



10 February 2021

Committee Chair: Alderman T Campbell

Committee Vice-Chair: Councillor S Flanagan

Committee Members: Aldermen – F Agnew, P Brett and J Smyth
Councillors – J Archibald-Brown, H Cushinan, R Kinnear,
R Lynch, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A remote meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 15 February 2021 at 6.00pm.**

All Members are asked to attend the meeting via "Zoom".

To ensure social distancing the Chairperson of the Committee may attend the Council Chamber.

You are requested to attend.

Yours sincerely

A handwritten signature in black ink that reads "Jacqui Dixon".

Jacqui Dixon, BSc MBA
Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: refreshments will not be available.

For any queries please contact Member Services:

Tel: 028 9034 0048 / 028 9448 1301
memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – February 2021

Part One - The Planning Committee has the full delegated authority of the Council to make decisions on planning applications and related development management and enforcement matters. Therefore, the decisions of the Planning Committee in relation to this part of the Planning Committee agenda do not require ratification by the full Council.

Part Two - Any matter brought before the Committee included in this part of the Planning Committee agenda, including decisions relating to the Local Development Plan, will require ratification by the full Council.

- 1 Apologies.
- 2 Declarations of Interest.
- 3 Report on business to be considered:

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2018/0842/F

Demolition of existing building and replacement with Class A1 Foodstore and associated eight-bay Petrol Filling Station and associated works including car parking, access from Doagh Road, Click-and-Collect facility and landscaping. Access from Doagh Road facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/Station Road/O'Neill's Road junction at 229-233 Doagh Road, Monkstown Industrial Estate, Newtownabbey

3.2 Planning Application No: LA03/2020/0656/F

Two no. new infill dwellings and garages on land between 63 and 67 Craigstown Road, Randalstown

3.3 Planning Application No: LA03/2019/0968/O

Site for a dwelling, garage and associated siteworks on land between 125 and 129 (30m south of 129) Ballymena Road Doagh Ballyclare

3.4 Planning Application No: LA03/2019/0969/O

Site for a dwelling, garage and associated siteworks on land between 125 and 129 (30m north of 125) Ballymena Road Doagh Ballyclare

3.5 Planning Application No: LA03/2020/0030/F

Two detached dwellings on land adjacent to 740 Antrim Road, Templepatrick

3.6 Planning Application No: LA03/2020/0602/F

Two storey side extension, second floor study and conversion of garage to lounge at 14 Greenvale Park, Antrim

3.7 Planning Application No: LA03/2020/0380/F

Retrospective permission sought for change of use from retail to coffee shop at 1-3a Main Street, Straid

- 3.8 Planning Application No: **LA03/2020/0464/RM**
Two storey farm dwelling and detached garage on lands to the rear of 15 Templepatrick Road, Ballynure
- 3.9 Planning Application No: **LA03/2020/0740/O**
Two no. Detached 2 Storey dwellings and double garages at 43 Castle Road, Kilbegs, Randalstown
- 3.10 Planning Application No: **LA03/2020/0769/F**
Ground-mounted uplighters to illuminate existing sculpture 30m east of the mouth of the Six Mile Water River Loughshore Park Antrim
- 3.11 Planning Application No: **LA03/2020/0610/F**
Change of use of part of premises from Class D2 (Assembly and leisure) to place of worship (Church). East portion of building to be retained by Royal British Legion as Class D2 premises, with minor alterations and new DDA compliant front and entrance lobby. New party wall to separate west portion of building with minor alterations to form DDA compliant access and new window to south elevation, to suit new use as church premises at 2 Lough Road, Antrim

PART TWO – Other Planning Matters

- 3.12 Delegated Planning Decisions and Appeals January 2021
- 3.13 Proposal of Application Notifications
- 3.14 Tree Preservation Order: Lands between Shore Road and Abbeydale Close, Newtownabbey
- 3.15 Tree Preservation Order: Lands at Glen Park, Newtownabbey
- 3.16 Coastal Forum Working Group Minutes
- 3.17 LDP – Cross Boundary Engagement Update
- 3.18 LDP – Quarterly Update
4. Any Other Business

PART TWO – Other Planning Matters - In Confidence

- 3.19 LDP – Metropolitan Area Spatial Working Group Minutes - - In Confidence
- 3.20 Correspondence from DfI – Lough Neagh - - In Confidence

