

<b>COMMITTEE ITEM</b>	<b>3.5 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0359/F</b>
<b>DEA</b>	<b>THREEMILEWATER</b>
<b>COMMITTEE INTEREST</b>	<b>LEVEL OF OBJECTION</b>
<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Demolition of existing single storey structure and construction of new two storey extension to rear of property. New timber shed with roof mounted photovoltaic panels.
<b>SITE/LOCATION</b>	14 Glenavie Park, Jordanstown, Newtownabbey, BT37 0QW
<b>APPLICANT</b>	Mr Andrew Nicholl
<b>AGENT</b>	Arta Design
<b>LAST SITE VISIT</b>	January 2021
<b>CASE OFFICER</b>	Leah Hingston Tel: 028 903 40403 Email: <a href="mailto:leah.hingston@antrimandnewtownabbey.gov.uk">leah.hingston@antrimandnewtownabbey.gov.uk</a>
<b>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 <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b>	
<b>ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS</b>	
<p>Following the publication of the Planning Committee Report, a further two objections have received from two properties. The matters raised in the objections include;</p> <ul style="list-style-type: none"> <li>• The workshop is 900sqft</li> <li>• The workshop is close to the properties in Cooleen Park</li> <li>• Contrary to the character of the area</li> <li>• There is an underground watercourse beneath the site for the workshop which could lead to flooding.</li> <li>• There could be contamination of the watercourse from oil spills associated with the bikes.</li> <li>• The applicant intends to work on bikes and not just store them.</li> <li>• Dirt bikes are dirty, smelly and noisy.</li> </ul> <p>The matter of the size of the proposed shed is emphasised in one of the objection letters and reference is made that it is larger than the footprint of the original dwelling. There is no set measurement for an ancillary building and its size and scale are material in so far as it relates to the impact that the development may have on the visual amenity and the character of the area. While the building is of a significant size for a domestic building, the limited public viewpoints limit its overall impact.</p> <p>The issue of the alleged use of the building as a commercial workshop was dealt with in the original Committee Report, however, the issue of the applicant working on his own bikes is considered to be a normal ancillary function to the enjoyment of the dwelling and its ancillary buildings. Many people undertake minor mechanical operations as a hobby, the proposed shed is not to operate as a commercial business. Any alleged unlawful commercial activity can be investigated by the planning enforcement team. While dirt bikes may be known for being dirty, smelly and noisy, this activity is not taking place on the site.</p>	

It is accepted that the proposed shed is located close to the properties within Cooleen Park. The sheds impact on these properties was assessed in the original Committee Report and was considered to be acceptable. In addition, the Environmental Health Section of the Council has been consulted on issues of noise and light nuisance and they have indicated in their consultation response that they have no objections to the development.

DfI Rivers Flood Maps NI do not show Glenavie Park or the immediately surrounding area within Jordanstown to be affected by any flooding or any watercourse. The Council does not hold any record of a watercourse traversing this site, either above or below ground.

<b>RECOMMENDATION</b>	<b>GRANT PLANNING PERMISSION</b>
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<b>PROPOSED CONDITIONS</b>
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1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

