwellings on Site 4 (previously approved detached house ref: W/2006/0314/RM) with detached garages, landscaping and associated site works
Location	Lands immediately NE of 6 Craigavad Park, Holywood DEA: Holywood & Clandeboye
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	06/11/2020
Summary	<ul style="list-style-type: none">• Site encompasses part of a larger development of 26 dwellings approved under W/2006/0314/RM for which development has commenced. The principle of residential development on this site is therefore established. The development proposes a pair of semi detached dwellings in place of the single dwelling previously approved.• Site is located within the settlement limit of Holywood and is zoned for housing in both the extant North Down and Ards Area Plan (NDAAP) and the Draft Belfast Metropolitan Area Plan (BMAP). The site also lies within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC).• 25 objections have been received from 9 separate addresses.• All objections considered within case officer report• A key site requirement of Draft BMAP is that the development should have a minimum gross density of 5 dwellings per hectare. The density of the proposed development will equate to approximately 10 dwellings per hectare (dph) which is in accordance with the Key Site Requirements. There is also already a variety of housing densities in the area ranging from 4 to 20 dwellings per hectare. Therefore the proposed density is considered to be acceptable.• While the NDAAP contains a policy zone with a minimum plot size of 0.2 hectares for this area, paragraph 18.9 of the plan recognises that there will also be developments which are acceptable in planning terms although they are not

	<p>strictly in accordance with the plot size. Also, in its consideration of objections into Draft BMAP during the Public Inquiry, the Planning Appeals Commission recommended that the policy was not necessary given the adequate protection provided by the ATC designation.</p> <ul style="list-style-type: none"> • The development will not harm any of the key features of the proposed ATC as listed in Draft BMAP. The footprint and massing of the proposed dwellings will be reflective of that found along Station Road. Critical public views from within the wider ATC are limited due to existing built form and trees and vegetation. The dwelling design is traditional and no existing trees will be impacted upon. • Neither planning policy nor the development plan place an embargo on semi-detached dwellings in this area and Creating Places actually promotes a variety of house types and sizes in new developments. • Any future proposals for similar higher density developments will take into consideration the cumulative impact on the character of the area.
Recommendation	Approval
Attachment	Item 4.7a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2020/1054/F	DEA: Hollywood & Clandeboye			
Proposal:	2 No. detached dwellings on Site 4 (previously approved detached house ref: W/2006/0314/RM) with detached garages, landscaping and associated site works	Location:	Lands immediately NE of 6 Craigavad Park, Hollywood		
Applicant:	Rockville Developments Ltd				
Date valid:	06/11/2020	EIA Screening Required:	No		
Date last advertised:	03/03/2022	Date last neighbour notified:	22/02/2022		
Consultations – synopsis of responses:					
DFI Roads		No objection			
NI Water		No objection			
DFI Rivers		No objection			
Council Tree Officer		No objection subject to conditions			
Letters of Support	0	Letters of Objection	25 from 9 addresses	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Visual amenity • Impact on proposed Area of Townscape Character • Landscaping and Impact on Tree Preservation Order • Private amenity • Residential amenity • Road safety • Drainage and flood risk • Nature conservation 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

1. Site and Surrounding Area



The site is located on the north-eastern side of Station Road. The site is part of a larger housing development which was originally granted planning permission under ref: W/2006/0314/RM (26 dwellings). The approved dwellings fronting Station Road and a number of dwellings within the site have been constructed. The site will be accessed off Station Road between Nos. 1 and 2 Craigavad Park. The site is approx. 0.29 ha. The site is relatively flat however the topography of the Craigavad development declines gently in a north-easterly direction. No. 6 Craigavad Park sits at a slightly higher level than the application site with the boundary defined by a hedgerow. The north-western boundary of the site is defined by a stone wall to the rear of No. 57 Station Road and then hedging and fencing. There are a number of trees on the rear portion of the site. A blanket Tree Preservation Order (TPO) covers the entire site.



The site is located within the settlement limit for Hollywood as shown in both the North Down and Ards Area Plan 1984-1995 and Draft Belfast Metropolitan Area Plan 2015 (BMAP). The site is zoned for Housing (HD 04/03) and also lies within a proposed Area of Townscape Character (ATC) (HD12 – Marino, Cultra and Craigavad). Station Road is a well established residential area characterised by detached dwellings and apartments.

2. Site Location Plan



3. Relevant Planning History

Site

W/2001/1011/O - Land to the north-east of Station Road, Craigavad - 26 No residential plots with associated landscaping and ancillary works including construction of internal roads, and related infrastructure – Permission granted

W/2006/0314/RM - Lands to the north-east of Station Road, Craigavad - Erection of 26 No. dwellings, as approved in outline application – Permission granted 29 November 2007.

Adjacent approvals

LA06/2018/0859/F – Site 3, Craigavad Park - Erection of dwelling (change of house type for site 3 approved under Ref: W/2006/0314/RM), landscaping and associated site works – Permission granted 22 November 2018

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
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Addendum to Planning Policy Statement 6: Areas of Townscape Character
- 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

Relevant supplementary planning guidance for this application is as follows:

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

Principle of Development

The site is situated within a previously approved development of 26 No. houses. The proposal is for the erection of 2 No. detached 2 storey dwellings with dormer windows in the roof on the plot of a previously approved detached dwelling.

The application site is located within the settlement of Holywood and is located on land designated for housing in both the NDAAP and draft BMAP. The site is also situated within the proposed Marino, Cultra and Craigavad Area of Townscape Character (ATC). As required by legislation, given the site's location within a proposed ATC, a Design and Access Statement has been submitted. This explains the design principles and concepts applied to the development, the steps taken to appraise the context of the site and how the design takes the context into account as well as the access to the site, disabled access and environmental sustainability.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area. A further consequence of the judgment is that draft BMAP published in 2004, is a material consideration in the determination of this application. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations.

The NDAAP contained a Policy Zone relating to plot size in Cultra/Craigavad in order to "protect the inherent qualities of this locality". This site was zoned with a minimum

plot size of 0.2 hectares however the proposed plot size in this instance measures 0.145 hectares. Paragraph 18.9 recognises that there will be developments which are acceptable in planning terms although they are not strictly in accordance with this plot size policy. These will be generated by the physical or environmental considerations of a particular site or the nature of the development proposed. The Planning Appeals Commission considered objections in the Public Inquiry that the Policy Zone should be retained in BMAP, however it did not consider that there was a need for such a policy, given the ATC designation, which is also intended to protect the area's character.

The draft BMAP zoning HD 04/03 – Housing Lands to the north east of Station Road, Craigavad includes the following Key Site Requirements:

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

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

The density of the proposed development will equate to approximately 10 dwellings per hectare (dph) which is in accordance with the Key Site Requirements. The wider Established Residential Area (ERA) which for the purposes of this assessment is considered to include all residential development north of the Belfast Bangor railway line and east of the river running parallel with the Glen Road. Within this area the average density is lower at 4 dph. There are examples within the ERA of higher density development – 55 Station Road has a density of 20 dph, 62 Station Road has a density of 13 dph and 31 Station Road has a density of 12 dph.

Whilst the average density sits at 4dph, higher density developments/intensification of site usage have previously been considered acceptable along Station Road under this policy. These include LA06/2017/1280/O (Lands 31m north-west of No. 31A Station Road) at 7 dph, LA06/2018/0615/O (Lands 9M North East of 3 The Lane, Station Road) at 8dph and LA06/2019/0514/F (Lands immediately NE of 1 Craigavad Park (site 25))

at 8dph. These approved developments were not deemed to be significantly higher than that found in the area.

It is therefore not considered that the density of 10dph is significantly higher than that found in the area. Furthermore, it is important to note that the density of a development is only one consideration of many which must be weighed up when assessing the overall impact of a development on the character of an area with the overarching test being primarily a visual one, in other words how the development will appear when viewed within its context.

Visual amenity



The dwellings will have a ridge height of 10.6m high above ground level with a hipped roof. The units will be finished in white sand cement render with hardwood sliding sash windows and a natural slate roof. The dwellings have a vernacular emphasis on the windows and an

acceptable solid / void ratio. Aluminium powder coated dormer windows are proposed on the front and rear elevations and velux windows on one of the side elevations. The dormer windows are of an appropriate scale and do not dominate the roof form.

The finished floor level (FFL) of No. 6 Craigavad Park is indicated as 20. The proposed dwellings on the application sites will have FFL of 18.85 and 18.0 which is 1.15m and 2m lower than No. 6 Craigavad Park. The dwelling on Site No. 5 will have a FFL of 17.45 which is lower than the application site. I am content that the levels are consistently falling in a north-easterly direction respecting the topography of the land.



House type approved at No. 6 Craigavad Park



Semi-detached house type approved under LA06/2018/0514/F

Public views of the proposed buildings are limited due to the existing built form within Craigavad Park and along Station Road, the topography of the land and the existing screening around the site. The proposed units however will not be out of character with the local area and will be in keeping with other approved dwellings within the development. The design of the dwellings displays traditional features such as pitched/hipped roofs, vertical emphasis to window openings and use of high quality traditional finishes and materials including render, natural slate and hardwood windows and doors, all of which are very sympathetic to the established built form in the area. In terms of the massing, the proposed dwellings are broadly in-keeping with other existing and approved development in the area. The proposed detached garages will be constructed to the side of each dwelling and will not breach any building lines. It is considered that this particular scheme represents a high standard of quality and design for the area and that the scale, massing and design of the buildings reflects those already found in the area.

The impact of the increased hardstanding associated with the two driveways will be softened by the proposed boundary hedging and therefore it will not be viewed as a prominent feature in the landscape. It is also of note that the area covered by the driveway and parking areas (approx. 165sqm) for each unit is comparable to the driveways and parking areas of a number of the single dwellings in the area, for example, 15 Station Road (167sqm), 3 Lorne Lane (202sqm), 64 Station Road (207sqm) and 2 Craigavad Park (280sqm).

It is considered that the pattern of development is consistent with that exhibited in the area. The proposed plot sizes are comparable to many other residential plots on Station Road. In addition to the layout, design, height, scale and massing of the proposed buildings, another important consideration when assessing the pattern of development is the ratio of built form to garden area which is highlighted as a factor in paragraph 2.7 of the justification and amplification to the Policy.

I have considered the built form, which includes areas of hardstanding, to site area ratio and the proposal will result in a ratio of 32%, similar to the 35% of 62 Station Road and 40% at 55 Station Road. Therefore, having regard to the built form to garden area ratio, I am satisfied that the development would reflect the existing pattern of development within the immediate area.

The dwelling units will be built to a size not less than those set out in Annex A of the Addendum to PPS 7.

In conclusion the units are not considered to have an adverse impact on the character of the area for the reasons listed above.

Impact on proposed Area of Townscape Character

During the Public Inquiry into draft BMAP objections were raised in relation to the proposed general Area of Townscape Character (ATC) policies UE1, UE 3 and the Key Design Criteria in the Plan. In its report on the Public Inquiry, the Planning Appeals Commission concluded that Policy UE3 should be deleted, a detailed character analysis undertaken, and a design guide produced for each individual ATC. It was recommended that this latter document should form supplementary guidance to the Plan. As yet these design guides have not been published.

It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text relating to the key features of the Marino, Cultra and Craigavad ATC will be repeated. As of now, it is unclear how the area will be characterised in any lawfully adopted BMAP. However, the impact of the proposal on the proposed ATC remains a material consideration and can be objectively assessed.

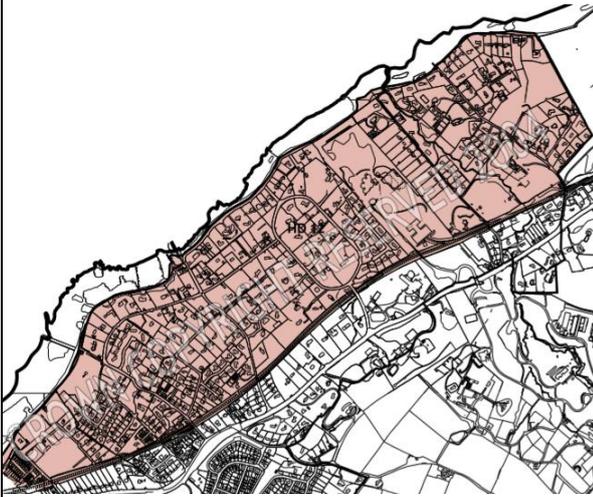
Paragraph 3 of Policy QD1 states that in ATC housing proposals will be required to maintain or enhance their distinctive character and appearance. It also states that in the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. However, the policy text states that this test only applies to designated ATCs and therefore the exceptional circumstances test cannot be given determining weight in this instance. Whilst the application site is located within a primarily residential area, the site itself is only partially developed but has been zoned for housing since the publication of the NDAAP.

Furthermore, there is no guidance in the policy headnote as to what constitutes such an exception. In linking unacceptability to proposals that usually involve demolition, plot subdivision or plot amalgamation because they may be detrimental to the character and appearance of the ATC, it does not represent an embargo on such development other than its underlying aim is to maintain or enhance rather than harm that character.

Recent decisions by the PAC have clarified that the impact of an application on a proposed ATC remains a material consideration and can be objectively assessed (most recently 2018/A0093 – dwelling and garage at 1 Farnham Park, Bangor).

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

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



The designation includes a wide range of development types and buildings such as terraces, semi-detached, detached dwellings, a girl guide centre, the Ulster Folk and Transport Museum and the Royal Belfast Golf Club. Given the diversity of uses and built form within the ATC, it could not be argued that the development would harm its appearance as a whole.

I have had regard to the key features of the proposed Marino, Cultra and Craigavad ATC identified in draft BMAP and consider the proposed development would not harm any of the features listed. The proposed layout, design and materials reflect those found within the area. The plot sizes are not so significantly different to cause harm on the proposed ATC.

Therefore, when assessing the scheme in its entirety, it is considered that for the reasons set out above, the proposal would not harm the appearance of the proposed ATC and would respect its established built form, therefore meeting the overarching policy test of QD1. This is considered to outweigh any exceptional circumstances test of QD1 for intensification.

Landscaping and Impact on Tree Preservation Order



The application site has been largely cleared of vegetation with the exception of trees which are adjacent to the rear boundary. A tree survey was carried out by M. Large Tree Services Ltd and submitted as part of the 2006 application.

The trees to the left are Cypress and the larger trees to the right are Black Poplar. The proposal details these as existing trees which will be retained. The area of ground within the Root Protection Area (RPA) of the protected trees will be protected by geotextile and dressed with a 50mm layer of blinding to ensure no damage to existing tree roots. All foundations for posts will be hand dug. The Council's Tree Officer

considered the proposal and following the submission of detailed drawings, is content with the submission subject to conditions.

Additional landscaping is proposed for each unit adjacent to the access road which includes hedge and tree planting. On the grass bank adjacent to No.6, climbers will be planted and then a hedgerow adjacent to the private amenity space. The hedgerows will continue around the rear boundaries and between the rear amenity space of the two proposed dwellings. There will be further tree planting adjacent to the boundary with 57 Station Road which is indicated on Drawing No. 07D. Protective fencing is indicated by a blue line on Drawing No. 03C which will ensure there will be no adverse impact on the existing trees during the construction phase. The ground levels under the existing trees will be approximately 1.5m lower than the finished floor level of the dwellings due to the topography of the land.

Private Amenity

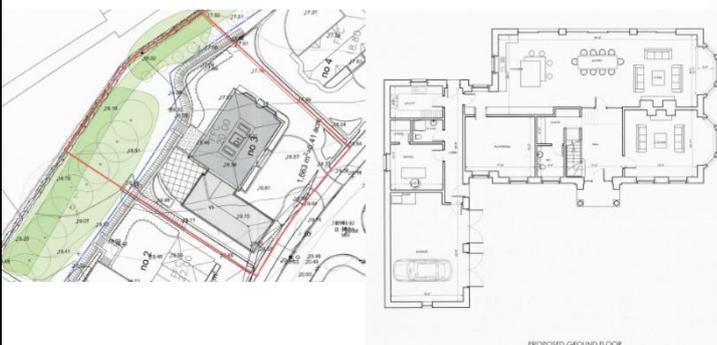
Private amenity space is provided for each unit, in excess of the minimum 70sq metres recommended in Creating Places.