PART ONE – Decisions on Enforcement Cases - In Confidence

- 3.21 Enforcement Case: LA03/2020/0158/CA - In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 15 FEBRUARY 2021**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2018/0842/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Demolition of existing building and replacement with Class A1 Foodstore and associated eight-bay Petrol Filling Station and associated works including car parking, access from Doagh Road, Click-and-Collect facility and landscaping. Access from Doagh Road facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/Station Road/O'Neill's Road junction
SITE/LOCATION	229-233 Doagh Road, Monkstown Industrial Estate, Newtownabbey
APPLICANT	ASDA Store Ltd
AGENT	TSA Planning
LAST SITE VISIT	January 2021
CASE OFFICER	John Linden Tel: 028 90340417 Email: John.linden@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located within Metropolitan Newtownabbey on lands at 229-233 Doagh Road, Monkstown Industrial Estate and incorporates lands at, and in proximity to, the junction of the Doagh Road and the Monkstown Road.</p> <p>The application site comprises an area of approximately 5.4 hectares and contains a factory building, an associated two storey office building positioned at the site frontage and orientated towards the Doagh Road, a canteen building and several other ancillary buildings, internal roads and car parking.</p> <p>This building complex was previously occupied by Nortel, a telecommunications component manufacturer and is commonly referred to as the Nortel complex. This use ceased in approximately December 2011 ahead of Bombardier acquiring the majority of the adjacent larger factory complex at the beginning of 2012. Since the grant of permission in 2003 part of the building complex has been in use as a service recovery centre.</p> <p>A wooded area with an associated pond is located at the eastern side of the application site. This area was historically set aside for recreational use by Nortel staff. At this time this area is fenced off and there is no means of access to it.</p> <p>The topography of the Nortel complex is generally flat with a drop in levels in the region of three (3) metres moving eastwards across the application site. The</p>	

boundaries of the Nortel complex are defined by steel mesh fencing while the western boundary of the application site extends across the Doagh Road to its western edge and includes lands at Cherrylands, Hillside View, Hillside Garden Centre and lands stretching northwards on the Doagh Road and the Monkstown Road. The Doagh Road (B59) runs along the western boundary of the Nortel complex in an elevated position and continues to rise in a northerly direction where it meets the junction with the Monkstown Road. The Monkstown Road initially falls away from this junction before rising as it moves northwards.

The application site is located within the Monkstown Industrial Estate. To the east and south of the application site there are a number of large industrial type buildings occupied by Bombardier to the immediate south and the former Schlumberger building to the east. To the north a residential development of 92 units accessed from the Monkstown Road was granted planning permission in January 2018 and this permission remains extant. Immediately north of this is Monkstown Wood. The area to the west of the application site and across the Doagh Road is characterised by residential development and includes Hillside View, Cherrylands, Hillcrest Drive and Treetops. Hillside Garden Centre is also located to the west of the application site. Each of these locations directly access the Doagh Road.

RELEVANT PLANNING HISTORY

Planning Reference: U/2001/0570/O

Location: Lands at Monkstown Road, Newtownabbey

Proposal: Mixed use development including housing and class 3 business use

Decision: Permission Granted (08.08.2003)

Planning Reference: U/2003/0613/F

Location: Nortel Networks Ltd, Doagh Road, Newtownabbey

Development: Part change of use of existing offices to service recovery centre.

Decision: 16.12.2003

Planning Reference: U/2004/0655/RM

Location: Lands east of Aspen Park and north of Nortel Factory on Monkstown Road, Newtownabbey

Proposal: Mixed use development comprising of 228 apartments, 20 dwellings and 3 No. class B1 business/office units comprising a total of 21 units

Decision: Permission Granted (15.07.2006)

Planning Reference: U/2006/0338/F

Location: Lands east of Aspen Park and north of Nortel Factory on Monkstown Road, Newtownabbey.