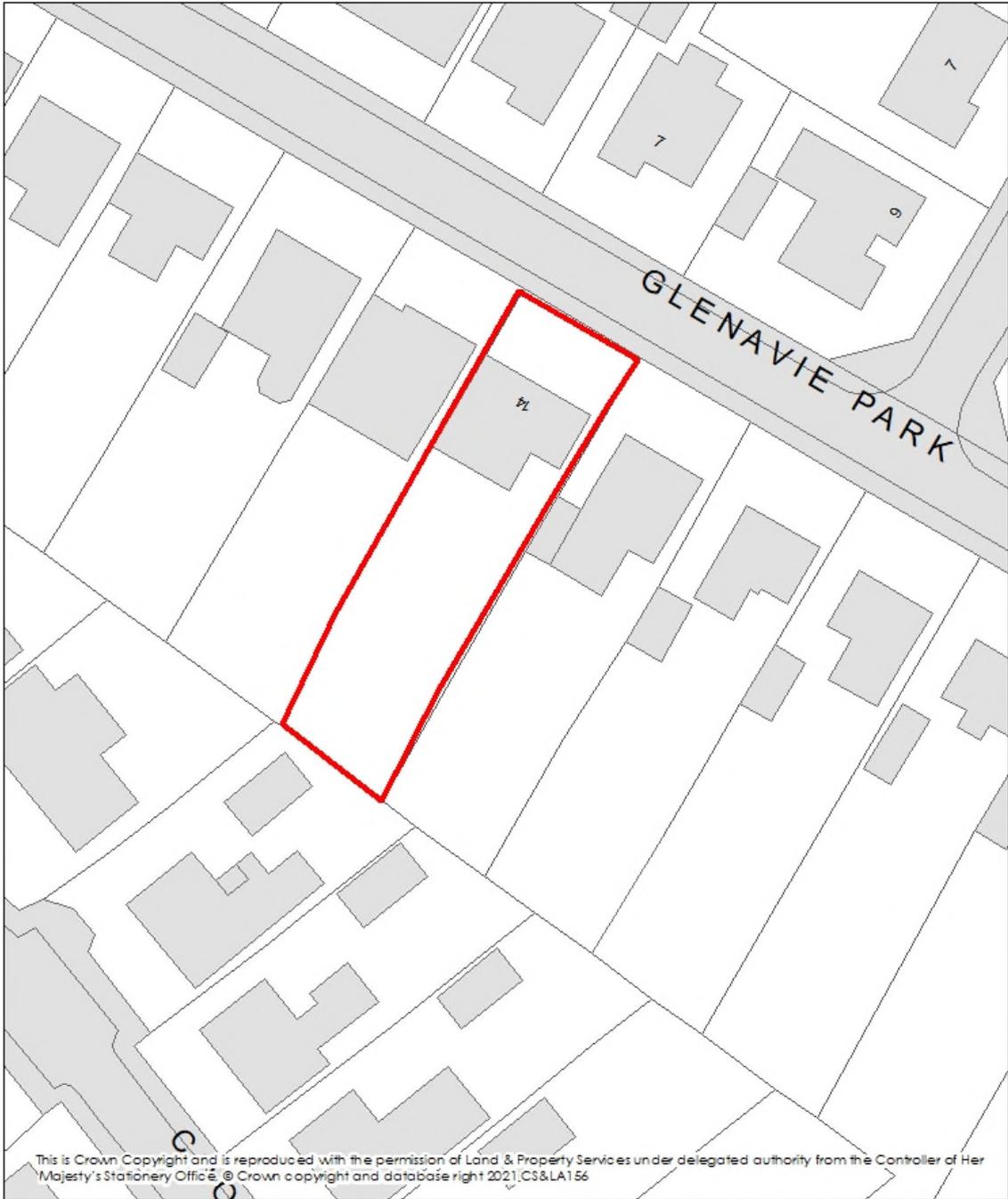
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The first-floor window on the northwestern elevation coloured blue on Drawing No. 07/1 date stamped 23rd November 2020 and Drawing No. 08/1 date stamped 23rd November 2020 shall be finished in opaque glass and shall thereafter be permanently retained.

Reason: In the interests of residential amenity.

3. The shed hereby permitted shall not be used at any time other than for the purposes ancillary to the residential use of the dwelling known as 14 Glenavie Park, Jordanstown, Newtownabbey, BT37 0QW.

Reason: To prevent commercial activity on site.



### Location Map

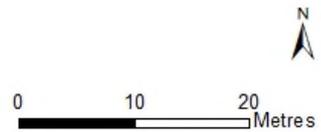
Application Reference: LA03/2020/0359/O

14 Glenavie Park, Jordanstown

Demolition of existing single storey structure and construction of new two storey extension to rear of property. New timber shed with roof mounted photovoltaic panels.

 Site Boundary

For Information Only



<b>COMMITTEE ITEM</b>	<b>3.8 - ADDENDUM</b>
<b>APPLICATION NO</b>	<b>LA03/2020/0229/F</b>
<b>DEA</b>	<b>AIRPORT</b>
<b>COMMITTEE INTEREST</b>	<b>REFUSAL RECOMMENDED</b>
<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>PROPOSAL</b>	Proposed 2 storey dwelling with attached garages to the rear with associated works (Change of house type as approved under LA03/2017/0587/RM)
<b>SITE/LOCATION</b>	21A Belfast Road, Nutts Corner, Crumlin, BT29 4TQ
<b>APPLICANT</b>	Mr Thomas Burns
<b>AGENT</b>	N/A
<b>LAST SITE VISIT</b>	26 <sup>th</sup> November 2020
<b>CASE OFFICER</b>	Steven McQuillan Tel: 028 903 Ext40421 Email: <a href="mailto:steven.mcquillan@antrimandnewtownabbey.gov.uk">steven.mcquillan@antrimandnewtownabbey.gov.uk</a>