Residential Amenity

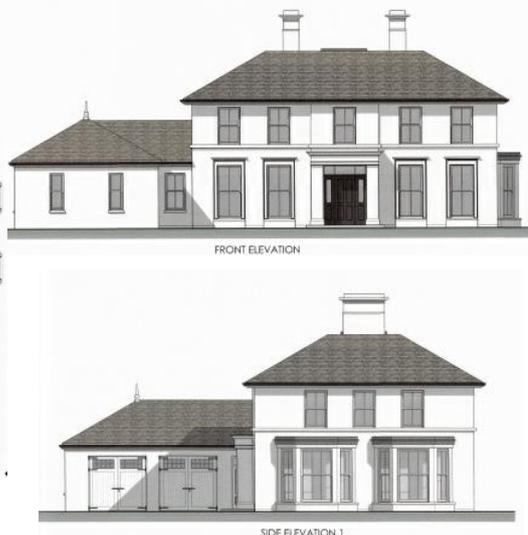


The dwellings abutting the application site include Nos. 6 and Site No. 5 Craigavad Park which are located on either side of the proposed dwellings. Nos. 57, 59, 61 and 63 Station Road are located to the rear of the application site. There is open space on the opposite side of the internal road in Craigavad Park.

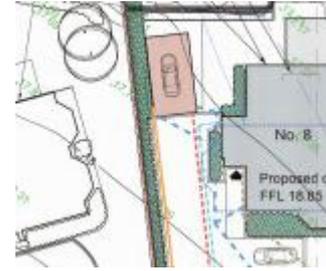
Impact on No. 6 Craigavad Park



Images of the dwelling at No. 6 Craigavad Park



No. 6 Craigavad Park, approved under planning ref: LA06/2018/0859/F (originally identified as Site 3) is located on the sites south-western side and sits at a higher level than the application site by approximately 1m. There is a 12m separation distance between the existing dwelling and proposed dwelling at its closest point however they are at slight angles to each other. No. 6 has ground floor bay windows and 3 No. first floor windows facing the application site. The proposed dwelling will have 2 first floor gable windows facing No. 6 which serve the landing and a bedroom. The proposed landing and bedroom windows are 12m and 16m from No. 6's bay windows respectively and there is a further 1.5m separation distance between the opposing first floor gable windows. I am content that direct intervisibility will not occur due to the obscure angles of the windows relative to each other and the difference in site levels. I am also content that views into the rear garden of No. 6 will be at an oblique angle from the gable and rear windows. It should be noted that a degree of over-looking is typical in urban environments.



However, having regard to the proposed layout including position of windows and separation distances, I am satisfied that there will be no unacceptable adverse impact.

Image of proposed elevation facing No. 6 Craigavad Park

No. 6 has a ridge height of 9.4m high and the proposed dwelling will have a ridge height of 10.5m. Considering the change in levels, the proposed dwelling will have a similar ridge height to No. 6.

I have considered the 25 degree light test as detailed in the BRE Site Layout and Planning for Daylight and Sunlight document. The test was applied between the proposed dwelling (No. 8) and No. 6 and neither dwelling breaches the 25 degree light test, therefore loss of daylight will not occur on either the existing dwelling or proposed dwelling. Considering the path of the sun, it is my professional judgement that the development will not cause over-shadowing on No. 6.

Impact on Site No. 5



Site No. 5 was approved under planning reference: LA06/2019/1157/F and sits at a lower level than the application site by approximately 0.5m.

Images of Site No. 5



Site 5 is designed with a single storey garage/office/utility element closest to the application site. Site 5's closest habitable room at ground floor level on the gable serves the kitchen and the first floor windows on the gable serve a bathroom and a bedroom. The separation distance between the opposing first floor windows is 18.8m. I consider this separation distance to be acceptable to prevent intervisibility. There will be oblique views into the rear garden of Site 5 however views of the most private area of the garden will be restricted by the dwelling approved on Site 5.



Image of elevation facing Site No. 5

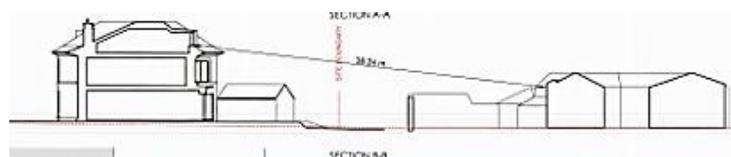
Site 5 has a ridge height of 9.9m high and the proposed dwelling closest to this neighbouring site will have a ridge height of 10.8m. Considering the change in levels, the proposed dwelling will have a ridge height approximately 1.4m higher than the dwelling approved on Site 5.

I have applied the 25 degree BRE light test between the proposed dwelling (No. 10) and the dwelling approved on Site 5 and neither dwelling breaches the 25 degree light test, therefore loss of daylight will not occur on either the existing dwelling or proposed dwelling. Considering the path of the sun, it is my professional judgement that the development will not cause over-shadowing on Site 5 due to there being a single storey element closest to the application site which does not provide habitable rooms.

Impact on 57 Station Road



No. 57 Station Road is located west of the application site and sits at a slightly lower ground level by 0.5m than the application site. There is a 36m separation distance between the existing dwelling at 57 Station Road and the proposed dwelling (No. 8). The proposed dwelling is on the left on the section below and No. 57 Station Road is location on the right.



No. 57 has a glasshouse (annotated on site plan as 'shed') located immediately adjacent to the application site enclosed on 3 sides by stone boundary walls. Beyond these walls is a courtyard with a double garage and a parking area which is also utilised as a bbq area. There is a landscaped garden south-west of the dwelling. The most private amenity space for a dwelling is considered to be the immediate 3-4m from the dwelling. I do not consider the proposal to have an adverse impact on the glasshouse due to it being enclosed by the boundary walls and its location 14m from the 2 ½ storey element of Site No. 8.



In paragraph 7.16 of the Creating Places document it recommends

“Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites”.

In this instance there is 14m between the main dwelling at Site No. 8 and the rear boundary. With only a difference of 0.5m in ground levels between the two sites, I do not consider this significant. I note the difference in the ridge heights between the two dwellings with the proposal higher than the neighbouring existing dwelling however there is a significant separation distance of 32m between the buildings. I have considered the 25 degree BRE light test and neither dwelling breaches the test. It is my professional judgement that the development will not reduce the daylight currently enjoyed at 57 Station Road and due to the separation distance, I do not deem over-shadowing from the sun to be a concern.

In relation to over-looking, the development includes ground and first floor accommodation and then second floor accommodation which includes a dormer window in the roof. The dormer on No. 8 is 38m from the south facing windows on No. 57. It is not unusual in an urban environment for there to be over-looking between sites and in my professional judgement, the separation distance will prevent any unacceptable adverse impacts in relation to over-looking. I note that there are

intervening trees adjacent to the party boundary with No. 57. These trees are annotated as existing and as they are protected under the blanket TPO (TPO/2001/0018), their removal requires permission from the Council.

The garden of No. 59 Station Road also abuts the rear of the site. The dwelling itself is located to the rear of No. 57 Station Road and therefore the proposal will cause no adverse impact on the residential amenity of this dwelling. The elevated windows of No. 8 are 22m from the boundary with No. 59 which is sufficient to prevent adverse residential amenity impacts on this property.



No. 10 also abuts the boundary with No. 59 and there is a further dwelling constructed between No. 59 and No. 61 Station Road. This dwelling is located approximately 35m from the boundary with the application site and the elevated windows on No. 10 are 22m from the party boundary. Given these separation distances, I am satisfied that the proposal will not have an unacceptable adverse impact on the residential amenity of this property.

It is considered that the finished floor levels and the proposed separation distances will together ensure that there will be no unacceptable adverse impact on the residential amenity of the proposed or existing neighbouring properties in terms of overlooking, loss of light, overshadowing, dominance or other disturbance.

Road safety and parking

DfI Roads was consulted on the proposed accesses onto Craigavad Park and no objections were raised in relation to road safety.

Station Road is a private road which is not adopted by DfI Roads. Station Road accesses onto the Bangor Road which is a protected route. DfI Roads consider that this application does not represent intensification of use from the private road onto the public road in the vicinity of the railway bridge. This has taken into account the number of existing units and future committed development. There is extant planning permission on this site for one dwelling so the proposal will only result in the addition of one further dwelling which is not considered to have any significant impact where the private road meets the public road.

DfI Roads considers AMP 3 Access to Protected Routes policy is not applicable as this proposed application does not have direct access onto a protected route. The proposed application joins onto the public road in the vicinity of the Railway Bridge along Station Road to which then the public maintained Station Road has a direct access to the A2 which is a protected route.

Where the private access meets the public road, there is no evidence of a collision history or record of delays and/or inconvenience caused to traffic within its vicinity. Observation of traffic movements made during site visits have also indicated that while delays are experienced in the vicinity of the railway bridge they are not of a level that would raise concerns regarding road safety.

Any future application in this area will be reviewed on their own merit and as part of this process a site visit with observations will be carried out and up to date collision information will be reviewed at the time of that application to assess the impact onto the Public Road.

In-curtilage parking can be facilitated within the driveway of each unit and also within the proposed detached garages. A minimum of 2 No. parking spaces are provided per unit in accordance with the Parking Standards document. Additional spaces required for visitor parking, can be provided on the edge of the carriageway within Craigavad Park.

Drainage and flood risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.

Permeable paving and surfaces can usefully contribute to a reduction in the amount and speed of surface water run-off from new development. The proposal will incorporate permeable surfaces (gravel) to the car parking areas.

DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Creightons Green Reservoir. DfI Rivers is in possession of information confirming that Creightons Green Reservoir has 'Responsible Reservoir Manager Status'. Consequently DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Nature Conservation

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify potential adverse impacts on designated sites. No such scenario was identified.

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

In terms of protected and priority species, Part 2 of the Checklist was referred to and did not identify a scenario where survey information may be reasonably required. The proposal does not involve the demolition of any buildings or removal of trees.

Other considerations

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

There is no need for local neighbourhood facilities to be provided as an integral part of the development.

The proposal will not damage the quality of the local area. The layout has been designed to deter crime as the dwellings will front onto the access road. The private amenity areas will be enclosed by the existing residential development and new hedge and tree boundary treatments.

5. Representations

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

- *Road safety* - As discussed in the body of the report, Station Road is a private, unadopted road. The objectors have queried what reports were submitted as part of the original 2006 application. As every application is considered on its own merits, it is not necessary to reconsider the assessment of the 2006 application. I would highlight that the principle of development is long established given the site is zoned for housing and due to its planning history. The assessment of road safety is included in the main body of the report.
- *Objectors have expressed health and safety concerns given there is no footpath along Station Road* - This concern it is beyond the remit of this planning application. The increase of one dwelling unit onto a road serving over 120 other dwellings it not considered to have such a significant impact on its own to warrant a refusal.
- *Piecemeal development* – Concerns have been raised about the future intentions of the developer for the remaining sites. Assumptions cannot be taken as material planning considerations. Every application is assessed on its own merits and therefore if any future applications are received they will be considered at that time against the relevant plan and planning policy statements.
- *Change in the environment of Station Road* – Station Road is located within the settlement limit where there is a presumption in favour of development. It is an urban environment and again the addition of one further dwelling unit is not considered to have an adverse impact on the character of the area.
- *Density* – Discussed in body of report and not considered to be significantly greater than that found in the area.

- *Footprint to plot ratio* – It is my professional opinion that the footprint to plot ratio is in-keeping with the character of the area.
- *Design – Concerns have been raised that the proposed design bares no resemblance to the approved dwelling* – Design has been considered in body of report.
- *Residential amenity of No. 57 Station Road* – the impacts on this dwelling have been considered in the body of the planning report. The impact on the garden building within this property is not considered to be unacceptably adverse due to the height of the walls abutting the glasshouse.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The dwellings shall not be occupied until provision has been made and permanently retained for the parking of 2 No. private cars per unit in accordance with Drawing No. 07D bearing the date stamp 28 February 2022.

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

3. All hard and soft landscape works shall be carried out in accordance with Drawing No. 07D bearing the date stamp 28 February 2022 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out in the first available planting season following the occupation of the dwellings hereby permitted.

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

4. The existing trees that are protected by a TPO and indicated in blue on the approved plan, Drawing No. 07D bearing the date stamp 28 February 2022 shall be retained. 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 or any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written consent of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with the relevant British Standard 3998: 2010.

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

5. The erection of fencing and further ground protection measures for the protection of any retained tree shall be undertaken in accordance with the approved plans Drawing No. 03C and 07D bearing the date stamp 26 November 2021 and 28 February 2022 respectively and in accordance with BS5837:2012 before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Council.

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

6. The proposed utility apparatus associated with the development, including foul and storm sewers, shall be positioned and carried out in accordance with Drawing No. 03C bearing the date stamp 26 November 2021. The development shall be carried out in accordance with the approved details.

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

7. The proposed 2m high timber vertical board fence shall be erected along the northern boundary in accordance with the detail shown on Drawing No. 07D bearing the date stamp 28 February 2022. All foundations shall be hand dug and lined as annotated.

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

8. The proposed 1.35m gabion wall shall be constructed in accordance with the detail shown on Drawing No. 07D bearing the date stamp 28 February 2022.

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

9. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or

becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

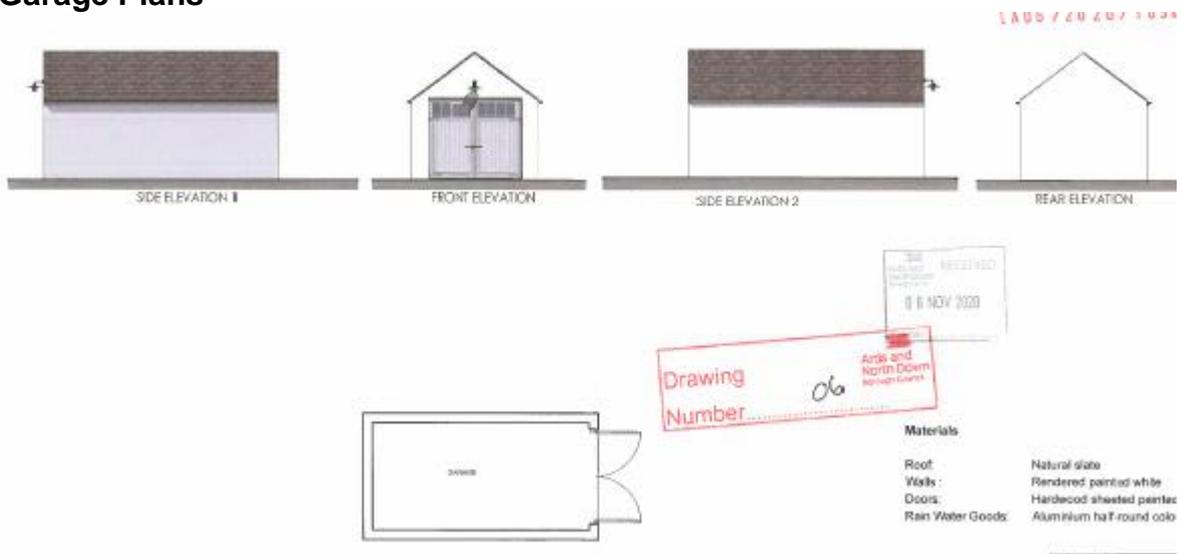
Informative

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

Proposed Elevations



Garage Plans



ITEM 4.8

Ards and North Down Borough Council

Application Ref	LA06/2021/0169/F
Proposal	Demolition of dwelling to accommodate replacement dwelling and garage, landscaping and associated site works
Location	12 Rugby Avenue, Bangor DEA: Bangor West
Committee Interest	A Local development application attracting six or more separate individual objections which are contrary to the officer's recommendation
Validated	15/02/2021
Summary	<ul style="list-style-type: none">• Site located within development limits of Bangor, presumption in favour of development• Proposal was originally for 2 dwellings but was reduced to 1 replacement dwelling• Originally 21 objections from 11 addressed but following amendment of proposal no objections have been received for the amended proposal for a single replacement dwelling• Proposal complies with policy requirements set out in QD1 of PPS7 for achieving quality in new residential development• All consultees content
Recommendation	Approval
Attachment	Item 4.8a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2021/0169/F	DEA: Bangor West			
Proposal:	Demolition of dwelling to accommodate replacement dwelling and garage, landscaping and associated site works	Location:	12 Rugby Avenue Bangor		
Applicant:	Rugby Avenue Bangor Ltd				
Date valid:	15/02/2021	EIA Screening Required:	No		
Date last advertised:	20/01/2022	Date last neighbour notified:	28/01/2022		
Consultations – synopsis of responses:					
DFI Roads		No objection subject to condition			
NI Water		Public water and foul sewer available and available capacity at WWTW. No surface water sewer available			
DFI Rivers		No objection			
Environmental Health		No objection			
Letters of Support	0	Letters of Objection	21 (from 11 addresses)	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of development • Visual and residential amenity impacts • Private amenity • Access and road safety • Biodiversity • Impacts on flooding 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <https://epicpublic.planningni.gov.uk/publicaccess/>

1. Site and Surrounding Area



The site is located on the western side of Rugby Avenue, close to the junction with Donard Avenue. The site has residential development on its north, south and eastern sides. St. Comgall's Primary School is located to the west. The site contains a 2 storey detached dwelling with hipped roof and single storey extensions to both sides. There is a parking area to the south and a small garden east of the dwelling. The existing boundaries are defined by mature planting. There are two small detached garages and a greenhouse to the rear of the dwelling along with a garden area.