Proposal: Mixed use commercial/community building comprising of 5 No. shop units, pharmacy, doctors surgery, opticians/ dentists, restaurant, 60 bed nursing home and 8 No. offices

Decision: Application Withdrawn (09.11.2006)

Planning Reference: U/2006/0392/F

Location: Lands east of Aspen Park & north of Nortel Factory on Monkstown Road, Newtownabbey

Proposal: Erection of Housing development comprising of 288 No. apartments & 39 No. townhouses

Decision: Application Withdrawn (09.11.2006)

Planning Reference: LA03/2015/0243/O

Location: The former Nortel site and adjacent vacant lands at 229-333 Monkstown Industrial Estate, Doagh Road, Newtownabbey

Proposal: Demolition of existing buildings to facilitate the regeneration of the former Nortel Factory and adjacent zoned residential lands to provide mixed use development comprising housing, food store, business units (B1a, B1b, B1c and B2) to include office, research and development, call centre, light industry, new and upgraded accesses onto Monkstown/Doagh Road and all site and access works

Decision: Application Withdrawn (20.01.2017)

Planning Reference: LA03/2015/0565/A

Location: HP Business Community, Hewlett Packard Enterprise Services UK Limited, Unit 1 Metro Park, Cloughfern Avenue, Newtownabbey

Development: Non-illuminated sign in black lettering and green box symbol to replace existing non-illuminated sign.

Decision: Consent Granted: 02.02.2016

Planning Reference: LA03/2017/0061/F

Location: Lands 100m east of Aspen Park, Monkstown Road, Newtownabbey

Proposal: Proposed residential development of 92 dwellings (comprising 28 no. detached dwellings, 58 no. semi-detached dwellings and 6 no. apartments) and garages, open space, landscaping, proposed right hand turning lane and all associated site works.

Decision: Permission Granted: 22.01.2018

Planning Reference: LA03/2015/0044/F

Location: Hillside Nursery Centre, 328 Nursery Road, Newtownabbey

Proposal: Extension to existing garden centre shop to replace recently demolished retail buildings and associated site works.

Decision: Permission Granted: 29.06.2015

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Belfast Urban Area Plan (BUAP): The application site is located on unzoned land within the settlement limit of the Belfast urban area. The Plan contains a number of relevant retail based planning policies (S2 and S5) with the core shopping strategy seeking to control the location, scale and kind of retail developments to ensure that proposals do not seriously affect the vitality and viability of either Belfast City Centre as a whole or existing shopping centres.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands zoned as a Major Area of Existing Employment/Industry.

Belfast Metropolitan Area Plan 2015 (Published 2014) (BMAP 2015): The application site is located within the settlement limit of Metropolitan Newtownabbey on lands zoned as Existing Employment.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 4: Planning and Economic Development: sets out planning policies for economic development uses. The 'clarification' of Policy PED7 of PPS4 is relevant as is the Planning Advice Note entitled 'Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses'.

PPS 8: Open Space, Sport and Outdoor Recreation: sets out planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

SPPS: Town Centres and Retailing: sets out planning policies for town centres and retail developments and incorporates a town centre first approach for retail and main town centre uses.

Supplementary Planning Guidance relevant to the assessment of this development proposal is located within 'Parking Standards' and the 'Noise Policy Statement for Northern Ireland'.

CONSULTATION

Council Environmental Health Section – No objection. Draft planning conditions proposed.

Department for Infrastructure Roads - No objection. Draft planning conditions proposed.

Department for Agriculture, Environment and Rural Affairs

Land, Soil and Air - No objection. Draft planning conditions proposed.

Natural Heritage – No objection.

Drainage and Water – No objection.

Shared Environmental Services – No objection. Draft planning conditions proposed.

Department for Infrastructure Rivers – No objection.

George Best Belfast City Airport – No objection.

Northern Ireland Water – No objection.

REPRESENTATION

Two hundred and fifty three (253) neighbouring properties have been notified. At time of writing forty (40) responses have been received.

Fourteen (14) letters of support have been received from ten (10) addresses within two kilometres and a further two (2) letters of support have been received from within three kilometres of the application site. A letter of support has also been received from the Member of Parliament for East Antrim.

Twenty four (24) letters of objection have been received. This includes four (4) letters of objection from local residents including one from the Monkstown Community Forum, two (2) from Hillside Nursery, one (1) from an IT business based in Belfast, which refers to the impact of the development upon existing businesses and four (4) from an independent road engineer acting on behalf of Matrix Planning, which has submitted four (4) objections. Three (3) letters of objection have been received from retail businesses and one (1) from Retail NI. Two (2) letters of objection have been received from Martin Robeson Planning Practice

Two (2) 'non-committal' letters have also been received.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk). A summary of the key points of **support** raised is provided below:

- The proposal will bring a derelict site back into positive use and benefit the area.
- The site is an eyesore and the new shopping facility and petrol filling station will be welcomed by local people.
- The changes to the junction of Doagh Road and Monkstown Road are much needed, this is a very busy junction, and will be a benefit to all and will be safer by removing the acute angle turn onto the Monkstown Road.
- The proposal will create in excess of 300 new jobs and career opportunities.