**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 [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS**

Following the publication of the Committee Report, the applicant has belatedly submitted a number of pieces of information in support of their proposal. There are a number of issues raised by the applicant which include;

- The determination of the application should be suspended while their complaint about the recommendation to refuse planning permission is considered;
- The Council is not following due process.
- Planners should not be commenting on how many toilets a building has got.
- The building does not have six bedrooms.
- Many houses have four living rooms.
- Many houses in the area have a gym and a games room.
- It is not for a planning officer to decide how much green space a dwelling should have.
- There is a previous dwelling granted on the site with no restrictive ridge height.
- The applicant has a number of vehicles which need to be stored, pictures provided.
- The applicant intends planting more trees.
- Other large dwellings have been granted in the area, pictures provided.
- There are no neighbouring properties.
- This is a normal styled roof in the Borough.
- There are a number of other more 'strangely designed' buildings in the area.
- The design replicates an existing traditional barn nearby.
- The planners view is subjective.
- There should be nothing objectionable about a Georgian Manor House.
- It is of no business to planners if a house has a home cinema.

- An agricultural shed can be built without planning permission.
- The refusal of planning permission is contrary to disabled rights legislation, LBGTQ rights legislation and human rights legislation.

There are some allegations which cannot be published in this report and will not be commented upon.

Whilst there are numerous issues raised by the applicant, some of these issues are interlinked when it comes to the assessment of the planning application.

The applicant states that the Council is not following due process and should suspend the determination of the planning application pending the outcome of a complaint that has been submitted. The Council is duty bound to determine any planning application submitted to it and the complaints process is not a substitute for the determination of the planning application nor can it duplicate the process. The recommendation to refuse planning permission is not unusual, due process is being followed by presenting that application to the Planning Committee for a determination and the applicant has a right to appeal to the Planning Appeals Commission if planning permission is not forthcoming.

It is accepted that there is a two storey house approved on the site and the applicant may build that dwelling if planning permission for the current proposal was refused. The applicant considers that it is not for the planning officer to decide how many living rooms, bedrooms a dwelling should have, or, if it has a games room, gym, cinema room etc and this to some extent is true. It has already been established that the site is suitable for a dwelling, the principle concern regarding this application is the size, scale, design and massing of the building. There can be no refusal of planning permission due to the number of bedrooms, rather, the issue would be if the height or design of the building(s) would be unacceptable in the rural context.

A number of pictures of other dwellings across the Borough and in other areas have been submitted along with a number of links to dwellings for sale across the region. No addresses have been provided for the dwellings pictured to ascertain their location either in the rural or urban area or whether they are in the Borough or an adjoining Borough. The central premise to these images appears to be that the applicant considers that these dwellings are of an unusual design, they are large and that their design is either better or no worse than those other dwellings illustrated. The assessment of any planning application is made on a case by case basis. The capacity of any site to accommodate a dwelling can be dependent upon a number of factors including; existing vegetation, means of enclosure, backdrop, topography, set back, critical viewpoints and visual impact to name a few. It is considered in this case that the proposed height, scale, design and massing of the dwelling is unacceptable in the context of this site. While it is claimed that the proposed design seeks to replicate the design of a nearby barn, it is not considered that this dwelling in anyway replicates the design or form of the nearby barn.

A number of pictures of cars and other vehicles have been submitted, however, there is no evidence to demonstrate that these vehicles are owned by the applicant. Considering that the various vehicles may be owned by the applicant, there is no requirement in planning policy to approve a garage big enough to store

all the applicant's vehicles. Whether the height, scale, massing and design of a building is appropriate for an area is the correct policy test.