Rugby Avenue is a residential street consisting of 2 storey detached and semi-detached dwellings and detached single storey dwellings. The finishes of the neighbouring dwellings include render and brick.

There is an established building line along this section of Rugby Avenue.

The site is located within the settlement limit for Bangor as shown in both the North Down and Ards Area Plan 1984-1995 and Draft Belfast Metropolitan Area Plan 2015 (BMAP).



2. Site Location Plan



3. Relevant Planning History

There is no planning history pertinent to the application site.

4. Planning Assessment

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

- North Down and Ards Area Plan 1984 – 1995 (NDAAP)
- Draft Belfast Metropolitan Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments
- Addendum to Planning Policy Statement 7: 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 application site is located within the settlement of Bangor. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the North Down and Ards Area Plan 1984-1995 (NDAAP) is now the statutory development plan for the area. A further consequence of the judgment is that draft BMAP published in 2004, is a material consideration in the determination of this application. Pursuant to the Ministerial Statement of June 2012, which accompanied the release of the Planning Appeals Commission's Report on the BMAP Public Inquiry, a decision on a development proposal can be based on draft plan provisions that will not be changed as a result of the Commission's recommendations.

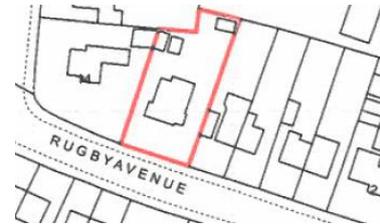
Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interest of acknowledged importance. There is a presumption in favour of development as the site is within the settlement limit of Bangor.

Policy QD1 of PPS7 provides policy for achieving quality in new residential development. The site is located within an established residential area (ERA). For such areas, Policy QD1 states that 'proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas'. The policy sets out criteria which proposals should meet. The Addendum to PPS7 titled 'Safeguarding the Character of Established Residential Areas (PPS7 Addendum)' was published in August 2010 and this document is also a material consideration for the proposal as it contains planning policies which must be read in conjunction with PPS7.

Design and Impact on Local Character



The proposal is to replace the existing dwelling with a new dwelling on a similar footprint. The established building line along Rugby Avenue is respected. The design and finishes of the dwelling are in-keeping with other dwellings in the area. The proposed ridge height will be 8.3m above finished floor level which I consider to be consistent with the scale of the dwellings in the vicinity. Density and plot size remain as existing as this is a one-for-one replacement opportunity. Landscaping is retained at the front of the dwelling in the form of a garden and a new laurel hedge planted to the rear of a low wall along the roadside boundary. The existing boundary hedge between the application site and No. 14 is to be retained. A 1.8m high timber fence is proposed for a short distance along the boundary with No. 10 adjacent to their detached garage but then it reverts back to a hedgerow. The garden to the rear is enclosed by existing mature hedgerows.



Private Amenity

Private amenity space is provided to the rear of the dwelling and the level is in excess of the recommended 70 sqm in Creating Places.

Residential Amenity

The proposed replacement dwelling will be located between 10 and 14 Rugby Avenue. No. 10 is to the north of the application site



with a single storey detached garage abutting the boundary with the application site. The neighbouring dwelling has no windows on the gable. A new 1.8m high close boarded timber fence will be provided along this particular party boundary from the garage to the road edge. The existing boundary planting will be retained to the rear of the dwelling.

I have applied the 45 degree light test as recommended in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' to ascertain if the rear return will reduce the daylight currently received through the windows to the rear of No. 10. The proposal does not breach the 45 degree light test. The proposed dwelling will not have an adverse impact in terms of intervisibility on the side elevation of No. 10 as it does not have any gable windows. There is a small bedroom window facing the blank gable of No. 10 as well as an en-

suite window at first floor level. On the rear elevation of both the main dwelling and the return, bedroom windows are proposed which will only have an oblique view on the private amenity of No. 10.

No. 14 is located to the south of the application site. This L shaped dwelling has an attached garage and detached outbuilding which are located adjacent to the application site. There are no first floor windows on the gable end closest to the application site however there are 5 windows at first floor level facing towards Rugby Avenue and the application site as seen in the adjacent picture.



At first floor level a landing window is proposed on the gable of the rear return and following discussions between the applicant and the neighbour, this window is to be finished in obscure lazing to prevent over-looking on the rear amenity of No. 14. I have considered the light tests in the BRE document and it is my professional opinion that the proposed dwellings will not have an adverse impact on the light currently received at No. 14. I have considered the plans of the approved extension at 14 Rugby Avenue and note that the attached garage has been added. I do not consider the proposed dwelling will have an adverse impact on this neighbouring dwelling.



The application site also abuts the boundary of No. 2 Donard Avenue. The first floor windows on the rear return are approx. 10m from the rear boundary. These proposed windows will look towards the rear portion of the neighbouring garden and not the immediate 3-4m from the rear elevation which is considered to be the most private area of the garden.

I do not consider there to be an adverse impact between the adjacent primary school and the proposed development. The proposed dwelling does extend 3m closer to the rear boundary however the separation distance will still measure 16m.

The proposed detached garage is single storey and will be positioned adjacent to the existing hedging. It will therefore not have an adverse impact on the amenity of the neighbouring dwellings.

Access and Road Safety

The existing access will be retained and improved. DfI Roads was consulted on the proposal and no objections were raised.

Adequate in-curtilage parking can be provided for this single dwelling and visitor parking can be provided out on the edge of the road.

Biodiversity

Part 1 of NIEA's Biodiversity Checklist was employed as a guide to identify potential adverse impacts on designated sites. No such scenario was identified.

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

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

Flood Risk and Drainage

The Flood Map (NI) indicates that the site lies outside the 1 in 100 year fluvial flood plain, but a large part of the development is located within a predicted flooded area as indicated on the Surface Water Flood Map.

The original proposal had the potential to intensify surface water runoff and add to an existing surface water flooding problem, however the proposal has now been amended to a replacement building. From the submitted plans this proposal does not exceed the size of the previous building and therefore DfI Rivers would have no concerns of additional run off being generated as a result of these proposals.

DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Clandeboye Lake. It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Clandeboye Lake is appropriate to provide sufficient assurance regarding reservoir safety.

DfI Rivers has carried out an assessment of flood risk to people at this site (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Clandeboye Lake. As a result of this analysis the overall hazard rating at this site is considered high. This is

considered by DfI Rivers to be an unacceptable combination of depth and velocity for this particular development proposal.

Policy FLD 5 states that there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity.

DfI Rivers has deferred the assessment to the Planning Authority and has stated that account should be taken of the proposed risk verses the risk associated with the existing development in its decision making process. As there is an existing dwelling on the site and the proposed dwelling does not involve the provision of additional units, there is no intensification occurring and therefore no greater risk on the site.

Other Material Considerations

There are no archaeological or built heritage features to protect or integrate into the overall design and layout of the development. There is no need for local neighbourhood facilities to be provided as an integral part of the development.

5. Representations

Amended proposal for replacement single dwelling

No objections have been received for the amended proposal for a single replacement dwelling.

Objections to semi-detached dwellings

21 objections were received from 11 addresses. The concerns raised related to over-development of the site which resulted in adverse impacts on amenity by reason of over-looking and loss of light, impacts on traffic and parking and flooding. These issues have been addressed through the amendment of the proposal to a single replacement dwelling. Residential amenity, road safety and parking and flooding are all considered in the body of the report.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The first floor gable windows, as indicated in blue on Drawing No. 04A, date stamped 21 December 2021, shall be finished in obscure glazing and be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This window shall be installed prior to the occupation of the dwelling and permanently retained thereafter.

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

3. All hard and soft landscape works shall be carried out in accordance with the approved plan Drawing No. 02A date stamped 21 December 2021 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following the occupation of the dwelling hereby approved.

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

4. The dwelling hereby approved shall not be occupied until provision has been made and permanently retained within the curtilage for the parking of 2 No. private cars.

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

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed in writing with the Council, and subsequently implemented and verified to its satisfaction. This strategy shall be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance, available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

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

6. After completing the remediation works under Condition 5 and prior to occupation of the development, a Verification Report shall be submitted and agreed in writing with the Council. This report should be completed by competent

persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report shall 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.

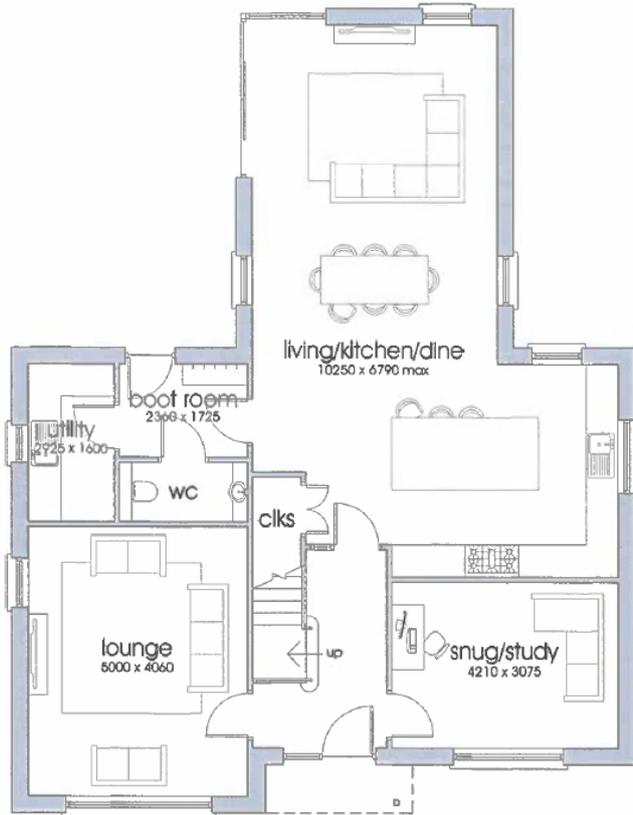
Informative

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

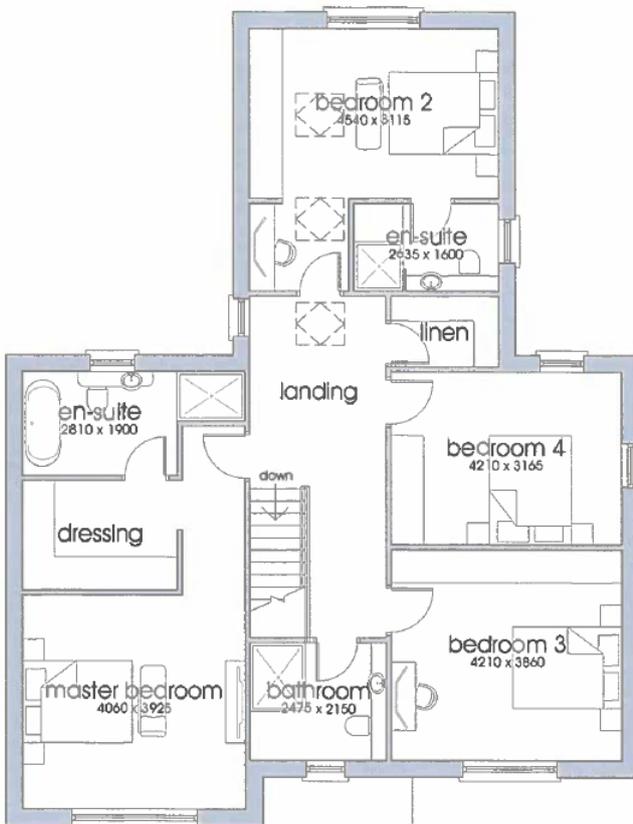
Site Plan



Ground floor



First Floor



Elevations



Garage



ITEM 4.9

Ards and North Down Borough Council

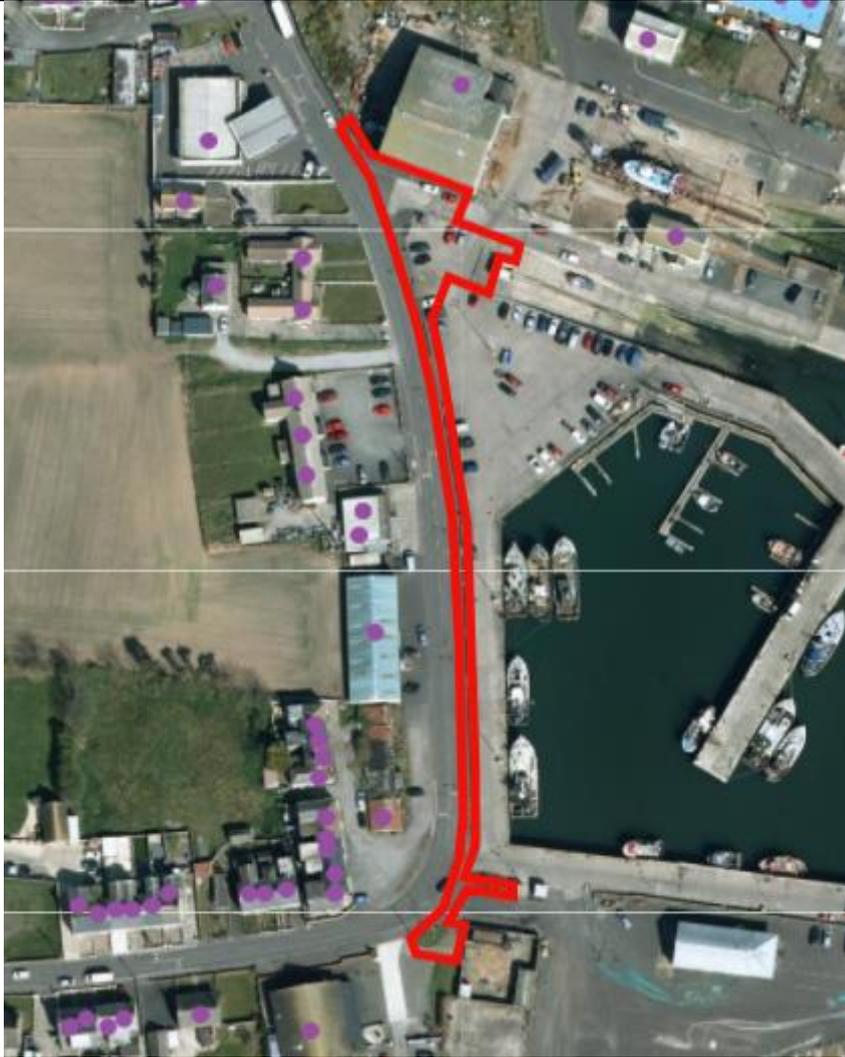
Application Ref	LA06/2021/0353/F
Proposal	Environmental Improvement Scheme consisting of creation of a new civic focal point and reorientation of the memorial statue. Installation of street furniture, pillars and raised planters. Replacement of street lighting with feature columns. Extension and refurbishment of existing pedestrian wall with feature inlays. New decorative surfaces to all footpaths, art work to gable wall, winch anchor point, relocation of Armco barrier and concrete hard standing to the existing winch house and all associated site works
Location	Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie DEA: Ards Peninsula
Committee Interest	Application made by the Council
Validated	30/03/2021
Summary	<ul style="list-style-type: none">• Site located within development limits of Portavogie• Council will secure funding (SEAFLAG (DAERA)) for proposed works subject to granting of planning permission• All consultees content with some requiring conditions• No objections received• Proposed development represents positive place making and will create a more accessible shared space enhancing the existing public realm
Recommendation	Approval
Attachment	Item 4.9a – Case Officer Report