- The opportunity for employment in today's skills based economy can only be a positive move forward.
- The proposal will become an important asset to the area as, in addition to job creation, it will be convenient to thousands of homes which currently do not have a large foodstore serving them.
- The employment benefits of this proposal will have a positive impact on the local area and community.

A summary of the key points of **objection** raised is provided below:

- There has been no change in site conditions or planning policy since the previous application (LA03/2015/0243/O) and this proposal should be refused for the same reasons as the previous application prior to that application being withdrawn.
- Members of the public have not been advised of the true nature and scale of the proposed development making the pre-application community consultation process flawed.
- The proposed development conflicts with regional planning policies contained within the SPPS, PPS3 and PPS4 and the potential implications for the implementation of the plan led system are significant.
- The proposed roundabout is designed to facilitate private development and will not improve the flow of traffic on the Doagh Road or Monkstown Road for local residents, which is unimpeded at this time, and will make an existing congested situation worse, particularly when accounting for extant planning permissions in the area to include Hillside Garden Centre and of which there has been no consideration in the Transport Assessment.
- Concern is expressed with the proposed roundabout geometry, gradient and safety, no road safety audit has been provided and no auto tracking has been provided for the largest delivery vehicles servicing the foodstore at the application site access arm of the new roundabout.
- The previous use of the site is an inappropriate comparative tool for the number of deliveries to the application site and the peak hour periods differ between the land uses.
- Concern raised that the retail peak hours set out in the applicant's Transport Assessment are incorrect and that these should refer to the following retail peak hours 12:00-13:00 weekday and 13:00 – 14:00 on a Saturday.
- Concern expressed about other aspects of the Transport Assessment, including that it underestimates traffic base flows and development trips generated. Considers that extensive queues, delays and gridlock are inevitable if the development is approved.
- The proposed development cannot provide a 'nil net detriment' in highway terms and the proposal fails to comply with Policies AMP2 and AMP3 of PPS3.
- Traffic disruption during the build process will be horrendous and consideration should be given to the closure/diversions of the Monkstown and Doagh Roads during the construction period taking traffic/business away from the area for a significant period.
- The application site is an out of town location.
- There is no qualitative need for the proposal and there is no capacity for additional comparison floor space beyond the life of the new Local Development Plan. As such prematurity would be engaged under paragraph 5.73 of the SPPS.

- ASDA has presented this planning application as a 'main food shop' to differentiate it from a neighbourhood store and it is well publicised that fewer households now complete a traditional 'main food' shop each week, instead undertaking more frequent shopping closer to home.
- The economic viability of neighbourhood stores will be significantly undermined by this development proposal from a highly efficient retailer like ASDA on a cleared out of town site along the strategic road network.
- The Henderson Group is investing in stores on Carnmoney Road and Ballyclare Road, which are commitments in the retail environment that have not been taken into account. The viability of the Henderson Group stores will be significantly undermined by the development proposal.
- There are fundamental shortcomings with the applicant's household survey as it is neither representative nor robust, given the majority of respondents are aged 55 to 65+ and the closed nature of the questions posed.
- The levels of stated overtrading have not been supported by qualitative evidence from observational site visits and it is impossible to consider with any certainty the impacts on the lower order centres, which are more vulnerable.
- ASDA has loaded the turnovers and impacts on the two large TESCO stores (Abbey Retail Park and Northcott) based on a householder survey, which is not representative of the shopping habits of the area. The impacts are therefore more pronounced on smaller local stores.
- There are available alternative sites, which have not been fully considered, and the economic benefits would still be achieved on a sequentially preferable site and there is no consideration of job displacement.
- The area needs manufacturing jobs.
- The roundabout will increase noise pollution for local home owners due to the attendant impacts of increased vehicular and pedestrian activity in and passing through the area at all times of the day.
- Third party land is required to facilitate the roundabout at No.11 Cherrylands and no permission has been sought from the property owner.
- The proposal will negatively impact property values.

PRELIMINARY MATTER – PRE-DETERMINATION HEARING

This application was scheduled to be presented to the August 2020 meeting of the Planning Committee. However, subsequent to publication of a Planning Report at that time which included an Officer recommendation to grant permission, the Department for Infrastructure wrote to the Council on the day of the Committee meeting and issued a direction under Article 17 of the Planning (General Development Procedure) Order (NI) 2015 that the Council should not proceed to determine the application until so advised by the Department.