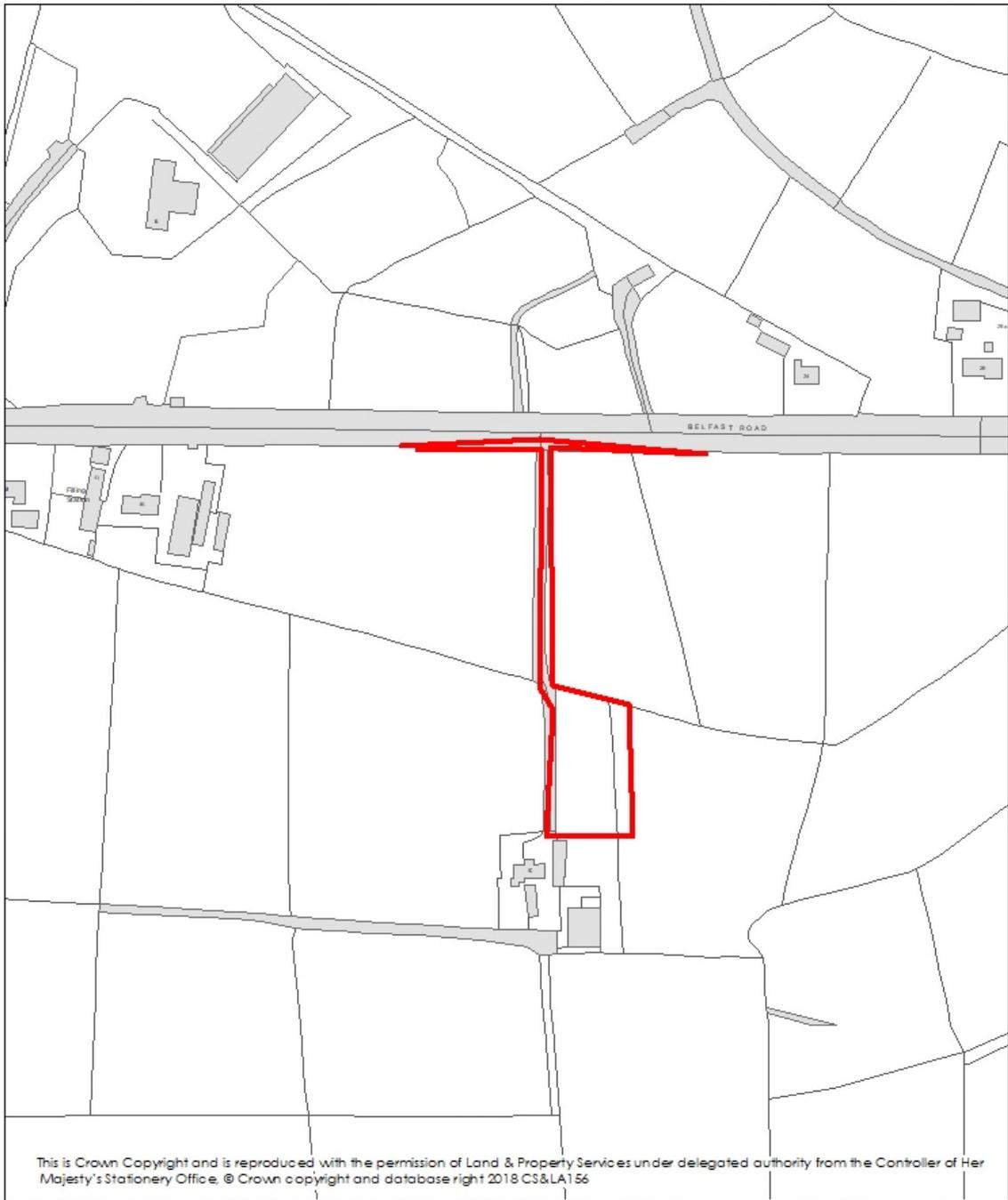
It is claimed that the applicant could build either a very large agricultural shed or a large number of smaller agricultural buildings without planning permission. While the applicant makes this assertion there is no evidence such as a Certificate of Lawful Development to establish that this is the case and therefore this matter can be afforded no weight in the determination of the current application.

It is claimed that the refusal of planning permission would be contrary to disabled rights legislation, LBGTQ rights legislation and human rights legislation. There is no further detail provided on why the refusal of planning permission would be in breach of this legislation. Any information held on file has been properly considered in the report and there can be no fault in the determination process if the applicant does not make the Council aware of their personal and domestic circumstances if they consider that information to be relevant.

<b>RECOMMENDATION</b>	<b>REFUSE PLANNING PERMISSION</b>
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<b>PROPOSED REASON OF REFUSAL</b>
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1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the height, scale, massing and design of the dwelling would not be appropriate for the site or the locality.



### Location Map

Application Ref: LA03/2020/0229/F

Location: 21 A Belfast Road, Nutts Corner, Crumlin

Proposal: Proposed 2 storey dwelling with attached garages to the rear with associated works (Change of house type as approved under LA03/2017/0587/RM)

 Site Boundary

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