**Development Management
Case Officer Report**

Reference:	LA06/2021/0353/F	DEA: Ards Peninsula	
Proposal:	Environmental Improvement Scheme consisting of creation of a new civic focal point and reorientation of the memorial statue. Installation of street furniture, pillars and raised planters. Replacement of street lighting with feature columns. Extension and refurbishment of existing pedestrian wall with feature inlays. New decorative surfaces to all footpaths, art work to gable wall, winch anchor point, relocation of Armco barrier and concrete hard standing to the existing winch house and all associated site works.	Location:	Adjacent to properties extending from 59 Harbour Road to 81 New Harbour Road, Portavogie
Applicant:	Ards and North Down Borough Council		
Date valid:	30/03/2021	EIA Screening Required:	No
Date last advertised:	15/04/2021	Date last neighbour notified:	05/05/2021
Consultations – synopsis of responses:			
DFI Roads		No objection subject to condition	
NI Water		Applicant to liaise directly with NI Water	
NI Electricity		No comment provided	
Environmental Health		No objection subject to condition	
DfI Rivers		No objection	
DAERA Marine and Fisheries Division		No objection	
DAERA Natural Environment Division		No objection	
DAERA Water Management		No objection	

Shared Environmental Service		No objection			
Letters of Support	0	Letters of Objection	0	Petitions	0
Summary of main issues considered:					
<ul style="list-style-type: none"> • Principle of Development • Visual Impact • Sewerage Disposal • Residential Amenity • Access and Roads Safety • Designated Sites and Natural Heritage Interests • Other Planning Matters 					
Recommendation: Grant Planning Permission					
Report Agreed by Authorised Officer					
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://epicpublic.planningni.gov.uk/publicaccess/					
1. Site and Surrounding Area					
			<p>The site is approx. 0.15 hectares and is located within the Harbour Road area of Portavogie. The land within the site generally falls from north to south with the lowest levels adjacent to the harbour access. The harbour area is characterised by a footpath which is bounded on one side by a low wall and an informal parking area. The surrounding area contains business units, residential dwellings and industrial units.</p>		
The site is located within the settlement limit of Portavogie as designated in the Ards and Down Area Plan 2015. There are no other zonings on the application site.					

2. Site Location Plan



3. Relevant Planning History

LA06/2019/1091/F - Portavogie Harbour - Creation of a designated area within the existing harbour estate to dismantle end of life fishing vessels (proposal includes a Section 76 legal agreement to discontinue use of original site previously approved under Ref LA06/2018/0893/F – Under consideration.

LA06/2019/0360/F - The Harbour Master's Office, Harbour Road, Portavogie - Proposed refurbishment of current Harbour Master's Office including reconfiguration of layout, re-rendering external walls, and replacement of windows and doors. In addition a new detached single storey three bay garage will be constructed adjacent to the existing Harbour Master's Office building – Permission granted 6/8/2020.

There is other planning history in the area but I do not deem it to be relevant to the current planning application.

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
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 15: Planning and Flood Risk

Principle of Development

ADAP currently acts as the LDP for this area. Under ADAP, the site lies within the settlement of Portavogie. As there are no material provisions in the Plan that are pertinent to the proposal, the determination will be based on other material considerations.

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 interest of acknowledged importance.

The proposed development will create a shared space and will enhance the existing public realm which will provide a more attractive village. The proposal will also provide a more accessible area therefore providing a baseline for economic growth and positive place-making. The upgraded area will also aid the improvement of people's health and well-being.

The proposal includes improved hardstanding surfaces and raised planters. The existing ground levels are being retained in order to tie into the adjacent road and harbour levels.



The northern portion of the application site contains an informal parking area which will be upgraded with raised planters and benches. An 800mm wall will be provided to the



The existing planted area between the two accesses will be retained and enhanced with gravel mulch. The grass island and footpath on the right will be extended following the upgrade to the access.

Visual Impact

There is no doubt that the proposed environmental improvement scheme will improve the visual impact of the area.

Residential Amenity

I am content that the proposed environmental improvement scheme when completed will not have an adverse impact on the existing neighbouring dwellings.

During the construction phase the Environmental Health Department has requested that the improvement works shall not take place outside the following hours:

08:00 – 18:00hrs Monday to Friday

Saturday 08:00- 13:00hrs and not at all Sundays or Public Holidays

This condition is to ensure that potential noise and other impacts from the improvement works occur during working hours and will not adversely affect the amenity of occupants of nearby residential dwellings.

Access and Roads Safety

Policy AMP 1 aims to create an accessible environment for everyone, including the specific needs of people with disabilities and others whose mobility is impaired. The civic open space created at the Harbour will be an accessible inclusive place for all to benefit from. Through the resurfacing of paving it will allow for a much more modern surface creating a more accessible safe space. All junctions with the scheme will see the introduction of uncontrolled crossing and entrances will be narrowed were possible to ensure safe access for all. DfI Roads offered no objections to the proposal however

surfaces have still to be agreed with the Section Office and will be conditioned accordingly.

Designated Sites and Natural Heritage Interests

The application site is adjacent and hydrologically linked to the following national, European and international designated sites:

- Outer Ards SPA, which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Outer Ards ASSI, which is declared under the Environment Order (Northern Ireland) 2002

An Outline Construction Environment Management Plan (OCEMP) was submitted for the proposal and subsequently considered by the Natural Environment Division of DAERA. It advised that provided all measures within the OCEMP are adhered to it is considered that there will be no likely significant impacts on designated site features. I am satisfied that the mitigation can be secured through the addition of a relevant planning condition.

Shared Environmental Service (SES) undertook a review of the Habitats Regulation Assessment (HRA) and proposed mitigation measures submitted by Blackstaff Ecology. SES is content with the proposal.

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 Blackstaff Ecology. This found that the project would not be likely to have an adverse effect on any European site subject to the implementation of mitigation measures.

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

Flooding

FLD1 - Development in Fluvial and Coastal Flood Plains

The Flood Hazard Map (NI) indicates that the site lies within the 1 in 200 year coastal flood plain which has a level of 3.725m OD at this location. The application site is currently utilised as an outdoor recreation area which falls under exception f) The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. A Flood Risk Assessment (FRA) for the proposal was subsequently prepared and submitted by McCloy Consulting.

DfI Rivers reviewed the FRA and whilst not being responsible for the preparation of the Flood Risk Assessment it accepts its logic and has no reason to disagree with its conclusions.

5. Representations

No letters of representation have been received.

6. Recommendation

Grant Planning Permission

7. Conditions

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The mitigation detailed in the Outline CEMP Construction Environment Management Plan (OCEMP) bearing the date stamp 22 October 2021 shall be implemented during the construction period.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect the hydrologically connected European Site features in Outer Ards SPA and Outer Ards ASSI.

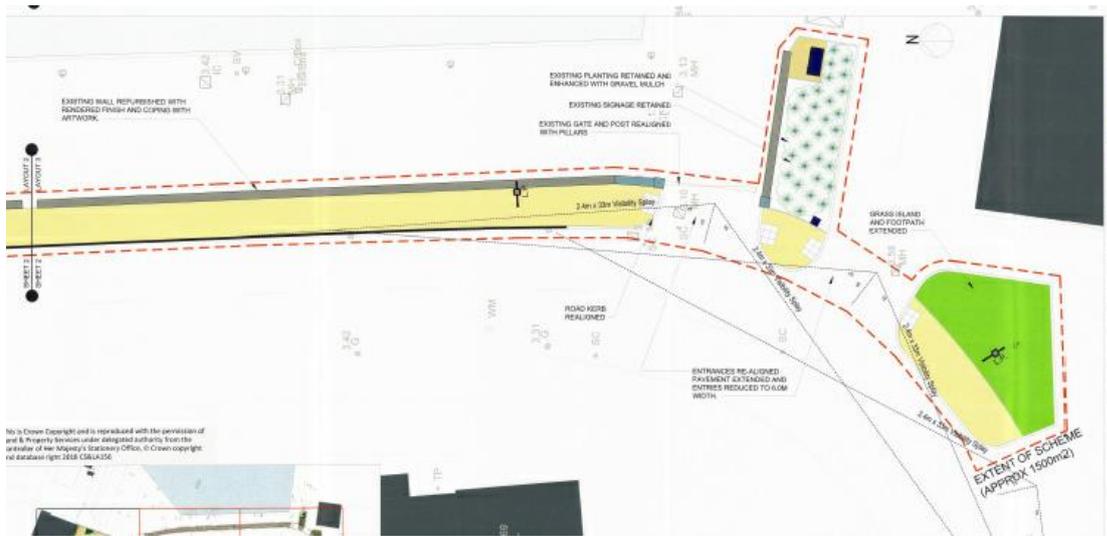
3. Prior to the commencement of any works hereby approved, all surface treatments shall be submitted to and agreed in writing with the Council. The surface treatments shall be carried out in accordance with the final agreement.

Reason: In the interests of road and pedestrian safety.

4. Improvement works shall not take place outside the following hours:
08:00 – 18:00hrs Monday to Friday
Saturday 08:00- 13:00hrs and not at all Sundays or Public Holidays

Reason: To protect the amenity of occupants of nearby residential dwellings.

Southern section – Accesses and planted area



ITEM 5**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning
Date of Meeting	05 April 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	22 March 2022
File Reference	160051 and below
Legislation	The Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Planning Appeals
Attachments	Item 5a - Planning Appeals Commission Decision

Appeal Decisions

1. The following appeal was allowed on 11 March 2022.

Appeal reference:	2019/A0099
Application Reference:	LA06/2018/1392/F
Appeal by:	King's Church Bangor
Subject of Appeal:	Demolition of existing church building and erection of 17 apartments over 4 floors with 30 enclosed car parking spaces, with 5 further retained off-street spaces and a loading bay
Location:	196 Seacliff Road, Bangor

The Council refused this application on the 06 October 2020 for the following reasons:

- The proposal is contrary to policy QD1(a) and (g) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the development would, if permitted result in the overdevelopment of the site and cause

unacceptable damage to the local character and environmental quality of the area by reason of its layout, scale, proportions, massing, hard surfaced areas, design and appearance of buildings.

- The proposal is contrary to Policy LC 1 (a) of the Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, in that the proposed density is significantly higher than that found in the locality would not be in keeping with the overall character and environmental quality of the established residential area
- The proposal is contrary to Policy LC 1 (b) of the Addendum to Planning Policy Statement 7, Safeguarding the Character of Established Residential Areas, in that the proposed development would not be in keeping with the overall character and environmental quality of the established residential area
- The proposal is contrary to Policy ATC 2 of the Addendum to Planning Policy Statement 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 layout, scale, massing, design and density.

The Council's first and fourth reasons for refusal were not sustained. While it was acknowledged the impact on the proposed ATC remains a material consideration to be objectively assessed, the Commissioner believed the policies within APPS6 and the related provisions of the SPPS refer to ATCs, but no reference is made to draft ATCs, which do not have the same status or legal standing as a designated ATC. He was therefore not persuaded that Policy ATC2 of APPS6 and the provisions of the SPPS are applicable to the consideration of the appeal development.

With regard to Policy QD1 of PPS7, it states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The policy goes on to state that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. Again, as the policy refers to ATCs, but no reference is made to draft ATCs, the Commissioner was not persuaded that this element of Policy QD1 is applicable to the appeal development. Notwithstanding this, the potential impact of the appeal development on the proposed ATC remains a material consideration.

The Council considered that the overall appearance and consequent visual impact of the appeal building was unacceptable given its design and incompatibility with the surrounding design context. It also considered that the resulting visual impact would also fail to conserve or enhance the proposed ATC designation. The Commissioner acknowledged that the appeal building is a large structure that would occupy a prominent frontage position on a corner / road junction location. It is undeniable that it would be readily apparent in the street scene. However, he considered that this

location facilitates such a building on the site without detriment to the character of the area given the transitional role the site plays.

The Commissioner was not persuaded that the size, massing, siting and overall design and finish of the apartments would render the appeal building visually pre-eminent or discordant within the streetscape or surrounding context. It was considered that that despite its size, the appeal building had been carefully designed to respect the scale and character of existing buildings using differing but nevertheless sympathetic building materials. It would also respect the existing street pattern, as well as landmarks, topographical and other features which contribute to the character of Bangor.

With regard to density, whilst it was accepted that the density of the proposal would be higher and the pattern of settlement would vary to that generally exhibited in the ERA, these differences when taken together with the corner site position, topography and the large gaps in the surrounding built development constituted by the RUYC grounds, would not render the appeal development disharmonious with, or result in unacceptable damage to the local character and environmental quality of the area. The Commissioner was satisfied that although the appeal development does not meet specific elements of Policy LC1 in a purely mathematical sense, it nevertheless satisfies the essential thrust of Policy LC1 taken as a whole. The Council's second and third reasons for refusal were not sustained.

The decision is attached to this report.

New Appeals Lodged

2. The following appeal was submitted on 21 February 2022:

Appeal reference:	2021/E0070
Enforcement Case Reference:	LA06/2016/0285/CA
Appeal by:	Mr & Mrs Howard Hastings
Subject of Appeal:	1) Alleged unauthorised infilling and raising of the land without the benefit of planning permission. 2) Alleged unauthorised construction of a timber retaining structure.
Location:	27 Station Road, Craigavad, Holywood BT18 0BP

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

RECOMMENDATION

It is recommended that Council notes this report.

Appeal Reference:	2020/A0099.
Appeal by:	King's Church Bangor.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Demolition of existing church building and erection of 17 apartments over 4 floors with 30 enclosed car parking spaces, with 5 further retained off-street spaces and a loading bay.
Location:	196 Seacliff Road, Bangor.
Planning Authority:	Ards and North Down Borough Council.
Application Reference:	LA06/2018/1392/F.
Procedure:	Written Representations with Commissioner's Site Visit on 24 November 2021.
Decision by:	Commissioner Mark Watson, dated 11 March 2022.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions below.