At the August meeting the Committee agreed to defer consideration of the application pending a decision by the Department as to whether it would call in the application.

The Committee was subsequently made aware that the Department had written to the Council at the end of October confirming that it had decided not to call in the application. In reverting the application back to the Council, the Council was statutorily obliged under Section 30 of the Planning Act (NI) 2011 to undertake a Pre-Determination Hearing on the application and Members will recall this took place on 4 December 2020.

The purpose of the Pre-Determination Hearing was to allow Members of the Planning Committee to hear the views of interested parties (objectors and supporters) with additional time afforded for this and for Members to seek any necessary clarification from the parties on the facts surrounding the development. Members will recall that following a detailed presentation and overview of the application by the Head of Planning both the objectors and supporters were accorded 18 Minutes each to present their views and clarification was subsequently sought by Members on a number of the matters raised.

The objective of the Pre-Determination Hearing therefore was to focus on the material planning considerations arising in this case and to explore these in greater detail to facilitate the Planning Committee in making its determination on the application.

Following the Pre-Determination Hearing the August Planning Report has been reviewed and updated as necessary.

PRELIMINARY MATTER – DEVELOPMENT PLAN CONTEXT

It should be noted that the area of land associated with the planning application currently under consideration previously formed the southern portion of a larger area of land associated with an outline planning application for a mixed use development proposal (reference: LA03/2015/0243/O). Whilst a Planning Report had been prepared and made available for this development recommending refusal of the development in January 2017, the application was subsequently withdrawn prior to consideration by the Planning Committee.

The mixed use development proposed in outline planning application LA03/2015/0243/O consisted of a foodstore, business uses, offices, call centre, research and development units, residential development and associated highway infrastructure road improvements. The residential development referred to formed the northern portion of the larger area of land associated with that planning application.

Following the withdrawal of this application the northern portion of the lands has since been granted full planning permission for a residential development of 92 units to be accessed from the Monkstown Road on foot of a subsequent application approved in January 2018 (reference: LA03/2017/0061/F) and this permission remains extant.

As previously indicated, prior to the withdrawal of the mixed use development application a Planning Report prepared by the Council's Planning Section had been made publicly available and included the following five proposed reasons for refusal.

1. The proposal is contrary to the Belfast Metropolitan Area Plan and the provisions of the Strategic Planning Policy Statement, and policy PED 7 of PPS 4: Planning and Economic Development in that the development if permitted would result in the loss of land zoned for employment use and it has not been demonstrated that it would deliver significant community, environmental or other benefits which would outweigh the loss of the land for economic development use.

2. The proposal is contrary to the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement in that the development if permitted would be located outside of any designated retailing centre and no sequential approach to site selection has been undertaken.
3. The proposal is contrary to the Belfast Metropolitan Area Plan and the Strategic Planning Policy Statement in that the development if permitted would adversely impact upon the vitality and viability of existing retailing centres.
4. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, in that it has not been demonstrated that the proposed development will not adversely impact upon traffic flows and may prejudice road safety.
5. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy FLD 3 of Planning Policy Statement 15, in that no Drainage Assessment has been submitted and it cannot be demonstrated that the site will not be at risk from surface water flooding or would increase the risk of flooding elsewhere.

Objections submitted to the current application have indicated that there has been no change in site conditions or planning policy since the time of this earlier application and accordingly it should be refused for the same reasons as before.

With reference to the above recommended reasons for refusal, the area of land associated with the development proposal now being considered by the Council had at that time been correctly identified in the Planning Report as being zoned as Existing Employment land per the provisions of the Belfast Metropolitan Area Plan 2015 (BMAP 2015), the statutory Local Development Plan then in place that had been purportedly adopted by the then Department of the Environment in 2014.

However, following the withdrawal of the outline planning application for the mixed use development proposal (reference: LA03/2015/0243/O), the purported adoption of BMAP 2015 has since been quashed and BMAP therefore remains at the draft Plan stage.

For this reason, and in light of the statutory provisions set out in the Planning Act (NI) 2011 in relation to the status of the Local Development Plan in decision making, it is clear that the local development plan context applicable to the assessment of the current development proposal has changed.

The Belfast Urban Area Plan (BUAP), despite its vintage, now operates as the statutory Local Development Plan for the Metropolitan Newtownabbey area and is therefore an important material consideration in the assessment of this planning application.