Preliminary Matters

2. The Objectors pointed to the large amount of written evidence submitted by the Appellant, as well as the appeal being dealt with by the written representations procedure rather than a hearing. The Commission's guidance indicates that statements of case should not exceed 1,500 words, otherwise the main points being made may not be readily identifiable. It goes on to indicate that statements containing more than 1,500 words should be accompanied by a summary of less than 1,500 words. In this case the Appellant submitted a 1500 word Executive Summary to accompany the Statement of Case. All parties were afforded the opportunity to provide written rebuttal evidence in response to opposing statements. Whilst the submission of large amounts of written evidence from any party is not helpful, an executive summary was provided and the main points made by the Appellant were identifiable.
3. Section 58 (5) of the Planning (NI) Act 2011 states that before determining an appeal under this section, the Commission must, if either the applicant or the council so desires, afford to each of them an opportunity of appearing before and being heard by the Commission. In this case both parties with the right to a hearing instead chose the written representations procedure. I am not persuaded that the Objectors have been prejudiced either by the length of the Appellant's evidence or the appeal being determined under the written representations procedure. Nor am I persuaded

that they were unable to adequately respond to the points made in the Appellant's submissions through the written representations process.

Reasons

4. The main issues in this appeal are whether or not the proposed development would:
 - be of an appropriate design for the locality, including its location within a draft Area of Townscape Character (ATC);
 - represent over-development of the site;
 - adversely affect the setting of a nearby listed building;
 - provide suitable amenity / privacy for future residents;
 - prejudice road safety and cause traffic congestion in the locality; and
 - harm any bats in the area.
5. Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently BMAP must be disregarded. The North Down and Ards Area Plan 1984 - 1995 (NDAAP), despite its vintage, operates as the LDP for the area the site lies in. In it the site lies within the development limit for Bangor and is not zoned for any purpose. The NDAAP at section 13.7 states that new development should be carefully designed to respect the scale and character of existing buildings, using sympathetic building materials and should respect existing street patterns, landmarks, topographical and other features which contribute to the character of each town.
6. A further consequence of the Court of Appeal judgement is that the draft BMAP (dBMAP), published in 2004, is a material consideration in the determination of this appeal. In dBMAP the appeal site lies within the Bangor settlement limit and is not zoned for any purpose. The site also lies at the northern edge of the proposed Bangor East ATC (BR14). The text for the draft ATC identifies multiple key features of the ATC. The compliance or otherwise with the provisions of the LDP and the weight to be given to dBMAP will be addressed later in this decision.

The appeal site and proposed development

7. The appeal site comprises a building and yard area situated on the southern side of Seacliff road and adjacent and west of the junction with Ward Avenue. The building is occupied by King's Church. The building was previously a dance hall. The building itself is a large rectangular, flat roofed structure finished in a mix of painted render and brown facing brick piers. The first floor, street-facing façade is largely glazed. A sizeable extension with a corrugated metal sheet pitched roof is attached to the rear of the building. There is a tarmac area on the road frontage given over to car parking, along with a modest yard area to the side and rear of the building. There is also a strip of public car parking alongside the Seacliff Road, opposite the appeal site. The roadside boundary along Ward Avenue is comprised of a low, concrete wall which steps up in line with the rising topography on Ward Avenue. A low stone wall provides the southern boundary between the appeal site and a

rectangular boat yard area belonging to the adjacent Royal Ulster Yacht Club (RUYC) Bangor.

8. Adjacent and immediately west is a block of three storey Victorian dwellings. No. 188 Seacliff Road is in use the Jamaica Inn public house. The adjoining Nos. 192 and 194 have been converted to apartments. The RUYC building and grounds occupy a large area adjacent and south-west of the appeal site, as well as a sizeable area of grass that fronts onto the Seacliff Road adjacent and west of No 188. The RUYC building, which is a Grade B+ listed building, occupies a higher position in the landform relative to the appeal site. Within the RUYC grounds is a car park area adjacent and south of the aforementioned boatyard. The access to the RUYC is at the junction of Clifton Road and Ward Avenue. It is from this junction and to the south that the dwellings on Ward Avenue begin to front onto that road. The Kingsland Recreational Ground, a large grassed area, lies to the east on the opposite side of Ward Avenue from the site, with a small, single storey building on that frontage. Some distance opposite and to the north-east of the appeal site lies a pumping station and public car parks. The appeal site lies within a coastal suburban area close to the headland of Luke's Point. The land uses in the locality are comprised of a mix of residential, community and leisure uses.
9. Full planning permission for demolition of the existing building on site and construction of six houses with associated site works, including new footways to a public road (ref. LA06/2015/0175/F), was granted on the site on 11 May 2016. That permission has not been implemented and has since lapsed. There is also a lapsed permission for a replacement church on the site (ref. W/2004/0825/F).
10. The appeal development seeks the demolition of the existing building and the erection of a four storey apartment development comprising 17 units. The ground floor would include 30 internal car park spaces to be accessed through a garage door on the Seacliff Road façade, towards the eastern end of the building. There would also be two ground floor apartments with individual amenity spaces between the building and Seacliff Road. A further five parking spaces and a loading bay would be provided alongside the Seacliff Road frontage. The apartment building would turn the corner, presenting front elevations onto both Seacliff Road and Ward Avenue. There are several private terraces to the rear of the proposed building, along with a communal garden area. A small planted area to the roadside at the junction between Seacliff Road and Ward Avenue is also proposed. The appeal building would be finished in a mix of dark grey and white facing bricks with a zinc standing seam mansard roof, though the corner section of the building adjacent to the road junction would present a parapet wall façade to both street-facing aspects. The windows would be constructed with white aluminium frames. Rainwater goods are to be metal, with the doors aluminium or hardwood.

Policy context

11. The Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and espouses the importance of new development respecting local character and environmental quality. In respect of the appeal development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained Planning Policy Statement 7 – Quality Residential Environments (PPS7) and the Second Addendum to PPS7 – Safeguarding the Character of Established Residential Areas (APPS7). The same

is the case in respect of the SPPS and the provisions of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage (PPS6) and Planning Policy Statement 3 – Access, Movement and Parking (PPS3). PPS7, APPS7, PPS6 and PPS3 remain the applicable policy documents to consider the appeal development under. I will address the matter of the applicability of the Addendum to Planning Policy Statement 6 – Areas of Townscape Character (APPS6) and the related provisions of the SPPS later on. Guidance contained in Creating Places – achieving quality in residential developments is also of relevance to the appeal proposal.

12. Section 23(2) (a) of the Planning Act (NI) 2011 sets out that demolition is a building operation, which is a form of development as understood within the Planning Act. Section 24(1) requires that planning permission is required for the carrying out of any development of land.
13. Part 33 of the General Permitted Development (NI) Order 2015 (GPDO) entitled Demolition of Buildings, paragraph A.1 states that development is not permitted by Class A if the building is in an area of townscape character or an area of village character except in certain listed circumstances. Paragraph A. 2 states that for the purposes of Part 33 “area of townscape character” means an area designated as such in a departmental development plan or in a local development plan prepared under Part 2 of the 2011 Act or a draft of such a plan. Thus this legislation acknowledges there is a difference between a designated and draft ATC, though the aforementioned GPDO provisions nevertheless apply to both.
14. The Council’s fourth reason for refusal was based on Policy ATC2 of APPS6. Policy ATC2 of APPS6 states that development proposals will only be permitted within an ATC where the development maintains or enhances its overall character and respects the built form of the area.
15. Paragraph 4.26 of the SPPS states that design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. It goes on to state that particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, including ATCs. Paragraph 6.21 of the SPPS states that in managing development within ATCs designated through the LDP process the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. Paragraph 6.22 goes on to state that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. There is no conflict or change in policy direction between the provisions of the SPPS and those in APPS6.
16. Notwithstanding this, 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. I am therefore not persuaded that Policy ATC2 of APPS6 and the aforementioned provisions of the SPPS are applicable to the consideration of the appeal development.

17. Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The policy goes on to state that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. Again, as the policy refers to ATCs, but no reference is made to draft ATCs, I am not persuaded that this element of Policy QD1 is applicable to the appeal development. Notwithstanding my above conclusions, the potential impact of the appeal development on the proposed ATC remains a material consideration.

Visual amenity considerations, including the proposed Bangor East ATC

18. Paragraph 4.27 of the SPPS states that where the design of proposed development is consistent with relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. It goes on to state that planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.
19. Criterion (a) of Policy QD1 of PPS7 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. Criterion (g) is that the design of the development draws upon the best local traditions of form, materials and detailing.
20. In this case the Council considered that the overall appearance and consequent visual impact of the appeal building was unacceptable given its design and incompatibility with the surrounding design context. It also considered that the resulting visual impact would also fail to conserve or enhance the proposed ATC designation. Objectors shared some of these concerns also. The Council's case made several arguments comparing the previously approved but unimplemented townhouse development on the site. Whilst that development was judged acceptable by the Council, that decision does not point to the inherent unsuitability of the appeal development.
21. The appeal building is a large structure that would occupy a prominent frontage position on a corner / road junction location. It is undeniable that it would be readily apparent in the streetscene. However, this location facilitates such a building on the site without detriment to the character of the area given the transitional role the site plays between the more densely built Seacliff Road dwellings to the west and the Kingsland open space to the east. The rising landform to the south along Ward Avenue also assists in this regard, providing a backdrop from views on Seacliff Road to the north-east and east of the site. It also affords a partial backdrop for the eastern façade from views across the Kingsland amenity grounds. The height and massing of the building are such that it would not present as overly dominant or unacceptable given the site context and the roof level respecting the overall height of the adjacent terrace at Nos. 188 – 194 Seacliff Road. Whilst the building is a single block which turns the corner at the junction, this does not emphasise the size of the proposed building as the use of bay elements along with the parapet wall feature on the curved corner section of the building assist sufficiently in softening any adverse visual effects on the streetscape.

22. The Council and Objectors considered that the appeal building would breach an existing building line. For two thirds of its length the appeal building would project approximately 1.3m beyond the line of Nos. 188 – 194 Seacliff Road. The final, eastern most third, closest to the junction corner, would project approximately a further 3m out to form the section that turns the corner onto Ward Avenue. Whilst the existing church building on the appeal site sits in line with Nos. 188 - 194 Seacliff Road, those are the only buildings in the line. There is then a break of approximately 60m in built development formed by the RUYC grounds to the west, before built development resumes in the form of the terrace of buildings at Nos. 176 - 186 Seacliff Road. This gap in built development between Nos. 186 and 188 Seacliff Road, along with the appeal site's location at a corner / road junction and the expansive area of public open space to the east are such that whilst the appeal building would step slightly forward beyond the line of Nos. 188 – 194, this would not render the building an egregious feature in the streetscape or disrupt the overall urban grain along Seacliff Road, even from any longer distance views to the east or west.
23. The Council and Objectors considered that the existing Victorian roof profiles and fenestration had not been reflected in the appeal design. The flat roof of the appeal building is not typical of the more traditional pitched roofs in the vicinity. However, again, the corner location of the appeal site and its immediate context provide for a greater degree of design flexibility than were the site entirely encompassed by closely sited traditional buildings. There is a vertical emphasis to the windows and bay features, which although not slavishly replicating the proportions of the adjacent Victorian terrace, are sufficiently sympathetic to permit the proposed building to relate to them in a harmonious manner. Whilst the Council pointed to the fourth floor roof windows being at odds with the slate roof of the adjacent terrace, I note the skylights in the forward roof planes of Nos. 192 and 194. I am not persuaded that the fenestration on the upper floor of the appeal building would adversely impact on the streetscape or adjacent buildings.
24. There is a variety of materials and finishes evident in the locality, including differing types of brick and colours and textures of render. For example, the RUYC building is finished in red brick and includes Tudorbethan design features. That too in a strict sense is at odds with the Victorian rendered terrace buildings on Seacliff Road, yet nevertheless fits well within and contributes positively to the overall character of the locality. Whilst the appeal building would possess a more contemporary appearance than some of its neighbours, I am not persuaded that the proposed design and materials of the appeal building would read as discordant against the more traditional buildings in the vicinity given the variety of materials already utilised in the locality and the quality of the proposed materials.
25. The Council pointed to the inactive street frontage resulting from the garage entrance along the Seacliff Road façade. Objectors also raised issue with bin storage. The refuse storage area would be contained within the ground floor at the eastern end of the building, next to the garage door and accessed through a set of louvre doors. The garage door and adjacent internal refuse storage area comprise only a minor element within a larger street facing façade which includes two ground floor apartments with garden areas abutting the public footpath and also the main entrance to the building. The proposed application of darker facing brick on the lower section of the building façade where the refuse storage door would be located also assists with lessening any minor impact such features would give rise to.

These, along with the majority of the ground floor being an active frontage, persuade me that the limited extent of inactive frontage is not in this case critical. Additionally, I accept there is a benefit arising from the ability of the development to internally contain the vast majority of proposed car parking spaces, as well as refuse storage.

26. The area the site lies within is a coastal suburban area, albeit one that has been heavily developed along a large part of the seafront. It has a mix of housing types, several non-residential uses and a substantial area of public open space. Thus, whilst I accept that in a strict sense the site lies within a suburban area, it is nevertheless a heavily built up one with a variety of building designs and variations in style, though more so on Ward Avenue than on Seacliff Road. Although the appeal building design does suggest a more intensive residential use on the site, its cues taken from the adjacent terrace, proposed materials and the overall roof height, which will remain slightly below the level of the terrace, avoid bestowing upon the building an inner urban character or utilitarian appearance that would be contextually inappropriate to its surroundings.
27. According to the submitted evidence the Commission considered a general objection to all proposed ATC designations within the then North Down district in its report on the dBMAP public inquiry. The Commission recommended no change to the plan. It is therefore likely, if and when BMAP is lawfully adopted, a Bangor East ATC designation will be included. The proposed ATC designation remains a material consideration in this appeal.
28. The Commission also considered objections to the general policy for the control of development in ATCs, Policy UE3, which is contained in the dBMAP. The Commission recommended that the policy be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Bangor East ATC will be repeated. As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP.
29. In respect the appeal before me, as already outlined above, Policy ATC1 of APPS6 applies only to designated ATCs and not to proposed ATCs. As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is 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 remains a material consideration and can still be objectively assessed.
30. Whilst the precise character of the ATC cannot be defined at this point given the lack of a specific detailed character analysis, the appeal design can still be assessed against the context of the surrounding built form. The Council accepted that the existing church building did not make a material contribution to the draft ATC, but that it was modest in scale and unobtrusive in the streetscene. Whilst it is lower and smaller than the appeal building would be, it is nevertheless a sizeable building in its own right. Despite its setback from the roadside, the in-situ building occupies a substantial portion of the overall site, with a large and unsympathetic rear extension. I am not persuaded that the existing building has an unobtrusive appearance that would in itself be justification for rejection of a larger, differently configured, new building on the site.

31. The Council referred to the area as being one of urban development transitioning to open space. This is broadly correct, though it does not account for the pumping station to the north-east on the opposite side of Seacliff Road. It was stated that the appeal building failed to integrate with the small single storey building opposite and to the east on the edge of Kingsland amenity grounds. Whilst this may be so given the small size and scale of that building, that in itself is not the policy test. Additionally that small building presents as a somewhat unusual feature in the wider streetscape given its position at the edge of the amenity space and roadside position on Ward Avenue.
32. More pertinently, the Council's assessment does not fully take account of the 'island' nature of the appeal site, in-situ building and Nos. 188 – 194 Seacliff Road. This group of buildings are separated to the south and west from other built development in the locality by the expansive RUYC grounds that abut them. According to the Appellant's evidence, the appeal building is intended to bookend the development along this part of Seacliff Road where it ends at the junction with Ward Avenue. The location of the appeal building relative to other built development, its position in the landform and my conclusions above relating to the design and effect of the proposed building on the surrounding environment are such that I am not persuaded that the appeal development would present as an obtrusive feature in opposition to the existing streetscene. Rather, I find the development contextually appropriate.
33. For the reasons above I am not persuaded that the size, massing, siting and overall design and finish of the apartments would render the appeal building visually pre-eminent or discordant within the streetscape or surrounding context. I consider that despite its size, the appeal building has been carefully designed to respect the scale and character of existing buildings. It uses differing but nevertheless sympathetic building materials. It would also respect the existing street pattern, as well as landmarks, topographical and other features which contribute to the character of Bangor. Accordingly I find that section 13.7 of the NDAAP is met, as is the LDP when read as a whole. I also find that the appeal development satisfies criteria (a) and (g) of Policy QD1 of PPS7, that policy read as a whole, as well as the related provisions of the SPPS. The Council's first reason for refusal and the related concerns of the Objectors are not sustained.
34. For the same reasoning given above, as well as my conclusions relating to density and development pattern later in this decision, I am not persuaded that the appeal building by reason of its layout, scale, massing or overall design would fail to maintain or enhance the overall character of the proposed ATC. The Council's fourth reason for refusal and the related concerns of the Objectors are not sustained.

Density and effects on the established residential area

35. Policy LC1 of APPS7 indicates that in established residential areas planning permission will only be granted for the redevelopment of existing buildings where the criteria in Policy QD1 of PPS7 and the additional criteria set out in Policy LC1 are met. The Council raised concerns under criteria (a) and (b) of Policy LC1 which are respectively: the proposed density is not significantly higher than that found in the established residential area and that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. Objectors raised similar concerns. Annex E of APPS7 states that for the purposes of that document established residential areas are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. It goes on to state that

these areas may include buildings in commercial, retail or leisure services use, usually clustered together and proportionate in scale to the size of the neighbourhood being served.

36. The Council considered that the density of the proposal would far exceed that of the wider established residential area (ERA), which it took to be part of the Seacliff Road and Ward Avenue. I agree that given the site's location at a junction, this area provides the relevant context to assess the appeal proposal. I do not agree with the Appellant's argument that only apartment developments in the locality should be considered as regards to density. The appeal development has an approximate density of 89 dwellings per hectare (dph). The Council calculated the average density along Seacliff Road to be approximately 33 dph and that on Ward Avenue to be approximately 13 dph.
37. I do not disagree with these calculations per se. However, they do not account for the substantial grounds surrounding the RUYC, which separate the appeal site from all but Nos. 188 – 194 Seacliff Road to the west and from all of the dwellings on Ward Avenue. This physical and visual gap, together with the site's corner position and juxtaposition against the Kingsland amenity area adjacent and east, afford opportunity for a higher than normal density on this particular site without detriment to the character of the ERA given the transitional location it occupies. Therefore, from a purely mathematical perspective the proposed density would be significantly higher than that found in the ERA, but that does not account for the site's transitional location or its relationship to the grounds of the RUYC and the residential development beyond.
38. In respect to the pattern of development, the appeal site has a plot approximately 0.18 ha in size. The average plot size of dwellings on Seacliff Road is approximately 0.03 ha, with that of the dwellings on Ward Avenue approximately 0.07ha. The Council also pointed to the built form to garden ratio of the appeal building being at odds with those in Seacliff Road and Ward Avenue. Given that the appeal building is an apartment block I cannot disagree that there would be a difference between it and dwellings set in individual gardens. Although the layout of the appeal building would, strictly speaking, be at odds with the pattern of development evident further to the south along Ward Avenue, as already referred to earlier, those dwellings are separated from the appeal site by the RUYC grounds. The closest dwellings on Ward Avenue lie approximately 95m south of the appeal site. They have no direct physical or visual relationship with the appeal development. Therefore, despite the disparity between the appeal building and those dwellings in terms of development pattern, no harm to the character of the ERA would arise given the particular context the appeal building would occupy. The proposed pattern of development would be less at odds with the terraces of buildings on Seacliff Road, even with the differences in building to garden ratios, again due to the specific appeal site context.
39. In respect to Policy LC1 of APPS7, its aims and objectives must also be considered. Policy LC1 seeks to ensure that proposals for new housing development in ERAs do not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Whilst I accept the density would be higher and the pattern of settlement would vary to that generally exhibited in the ERA, these differences when taken together with the corner site position, topography and the large gaps in the surrounding built development constituted by the RUYC grounds, would not render the appeal development disharmonious with, or result in unacceptable damage to the local character and environmental quality of the area.

Therefore, whilst technically the appeal development does not meet criteria (a) and (b) of Policy LC1, I find that given the specific spatial relationship it would have relative to the dwellings in and the consequent lack of harmful visual effects on the ERA, the failure to comply with these criteria of the policy is not fatal in this case. For the reasons given above I am satisfied that although the appeal development does not meet specific elements of Policy LC1 in a purely mathematical sense, it nevertheless satisfies the essential thrust of Policy LC1 taken as a whole. The Council's second and third reasons for refusal, as well as the Objector's related concerns, are not sustained.

Potential impacts on the listed RUYC building

40. Objectors considered that the appeal development would adversely impact on the nearby listed RUYC Bangor building. Section 91(2) of the Planning Act (NI) 2011 requires that the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy BH11 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage (PPS6) states that development will not normally be permitted that would adversely affect the setting of a listed building. It goes on to state that development proposals will normally only be considered appropriate where all of 3 criteria are met.
41. The RUYC building is a two storey with multi-bay Tudorbethan building, built circa 1899. The listing describes its character being distinguished by its style and proportions, exhibiting features typical of the architect, Vincent Craig, which have largely been retained. Whilst the Department for Communities – Historic Environment Division (HED) initially objected to the development, that was to an earlier, larger and higher iteration of the design. During the planning application process the design was amended, and further information provided in the form of additional 3D views / photomontages. A critical consideration was that the appeal building respect the established ridge line of the adjacent terrace, measured at 17.99m ordnance datum. The appeal building sits slightly below this level and whilst the proposed lift box structure would project slightly above the roofline, it would not exceed this 17.99m level. Consequently HED accepted that the appeal development would not adversely impact on the RUYC building or its setting following the submission of the additional supporting material.
42. The RUYC occupies a higher position in the overall landform relative to the appeal building. The setback of the RUYC building within its expansive grounds, along with this difference in topography and the appeal building roofline being set below that of the adjacent terrace, would be such that the proposed building would not give rise to any adverse effects on the listed building or its setting, including views in and out of the RUYC building. In the event of permission being granted, in order to ensure no adverse effect on the setting of the RUYC building it would be necessary to specify the use of high quality materials as are proposed, as well as restricting the roof height and that of the lift box structure. Having had special regard to the desirability of preserving the RUYC building as well as its setting I am satisfied that the appeal building would not adversely affect the RUYC. For the same reasoning give above the appeal development also satisfies Policy BH11 of PPS6. The Objectors' concerns in respect to this issue are not sustained.

Residential amenity

43. Criterion (h) of Policy QD1 of PPS7 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

44. Although not raised as a specific reason for refusal, the Council considered that the three first floor apartments facing onto Ward Avenue would experience overlooking from pedestrians walking by given the relative road level at that point. It is not that uncommon for apartments to be sited in relative proximity to public footpaths. The appeal building would be set approximately 1.5m from the roadside on Ward Avenue, separated by a new plinth wall and railings. An evergreen box hedge is also shown on the submitted drawings. There is no footpath on the western side of the road next to the appeal site. Whilst the adjacent Ward Avenue road level would potentially allow for some limited views into the first floor windows should pedestrians choose to walk along on the road itself, I am not persuaded that this would be a common occurrence given the safer option for pedestrians to use the footpath on the opposite side of Ward Avenue. Pedestrians using this footpath opposite would be approximately 7m from the building, sufficient to avoid any unacceptable views into the habitable areas. The limited opportunity for views into the relevant apartments are such that I am not persuaded that the occupants of the proposed development would suffer any unacceptable adverse effect upon their amenity from overlooking as pedestrians pass by. Criterion (h) of Policy QD1 of PPS7 as well as the related provisions of the SPPS are satisfied.

Traffic matters

45. Objectors raised the matter of potential impacts from traffic generated by the appeal development, as well as possible prejudice to pedestrian safety, particularly given the number of children who play nearby on the Kingsland amenity grounds and other nearby facilities. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where two criteria are met. These are that such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. As the appeal site is not located on a protected route, the second criterion is not engaged.

46. Whilst the appeal building is set forward on the site slightly more than the in-situ building, it would not impede the visibility for vehicles exiting Ward Avenue onto Seacliff Road as adequate visibility from that junction would be preserved. Whilst any new residential development inevitably brings a degree of additional traffic into an area, I am not persuaded that the level of traffic generated by 17 apartments would give rise to any appreciable congestion within the local road network, even with the relatively narrow width of Ward Avenue. Whilst children may use the adjacent amenity grounds and other nearby facilities, one would expect motorists to be cognisant of the local driving environment, including the likelihood of children playing nearby, and remain vigilant. The appeal development has sufficient parking provision and I note that DFI Roads raised no objections to the appeal development. For the reasons given above the appeal development would not prejudice road

safety or significantly inconvenience the flow of traffic. The first criterion of Policy AMP2, as well as the policy read as a whole and the related provisions of the SPPS, are met. The Objectors' concerns in this regard are not sustained.

Potential impact on bats

47. Objectors considered that the appeal development could potentially impact on protected bat species in the area. The Appellant's February 2019 Preliminary Bat Roost Assessment determined that there were no bat roosts in the in-situ building. It also concluded that the overall significance of impact of the appeal development on the local bat population would be near-certain negligible. Northern Ireland Environment Agency – Natural Heritage accepted these conclusions and raised no objection to the appeal development. In the absence of evidence to suggest any local bat population may be at risk from the proposed building, I find this matter raised by some Objectors would not warrant rejection of the appeal development.

Conclusions

48. For the reasoning given above the appeal development would not harm the character of the area, nor that of the proposed ATC. It would also comply with the provisions of the NDAAP and respect the character and setting of the nearby listed building. The Appellant made reference to a number of apartment developments within Bangor as examples of poor design, arguing that administrative fairness should apply. As I have already found the appeal development acceptable in its own right, I need not address those. The same is the case in respect of the Appellant's circumstances which were advanced as justification for the proposed development.
49. Objectors pointed to extent of local opposition to the appeal development, as well as the potential for the granting of permission to set a precedent. The appeal site has a very particular context and interrelationship with the surrounding built development and open space. Notwithstanding that each application must be assessed on its individual merits, I consider the particular appeal site characteristics, already addressed at length above, are such that the granting of permission for the appeal proposal would not set a precedent for future development along the Bangor coastline. This concern, as well as the local opposition to the development, would not warrant the withholding of planning permission. As the Council's reasons for refusal and the various concerns of the Objectors have not been sustained, the appeal shall therefore succeed. The matter of conditions remains to be considered.
50. The Appellant's Phase 1 Land Contamination Preliminary Risk Assessment (PRA), dated February 2019, concluded that there was a low risk of any contamination to end users on the site. This was based on the lack of any significant historical industrial or commercial uses having taken place on the site, along with the on-site oil tank being identified as a minor risk requiring to be removed prior to demolition of the existing building. The conclusions of the PRA were not disputed by the Council's Environmental Health Department. The same is the case in respect to the Department of Agriculture, Environment & Rural Affairs Regulation Unit (Land and Groundwater Team), which accepted the findings of low risk to the water environment. From the submitted evidence I do not disagree with the conclusions of the PRA. Conditions relating to the implementation of removal of any remaining fuel storage tanks and infrastructure on the site, as well as implementation of a verification report pertaining to the remediation works would be required. A

condition requiring submission of a written risk assessment should any previously undiscovered pollutants be uncovered during construction would also be necessary.

51. A construction method statement, as well as buffer between the construction works and the existing watercourse, would be necessary to prevent any pollutant impacts on the marine environment. In the interests of road safety the visibility splays for the new access would be required prior to any other development taking place, along with their permanent retention. The access gradient would also require conditioned to avoid any abrupt changes in slope along the footway and ensure a safe pedestrian environment. Although not suggested by the Council, I consider a condition requiring completion of both hard and soft surfaced areas prior to occupation of the apartments would be necessary to ensure a quality residential environment and also in the interests of residential amenity for occupants of the appeal building.

Conditions

- (1) Only the 2m wide clad box for the lift shall be permitted to rise above the normal roof level of the development hereby permitted. The 2m wide clad box shall not rise above the 17.99m level of the adjacent terrace.
- (2) The building hereby permitted shall be finished using materials in accordance with drawings 09A, 10A and 11A stamped received by the planning authority on 4 October 2019 and the document entitled 'Photomontage Study and Rebuttal of Objections' stamped received by the planning authority on 15 December 2020. The materials shall be as below:
 - the roof shall be standing seam zinc;
 - windows shall be aluminium;
 - doors shall be aluminium or hardwood;
 - walls shall be in facing brick; and
 - rainwater goods shall be metal.
- (3) As part of site clearance works all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention No. 2 and Pollution Prevention Guidance 27.
- (4) In the event that previously unknown contamination or risks to the water environment are discovered, falling outside the scope of the Remediation Strategy, development on the site shall cease, the planning authority shall be advised and a full written risk assessment in line with Model Procedures for the Management of Land Contamination - CLR 11, detailing the nature of the risks and any necessary mitigation measures, shall be submitted to the planning authority for approval.
- (5) Following completion of the remediation works referred to in Conditions 3 and 4 above, but prior to occupation of the development, a verification report completed by competent persons in accordance with Model Procedures for the Management of Land Contamination - CLR 11 shall be submitted to the planning authority for approval.

- (6) A suitable buffer of at least 10m shall be maintained between the location of all construction works including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil and the watercourse.
- (7) Prior to any development taking place, a final Construction Method Statement (CMS) shall be submitted to and approved by the planning authority. The CMS shall include measures to control pollution as set out in the Outline CMS submitted 24 July 2020 and measures to avoid or reduce the impact of noise on marine mammals created by piling works, if piling is required. Works on site shall be carried out in accordance with the approved CMS, unless otherwise agreed in writing by the planning authority.
- (8) Prior to any other development permitted, the vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with drawing 02A stamped received by the planning authority on 4 October 2019. The area within the visibility splays and any forward sight distance shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway. These splays shall be permanently retained and kept clear thereafter.
- (9) The access gradient to the approved apartments shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses the 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.
- (10) The development hereby approved shall not be occupied until hard and soft surfaced areas have been constructed in accordance with the approved drawings numbered 02A and 03A stamped received by the planning authority on 4 October 2019.
- (11) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings submitted with the application:-

DRAWING NUMBER	TITLE	SCALE	DATE
01	Site Location Plan	1:1250	21/12/2018
02A	Proposed Ground Floor Plan	1:100	04/10/2019
03A	Proposed First Floor Plan	1:100	04/10/2019
04A	Proposed Second Floor Plan	1:100	04/10/2019
05A	Proposed Third Floor Plan	1:100	04/10/2019
06A	Proposed Roof Plan	1:100	04/10/2019
08A	Proposed Section A & B	1:100	04/10/2019
09A	Proposed Section C	1:100	04/10/2019
10A	Proposed North & South Elevations	1:100	04/10/2019
11A	Proposed East & West Elevations	1:100	04/10/2019

COMMISSIONER MARK WATSON

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices (A & ND BC) 'B' Rebuttal Statement & Appendix (A & ND BC)
Appellant:-	'C' 1500 Word Summary Statement (Formative Architects) 'D' Statement of Case (Formative Architects) 'E' Appendices Document (Formative Architects) 'F' Rebuttal Statement & Appendix (Formative Architects)
Third Party:-	'G' Statement of Case (Royal Ulster Yacht Club Bangor – Objector) 'H' Rebuttal Statement & Appendix (RUYC Bangor – Objector)

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

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	05 April 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	16 March 2022
File Reference	160051/160127
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable <input type="checkbox"/>
Subject	Planning Service Plan 2022/23
Attachments	Service Plan

Since 2017/18 Service Plans have been produced by each Service in accordance with the Council's Performance Management policy.

Plans are intended to:

- Encourage compliance with the new legal, audit and operational context;
- Provide focus on direction;
- Facilitate alignment between Corporate, Service and Individual plans and activities;
- Motivate and develop staff;
- Promote performance improvement, encourage innovation and share good practice;
- Encourage transparency of performance outcomes;
- Better enable us to recognise success and address underperformance.

A draft plan for 2022-23 is attached, which has been developed to align with objectives of The Big Plan for Ards and North Down 2017-2032; the draft Corporate Plan 2020-24 and the draft Annual Performance Improvement Plan (PIP). The Plan will also support delivery of the ITRDS. The agreement of the plan will also aid toward achievement of the Council's performance improvement duties under the Local Government Act (NI) 2014.

The Service Plan highlights where the service contributes to the Corporate Plan and, where this is the case, sets out the objectives of the service for the 2022-23 year. It further identifies the key performance indicators used to illustrate the level of achievement of each objective, and the targets that the Service will try to attain along with key actions required to do so.

The plan has been developed in conjunction with staff, officers and management and in consultation with key stakeholders where relevant.

The plan is based on the agreed budget. It should be noted that, should there be significant changes in-year (eg due to Council decisions, budget revisions or changes to the PIP) the plan may need to be revised.

The Committee will be provided with update reports on performance against the agreed plan.

RECOMMENDATION

It is recommended that Council adopts the attached Planning Service plan.

PLANNING

1 April 2022 – 31 March 2023

Head of Service signature	Ann McCullough
Date	Click or tap to enter a date.
Peer Review signature	Clare McGill
Date	23/03/2021
Director signature	<i>Susie McCullough</i>
Date	24/03/2022

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1. Introduction

Name of Service	Planning
Included Service Units	Development Management Development Plan and Policy Planning Enforcement
Directorate	Regeneration, Development and Planning
Purpose of Service	The objective of the planning system, consistent with Part 1, Section1, of The Planning Act (Northern Ireland) 2011, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland. The Council, as a planning authority, should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environment for the overall benefit of our society. This will be achieved through the various functions of Development Management, Development Plan and Policy, and Planning Enforcement.
Key customers/ stakeholders and their needs	<p>Residents:</p> <ul style="list-style-type: none"> • <i>Positive place making that is not detrimental to socio, economic and environmental factors;</i> • <i>Quality decisions on planning applications in a timely fashion;</i> • <i>Delivery of a Local Development Plan to provide for the needs of the Borough over the next 15 years;</i> • <i>Effective enforcement of breaches of planning control so that the integrity of the planning system is not undermined</i> <p>Business sectors and investors & Other Council Service Units</p> <ul style="list-style-type: none"> • <i>Proactive Planning Service which reacts positively and in a timely fashion – enabling sustainable development</i> <p>Elected Members</p> <ul style="list-style-type: none"> • <i>Timely and professional planning recommendations on planning proposals</i> • <i>Preparation of a Local Development Plan for the Borough to guide future use of land and inform developers, members of the general public, communities, government, public bodies, representative organisations, and other interested parties of the policy framework that is used to determine development proposals</i> • <i>Effective enforcement of breaches of planning control so that integrity of the planning system is not undermined</i>
Context, challenges & key assumptions	<p>The Council is responsible for the majority of planning powers as set out within The Planning Act (NI) 2011.</p> <p>The majority of decisions on planning applications are delegated to the Head of Planning, with the Planning Committee, comprising of 16 elected members, determining major and other specific applications as detailed within the Planning Scheme of Delegation.</p> <p>The Council is responsible for publishing a Local Development Plan which will guide the future use of land within the Borough and inform developers, members</p>

of the public, communities, government, public bodies, representative organisations, and other interested parties of the policy framework that will be used to determine development proposals.

Effective **enforcement of breaches of planning control** is essential to ensure the credibility of the planning system is not undermined. Under The Planning Act (NI) 2011 the Council has a general discretion to take enforcement action when it regards it as expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations. In exercising this discretion, the Council is aware of its statutory duty to enforce planning legislation and to ensure that development is managed in a consistent, proactive and proportionate manner. The Council will use the full range of available powers to ensure enforcement action is effective, speedy and appropriate.

Refer to **Appendix 1** for expected changes, challenges and assumptions relating to service delivery over the coming year(s).

Reflection on previous performance – successes and lessons learned

2020/2021

	<i>Applications Received</i>	<i>Applications Decided / Withdrawn</i>	<i>Processing Time</i>
<i>Majors</i>	9	9	57 weeks (against 30 week target)
<i>Locals</i>	1,000	833	16.8 weeks (against 15 week target)
<i>Enforcement</i>	295 cases opened	150 cases concluded	62% concluded in 39 weeks (against 70% target)

2021/2022 (April 2021 – February 2022)

	<i>Applications Received</i>	<i>Applications Decided / Withdrawn</i>	<i>Processing Time</i>
<i>Majors</i>	5	7	98.4 weeks (against 30 week target)
<i>Locals</i>	984	987	21.8 weeks (against 15 week target)
<i>Enforcement</i>	336 cases opened	346 cases concluded	38.7% concluded in 39 weeks (against 70% target)

As a consequence of COVID, enforcement was temporarily suspended (with exception of Priority 1 cases and those approaching immunity) for the first three quarters of 2020/2021 with resources diverted to Development Management to assist with processing of applications to assist in economic recovery. This resulted in a significant backlog of enforcement cases into 2021/22 year, however the team are working diligently to process these cases as expediently as possible. There has been a significant effort to reduce older legacy cases 3 + years old, with a significant number of these being closed in 21/22 year, which has resulted unfortunately in a short-term effect on the processing target. We are continuing to work through our backlog and for the first time since October 2020 our numbers are below 500 cases.

Working from home has also impacted case processing within Development Management, with the average processing time increasing slightly. Householder developments continue to be processed by a dedicated team with an internal processing time target of 8 weeks. By Q3 of 2021/22 50% of householder decisions were issued within 8 weeks and 97.5% within 15 weeks. Vacancies and redeployment of staff from other sections has contributed to decrease in meeting internal targets.

Whilst the processing times for majors has been decreasing in recent years, 2021/22 saw a slight increase from the previous year. It is anticipated that the introduction of the Good Practice Guide with associated Application Checklists will assist in contributing to improved processing times, however, much remains dependent on quality of applications being submitted and resource implications of statutory consultees.

Reducing the number of changes that can be made to a planning application under one planning fee will assist in delivering more timely decisions and assist in ensuring that proposals that fail to comply with policy are rejected at an early stage in the process.

2. How does our Service contribute to community planning outcomes and PEOPLE priorities?

The *Planning Service* can be expected to have a direct impact on the following:

Community Planning Outcome	PEOPLE priority	Our focus for 2022/2023
All people in AND enjoy good health and wellbeing	To enable all people in AND to enjoy good health and wellbeing we will support the physical and mental wellbeing of our residents through access to services, facilities and partnerships	<p>When plan-making and decision-taking we will contribute positively to health and wellbeing through:</p> <ul style="list-style-type: none"> • Safeguarding and facilitating quality open space, sport and outdoor recreation; • Provide for safe and age-friendly environments; • Encourage and support quality, environmentally sustainable design; • Better connect communities with safe pedestrian environments; • Better integrate land-use planning and transport; • Facilitate the protection and provision of green and blue infrastructure; • Support the provision of jobs, services and economic growth; • Support the delivery of homes to meet the full range of housing needs, contributing to balanced communities; • Support broader government policy aimed at addressing for example, obesity, and health and wellbeing impacts arising through pollution.
All people in AND feel pride from having access to a well-managed sustainable environment	To enable all people in AND to feel pride from having access to a well-managed, sustainable environment we will provide a clean, attractive, environmentally responsible place	
All people in AND benefit from a prosperous economy	To enable people in AND to benefit from a prosperous economy we will create the conditions for businesses to start, grow and thrive, provide opportunities for employment and be sustainable	

3. Key activities for 2022/2023

SERVICE:	Planning
Community Plan Outcome:	Outcomes 2, 3, 4 and 5
Corporate Plan PEOPLE priority(ies):	Prosperity – Growing our economy; Environment – Growing a cleaner, greener, local and global environment; Life – Growing the health and wellbeing of our residents; Excellence – Growing a high-performing council;
Council KPI(s):	N/A
Service Objective:	Meeting the Schedule 3 Planning Indicators of the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 Achieve at least 95% spend against budget
What difference will it make?	Secure the orderly and consistent development of land whilst furthering sustainable development; Attract local investment
Underpinning strategies:	The Strategic Planning Policy Statement for Northern Ireland and the Regional Development Strategy 2035

Business as Usual activities we will deliver in 2022/2023 (actions)	Due Date	Lead Officer(s)	Who do we need to help us? (Internal/External partners)
Process local development applications from date valid to decision within average processing time of 15 weeks	Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and Planning Committee
Process major development applications from date valid to decision within average of 30 weeks	Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and Planning Committee
Process householder applications from date valid to decision against internal performance target of 8 weeks average processing time	Ongoing	Service Unit Manager for Development Management	Applicants/agents, statutory and non-statutory consultees and Planning Committee
Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control within 70% within 39 weeks conclusion target	Ongoing	Service Unit Manager for Planning Enforcement	Applicants/agents, residents and Building Control

Business as Usual activities we will deliver in 2022/2023 (actions)	Due Date	Lead Officer(s)	Who do we need to help us? (Internal/External partners)
Preparation of draft Plan Strategy as first document in Local Development Plan	Ongoing in line with agreed LDP Timetable to be agreed by Planning Committee and Council and approved by DFI (Note DFI has indicated a 6month discretion with indicative dates)	Service Unit Manager for Development Plan and Policy	Statutory and non-statutory consultees, elected members and officers and residents (feedback to POP)
Carry out Health and Condition Surveys of historical Tree Preservation Orders served by DOE	Ongoing	Service Unit Manager for Planning Enforcement	Arboriculturalist /Tree Officer
Measure performance against operating budget	Ongoing	Head of Service and Service Unit Managers	Finance and Performance Improvement input and elected member support
Deliver service in line with established procedures and processes	Ongoing	Head of Service and Service Unit Managers	Performance Improvement

Service Development / Improvement					
What service development/improvement will we undertake in 2022/2023	Which of the specified aspects will this improve?	Rationale	Due Date	Lead Officer(s)	Who do we need to help us? (Internal/External partners)
AND, alongside 9 other Councils and the Department for Infrastructure, has agreed to award a contract to replace the NI Planning Portal system; the project is well underway and in its design and configuration stage	Innovation, service quality, service availability, efficiency and innovation	Required to replace a defunct system which will no longer have software support towards end of 2021/22. Will tie in with new two-tier planning system and supporting legislation.	Circa August 2022	Head of Service	Individual planning staff as Service Matter Experts for configuration; Planning Portal Governance Board; Finance Service and Business Technology
Continue to work alongside Department for Infrastructure to identify improvements to the planning system through review of the implementation of the Planning Act, NIAO recommendations and contribution of consultees to the planning system	Service Quality, and efficiency	To contribute to more efficient planning system with properly resourced consultees to provide timely consultation responses on planning applications	Ongoing	Head of Service and Service Unit Managers	DFI and statutory consultees

Service activities being stopped / changed:					
What service / activities will we be stopping / changing in 2022/2023	Reason for stopping / changing activity	Savings	Impact on Performance	Impact on the Public	Impact on staffing
N/A					

Performance Measures:

Performance Measures (should include those for the Business as Usual and Service Improvement actions outlined above and relevant measures from Community, Corporate and Statutory)	Is the measure Statutory, Corporate, Existing or New?	Reporting frequency	2015/16 Actual	2016/17 Actual	2017/18 Actual	2018/19 Actual	2019/20 Actual	2020/21	2021/22 (to Feb 22)	2022/23
Process local development applications in 15 weeks	Existing	Quarterly	21.2 weeks	20.2 weeks	17.2 weeks	15.6 weeks	15.8 weeks	16.8 weeks	21.8 weeks	15 weeks
Process major development applications in 30 weeks	Existing	Quarterly	51.8 weeks	37.6 weeks	53.0 weeks	151 weeks	97 weeks	57 weeks	98.4 weeks	30 weeks
Process householder applications within 8 weeks	Existing	Annually	-	-	53%	40%	42%	37%	50%	75%
Investigate and take proportionate and appropriate enforcement action against alleged breaches of planning control – conclude 70% of cases within 39 weeks	Existing	Quarterly	82%	77.7%	73.6%	76.9%	81.1%	62%	38.7%	70%
% spend against budget	Existing	Quarterly	90%	94.07%	95%	99.6%	97.3%	76.5%	77.3%	>95%
% Staff Attendance	Existing	Quarterly	-	92.93%	95%	91.64%	94.47%	96.8%	96.54%	>95%
% staff reporting regular briefing updates	Existing	Quarterly	-	100%	100%	100%	100%	100%	100%	100%
% PIP conversations concluded	Existing	Annually	-	99%	99%	99%	99%	-	tbc	95%
% Audit Reports Satisfactory	Existing	Annually	-	100%	-	100%	-	100%	100%	100%
Appeals against refusal of planning permission dismissed by PAC	Existing	Annually	78%	67%	100%	56%	83%	87%	75%	>60%

4. Risks

Ref:	Risk Description	Gross Risk			Current controls	Residual Risk			Risk Status	Further Action Required	Action Due by	Risk Owner	Notes to explain rationale for scoring, etc.
		I	L	R		I	L	R	Tolerate / Action				
CR7	Lack of resource/capacity in statutory consultees – impact on quality of responses and targets	Major	Probable	High	Being addressed through DFI and Council Planning Forum	Major	Possible	Medium	Tolerate	NIAO Actions to be taken forward by DfI / Councils		Head of Planning and Service Unit Manager	
CR12	Failure to secure technical support for current NIPP whilst new system under development	Major	Probable	High	Ongoing engagement with DFI and DXC (service provider) through Planning Portal Governance Board	Major	Possible	Medium	Tolerate	Subject to ongoing review		Head of Planning	AND to be in second tranche to go live with new system – absolutely vital support in place regarding transfer to new system from existing
CR21	Significant impact on service delivery as consequence of resource redirected to assist in configuration/development of NIPP replacement	Major	Probable	High	Ongoing engagement with DFI Project Team and TerraQuest	Major	Possible	Medium	Tolerate	Requires close scrutiny and appropriate timetabling to ensure resilience built in to existing staffing but with appropriate resource dedicated to assist as required	Ongoing	Head of Planning and Service Unit Managers and Business Support Officer	Subject Matter Experts required to input to ensure system delivers needs of AND

Ref:	Risk Description	Gross Risk			Current controls	Residual Risk			Risk Status	Further Action Required	Action Due by	Risk Owner	Notes to explain rationale for scoring, etc.
		I	L	R		I	L	R	Tolerate / Action				
CR10	Learning from Independent Examination into Belfast's draft Plan Strategy regards soundness	Major	Moderate	Medium	Ongoing engagement with DFI and BCC through LDP meetings and learning from IE	Major	Moderate	Medium	Action	Ongoing liaison and pressure on DFI to review current process and guidance	Ongoing	Head of Planning and Service Unit Manager	Outcome of BCC IE critical to how AND approaches its LDP
CR10	Discontinuance of Service Level Agreement with Shared Environmental Service to provide SA of draft Plan Strategy	Major	Moderate	Medium	Existing SLA in place and provided for Preferred Options Paper. Revised SLA proposed for remaining work beyond original agreed budgets	Major	Moderate	Medium	Action	Liaison with other affected councils and potential for group procurement/ review of alternative suppliers going forward	Ongoing	Head of Planning and Service Unit Manager	Critical to LDP process and required to be in place as an iterative process
CR14	COVID 19	Major	Moderate	Medium	Adherence to C19 H&S guidelines. Staff working from home where possible Risk assessment and rotas established to facilitate officers to work in offices to continue to provide service	Major	Moderate	Medium	Action	Ongoing monitoring and planning	Ongoing	Head of Planning and Service Unit Manager	Critical to ongoing service provision

5. Resources

Are all actions resourced within the current (2022/23) budget plan?	Yes
Will additional resources be required?	No
Additional monies required have been secured through Business Cases for consultancy studies/reports for the Local Development Plan, and arboriculturalist support for Health and Condition Surveys/Report regarding Tree Preservation Orders.	

6. Monitoring and Review

This Service Unit Plan will be reviewed on a quarterly basis as appropriate by the Head of Planning in liaison with the relevant Service Unit Managers and Business Support Officer.

7. Conclusions

The Planning Service will continue to strive to deliver an efficient service to residents and investors for the benefit of the Borough and assist economic recovery in the context of the national pandemic. The key targets referenced within this Plan are a means by which to measure this. Collaborative working with other Council Service Units will be essential to assist in delivering the outcomes from the Council's Integrated Strategy for Tourism, Regeneration and Economic Development, also Capital/Maintenance projects, and assist in economic recovery.

8. Appendices

See Appendix 1 for external issues and challenges in relation to service delivery

APPENDIX 1

Context, Changes, Challenges and associated Assumptions

Context

Planning is a transferred function, reformed from a unitary system to a new two tier system incorporating an overhauled suite of primary and subordinate legislation. The Council is responsible for the majority of planning decisions, preparation and publication of a Local Development Plan, and enforcement of breaches of planning control.

Anticipated Changes in coming years

- There will be many changes due to the impact of COVID-19 – from home working of our own staff, remote support delivery to applicants/agents to increased use of technologies.
- Increased pressure is expected in respect of development of the Local Development Plan in the context of the Council Corporate Plan and Big Plan as policies and proposals in current Departmental Development Plans continue to be applied to development decisions which may be at odds with the preferred direction of the Council.
- The Preferred Options Paper (first stage in the Local Development Plan process) has set out the key plan issues for the Borough and the Council's preferred options available to address them. Further to consultation on this and engagement with elected members on planning policy, the Council will prepare and publish its draft Plan Strategy, which will set out the Council's objectives in relation to the development and use of land in our Borough, and the strategic policies for the implementation of those objectives and other relevant matters. The Plan Strategy will be based on both the information gathered and also the public and stakeholder's responses to the POP. Ongoing issues with the LDP process have been highlighted by all councils with DFI in respect of delays and elements affecting timetabling out-with the legislative directions.
- Improvements are expected in the provision of services to the public and the developer through the introduction of a Good Working Practice Guide for applicants to encourage positive front loading of planning applications to enable significant proposals to be fast tracked as appropriate, promoting confidence for investors in the borough.
- Continued proactive enforcement of breaches of planning control will assist in promoting the Council's positive attitude to the planning process and its integrity in processes and procedures.

-
- Introduction of new software - the NI Planning Portal (NIPP) system is used by the Department for Infrastructure, councils and the Regional Property Certificate Unit to process planning applications and consents, enforcement cases, property certificates, tree preservation orders etc. The system is used by the public, Departmental and council staff, planning agents, solicitors and consultees. There are almost 9,500 registered users in Public Access. The NIPP was developed over ten years ago when the Department was the single planning authority. While the system is still operational, it is reaching the end of its operational life and no longer meets all of the needs of users. A new system is currently under development by the Department and ten of the 11 councils as a joint venture and is expected to go live in stages from Spring/Summer 2022.
 - Adhering to a protocol for checking Building Control applications against planning approvals to advise of anomalies early in process and ensure retrospective applications submitted as appropriate, ensuring no undermining of the planning system.
 - Potential legislative changes to assist in the delivery of planning. The Department for Infrastructure alongside the 11 Councils has set out an Action Plan to improve the efficiency and effectiveness of the Planning System with particular regard to the role of statutory consultees. Key recommendations from an investigatory report are being carried forward via a Cross-Government Planning Forum to build capacity and capability in the planning system and to deliver and oversee continuous improvement in Development Management aspects of planning. That report has also emphasised the need for access to adequate resources for statutory consultees. Proposed legislative changes to address poor quality applications and enhance responsiveness of the planning authority will be vital in reinforcing Planning as a key enabler for the delivery of a range of outcomes at local government and regional level. This ties in with a Call for Evidence by the Department for Infrastructure in relation to the implementation of The Planning Act (Northern Ireland) 2011 since the date of transfer in April 2015.
 - The NIAO has also undertaken a fundamental review of the Northern Ireland Planning System, report published 1st February 2022. The report takes the opportunity to set out some of the current significant issues and subsequent impacts being experienced within the Northern Ireland planning system. The overarching message of the NIAO report is that the NI planning system is not working efficiently and, in many aspects, is failing to deliver for the economy, communities or the environment, with the report outlining a number of recommendations and key actions.

Future challenges

- In light of the national pandemic (COVID-19) the manner in which we deliver planning services on behalf of the Council has had to adapt in the context of home working and in ensuring that Planning is contributing to economic recovery. During 2020 in the period since initial lockdown (March 2020) Planning Enforcement staff were redeployed to assist in processing of

planning applications within Development Management. Only priority 1 enforcement cases were progressed within this time, resulting in a significant backlog within the service. Additionally, due to the nature of the business support for Planning, only certain activities can be progressed at home, therefore a rota system for administrative staff has been introduced to deal with physical working in the office in the context of PHA guidance on social distancing. The reduction in the number of administrative staff being able to work physically within the Church Street office has had an impact on processing of planning applications. This challenge will continue, particularly should restrictions remain in place over the coming year.

- We will need to adapt our working practices to support the Service Unit to carry out their roles effectively but also in the way we deliver support to the public/applicants and agents. We will need to ensure that our engagement meets needs and is accessible through technology or other means.
- To manage delivery of the development management (planning applications) function under the hierarchy of development for major and local applications within the associated timeframes of 15 weeks and 30 weeks respectively, with commitment from statutory and non-statutory consultees to assist in meeting statutory performance targets in the context of stretched resources, in terms of both staffing and fiscal challenges;
- Managing the risk associated with supporting the development and configuration of the replacement NI Planning Portal, in respect of the continued input of council Planning and admin staff into the configuration sprints and reliance on subject matter experts in terms of development, review and testing of various elements of the new system, which will need careful administration to ensure AND inputs fully whilst managing to deliver its Planning functions;
- Delivering planning (both through Development Management and Development Plan) in a difficult economic framework given the monetary constraints being experienced by major players, such as Northern Ireland Water in respect of sewerage capacity within NI and particularly our Borough, and DFI Roads in respect of physical infrastructure and public transport;
- Prioritisation of cases to ensure continued inward investment whilst ensuring good quality design and positive place making. Supporting work of other service areas within the Council such as Regeneration and Capital Projects and other Council projects within financial and time constraints. This will require joint working with other service units and ensuring early engagement with Planning;
- Supporting other service areas and Council partners in delivery of action plans stemming from the Council's Integrated Tourism, Regeneration and Economic Development Strategy. This will involve assisting in provision of pre application advice on submission of planning applications that support the outcomes from the Integrated Strategy, review of planning policy and guidance in the context of supporting Directorate functions; processing of

planning applications aligned with outcomes from the Strategy; and supporting the establishment of an Economic Forum through enabling development and positively supporting economic development for existing businesses in the borough, and supporting and encouraging investment;

- Supporting the Council's contribution to the Belfast Region City Deal to improve infrastructure in the region, develop innovation skills and attract more, and better, jobs, via input to economic assessment and appraisal of key projects, including potential development of an Innovation Hub, and key infrastructure projects;
- Carrying out a detailed review of the consultation responses to the Preferred Options Paper and ongoing engagement with elected members to review the 120+ current planning policies for inclusion within the draft Plan Strategy;
- Adhering to our Local Development Plan timetable in context of constantly evolving LDP process and input from the Department for Infrastructure and Planning Appeals Commission; (DFI officials have advised that there is a 6month discretion on dates indicated) The timetable is required to be updated in all circumstances throughout the LDP process.
- Supporting the Council in realising the overall development of the Bangor Waterfront Masterplan incorporating Queen's Parade as a key destination, subject to Belfast Region City Deal monies;
- Breaking down on internal silos to ensure each service unit is aware of the impact of Planning and therefore engages early in any project initiation/business case preparation to ensure realistic and deliverable targets are set;
- Resourcing a Development Plan team without adverse impact on staffing structure in the other critical planning areas of Development Management and Enforcement;
- Alignment of the spatial components of the Plan with the outcome of the Community Plan and the revised Housing Growth Indicators from the Department for Infrastructure's Regional Development Strategy (RDS);
- In the context of Enforcement, ensuring the Council is committed to securing enforcement objectives to ensure that the credibility and integrity of the planning system is not undermined. Additionally, undertaking scrutiny of Building Control applications (with appropriate resource) to ensure joined-up working to enable a proactive response to potential planning offences;
- Garnering support and implementing the good practice encompassed within the Application Checklists for applicants and developers to promote front loading of planning applications to enable expedition of planning proposals to positive quality outcomes.

ITEM 7**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning
Date of Meeting	05 April 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	15 March 2022
File Reference	RDP147
Legislation	The Planning Act (Northern Ireland) 2011
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Presentation to Members of studies for LDP
Attachments	

Background

Members shall be aware that Nexus Planning is preparing evidence on behalf of the Council for the Local Development Plan (LDP) in relation to Retail Commercial Leisure study. In addition, Ironside Farrar was commissioned to prepare evidence in relation to Open Space Strategy and Landscape Character Assessment review.

Detail

The consultants shall present to Members in May, following receipt of final documentation. It is proposed to invite:

- (a) Nexus Planning to present at 6.00 pm on Tuesday 3 May
- (b) Ironside Farrar to present at 6.00 pm on Tuesday 17 May

RECOMMENDATION

It is recommended that Council approve the arrangements detailed above.

ITEM 8**Ards and North Down Borough Council**

Report Classification	Unclassified
Council/Committee	Planning Committee
Date of Meeting	05 April 2022
Responsible Director	Director of Regeneration, Development and Planning
Responsible Head of Service	Head of Planning
Date of Report	23 March 2022
File Reference	
Legislation	
Section 75 Compliant	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/> If other, please add comment below:
Subject	Update on Queen's Parade
Attachments	Dfl Minister's letter dated 9.3.22

Members will be aware that Council's Planning Committee passed a resolution to approve planning LA06/2020/0097/F for the redevelopment of Queen's Parade, Bangor on 26 January 2021.

As the Council was proposing to grant planning permission for this major development contrary to a consultation response of a statutory consultee (Dfl Rivers), the Council was legally required to notify Dfl of this resolution. The requirement arose under the terms of a directional order issued by the Dfl under the Planning (Notification of Applications) Direction 2017. Dfl were duly notified on 27 January 2021.

In February 2021 the Council received a further 'Holding Direction' from Dfl preventing it from issuing the planning approval it had resolved to make until further advice was issued by Dfl. This was to allow Dfl time to consider whether or not the proposed development raised issues that required it to be referred ('called in') to the Department for determination. Those issues were in relation to the noncompliance of PPS 15 'Planning and Flood Risk' and Policy FLD 5 'development in proximity to reservoirs'.

The Council chased the Dfl throughout 2021 to seek a decision as to whether or not Dfl Planning would 'call in' the planning application for it to determine rather than the

Council. Throughout this period the Council sought to engage with DfI and resolve any questions or issues it had with respect to the development proposal and flooding.

The DfI Minister, Nichola Mallon, wrote to Council on 9 March 2022, confirming that after careful consideration she had decided that it was not necessary for the planning application to be referred ('called in') to Department for determination. The letter confirmed her view that the application does not raise issues of such importance that their impact is considered to extend to a regional or sub-regional level and the circumstances of this case are not exceptional such as to render the use of the DfI's 'call in' power under section 29 of the Planning Act (Northern Ireland) 2011 necessary. In so doing the Minister and DfI did not recommend any additional conditions relating to the issue despite having the power to do so.

The Minister further clarified that the 'Holding Direction', issued by DfI under the terms of Article 17 of the (General Development Procedure) Order (Northern Ireland) 2015 ("the GDPO") was no longer in place and the Council can continue to process this application accordingly. (Copy of letter attached.) Consequently, the Council is now free to determine the planning application subject to compliance with the legislative requirements noted below.

As members will recall delegated authority was given to officers to change the conditions and negotiate and draft a planning agreement in conjunction with the Council's solicitor post resolution. That process had been put on hold to avoid the unnecessary expenditure of costs in the event that the DfI 'called in' the planning application.

However, as the application was referred to DfI planning on foot of the directional order under the GDPO, Regulation 7 of the Planning (Development Management) Regulations (Northern Ireland) 2015 is engaged. This regulation means that the Council must hold a pre-determination hearing to update the Planning Committee on developments in advance of determining the planning application. Following the conclusion of the pre-determination hearing, the Planning Committee should then consider the planning application at Planning Committee and proceed to determine the planning application in light of the outcome of DfI's decision and have any other material considerations which have arisen in the intervening period (from January 2021 to present day) brought to its attention to allow the Planning Committee to consider the Planning Application as a whole taking into account all material considerations and in accordance with Section 6(4) of the Planning Act (Northern Ireland) 2011.

While the legislative procedures require the pre-determination hearing and subsequent planning committee to occur it is considered prudent in any event given the protracted consideration by DfI that the Planning Committee be updated as to any material considerations arising. An updated report will be prepared in advance of the pre-determination hearing and the planning committee in this regard.

The Planning Service will schedule the pre-determination hearing and subsequent planning committee in accordance with the guidance issued by DfI Planning in the form of the Development Management Practice Notes it has issued in respect of the conduct of such meetings.

Subject to consultation with the Chair, the pre-determination hearing and Planning Committee may be undertaken on the same evening, with a date to be agreed. However, further consideration as to the utility of holding the meetings on the same evening is required when all matters are considered.

Planning will work closely with the applicant, following due planning process, to ensure the Pre-determination Hearing and subsequent Planning Committee are undertaken in a timely manner. However that is subject to the ability to ensure all matters are resolved prior to the scheduling of the meetings and the production of the reports, which is likely to take a number of months.

RECOMMENDATION

It is recommended that Council notes the correspondence from the DfI Minister, the update within the report, and is asked to endorse the approach of the Planning Service to the scheduling and conduct of the pre-determination hearing in line with the published guidance of DfI and that the Chair is permitted to agree on behalf of the Planning Committee the schedule and conduct of the meetings.



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

From the office of the Minister for Infrastructure
Nichola Mallon MLA

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Your reference: LA06/2020/0097/F
Our reference: DfIPG 031/21

09 March 2022

Dear Mr Reid,

**PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN
IRELAND) 2015
THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017**

**LA06/2020/0097/F – MIXED USE DEVELOPMENT PROPOSAL AT LANDS AT, AND
TO THE REAR OF, 18 TO 52 MAIN STREET (REEDS RAIN TO TK MAXX), 2 TO 34
KING STREET, 5 TO 17 SOUTHWELL ROAD, 5 TO 41 QUEEN'S PARADE, MARINE
GARDENS CAR PARK, THE ESPLANADE GARDENS AND THE AREA AROUND
MCKEE CLOCK, BANGOR, BT20 3BJ.**

I refer to the notification received by my Department in relation to the above planning application on 27 January 2021 and the subsequent 'Holding' Direction issued by my Department on 17 February 2021, preventing the council from granting permission until further advised.

After careful consideration, I have decided that it is not necessary for application LA06/2020/0097/F to be referred ('called in') to my Department for determination. I am of the view that this application does not raise issues of such importance that their impact is considered to extend to a regional or sub-regional level and the circumstances of this case are not exceptional such as to render the use of my Department's 'call in' power under section 29 of the Planning Act (Northern Ireland) 2011.

For clarification purposes, the above mentioned 'Holding' Direction, issued by my Department under the terms of Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 in relation to this application, is therefore no longer in place and the council can continue to process this application accordingly.

**NICHOLA MALLON MLA
Minister for Infrastructure**