In addition, it should be noted that the current application is an application for full planning permission and is accompanied by a range of detailed reports, including amongst others, a Community Consultation Report, a Retail and Economic Statement, a Development Appraisal and Viability Report, a Transport Assessment and a Drainage Assessment.

As a consequence, the current application stands to be assessed on its individual merits to include consideration of how it accords with the provisions of BUAP, whilst account should also be taken of the emerging provisions of draft BMAP, the SPPS and the relevant policy provisions of PPSs, which contain the main operational planning policies for the consideration of development proposals.

As members are aware the weight to be attributed to the Local Development Plan, regional planning policy and other material considerations in assessing the current application is a matter for the decision maker. Officer consideration of the altered development plan context and applicable operational planning policy documents is set out in the following assessment of planning issues/material considerations.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development;
- Retail Impact;
- Loss of Industrial/Business Use Land;
- Access, Movement and Parking;
- Development Layout;
- Landscaping;
- Flood Risk;
- Noise Impact;
- Odour/Air Quality;
- Lighting;
- Land Contamination and Water Quality;
- Natural Heritage;
- Open Space;
- Socio-Economic Matters; and
- Other Matters.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

As indicated in the Preliminary Matters section above, the purportedly adopted Belfast Metropolitan Area Plan 2015 (BMAP 2015) was for a period of time deemed to be the statutory development plan for this area, however the purported adoption of the Plan by the then Department of the Environment in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) remains the statutory Local Development Plan (LDP) for the area. The provisions of the emerging draft Belfast Metropolitan Area Plan are also a material consideration in this application.

Members will recall that the Council took a policy stance in November 2017 that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014 i.e. BMAP 2015) should be viewed as the latest draft and

afforded significant weight in assessing proposals pending clarification by the Department for Infrastructure on how it intends to progress this matter.

It should be noted that at the time of taking this policy stance Council Officers understood that Officials in the Department had prepared an options report on a way forward in relation to the findings of the Court of Appeal judgement. As such, it was anticipated that an outcome in relation to this matter would emerge relatively speedily. However, there has been limited clarification received from the Department since that time.

In the interim period there have been a large number of decisions taken by the Planning Appeals Commission (PAC) that indicate, whilst the emerging policy provisions of BMAP remain material considerations in the determination of planning applications, reliance on specific policies, designations or zonings of the purportedly adopted BMAP to refuse development proposals is misplaced (e.g. Appeal Reference 2019/A0113).

Ultimately the latest advice on this matter from the Department is set out in the Chief Planner's Update 4 issued in November 2019 which confirmed that draft BMAP remains as an emerging Plan and, as such, the draft Plan, along with representations received to it, and the PAC reports, remain as material considerations to be weighed by the decision maker.

In summary it is clear, and is evidenced in case law (Elizabeth Conlon v BCC [2018] NIQB 49 refers), that development proposals in the Belfast Metropolitan Area must be assessed for their accordancy with the relevant provisions of the current statutory development plan, i.e. BUAP, whilst the emerging provisions of draft BMAP are also material considerations to be weighed by Local Planning Authorities in reaching their decisions.

Relevant Provisions of BUAP

The application site is located within the settlement limit of the Belfast Urban Area and comprises white land (i.e. It is unzoned for any purpose). There are no specific policies in the Industry and Commerce section of the BUAP that deal with development affecting existing unzoned uses or sites. As such, consideration of the current proposal which involves the loss of an area of existing industrial/business land stands to be assessed under the relevant provisions of regional planning policy which is found in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy PED7 of PPS4 'Planning and Economic Development'.

It is noted that one element of the Shopping Strategy set out within the Shopping section of the BUAP seeks to control the location, scale and kind of large retail developments to ensure that they do not seriously affect the vitality and viability of either Belfast City Centre as a whole or existing shopping centres. There are also two specific policies in the BUAP that are considered relevant to the current proposal. These are Policy S2 'Shopping Development Outside the City Centre' and Policy S5 'Assessment of Proposed Shopping Schemes'.

However, Planning Policy Statement 5 'Retailing and Town Centres' which previously set out regional planning policy for town centres and retail developments for all of Northern Ireland indicated that its provisions would take precedence over existing

development plans (including BUAP) in relation to retail planning policy and policies for town, district and local centres. This PPS has since been superseded by the more up to date expression of retail planning policy found in the SPPS published in September 2015. As a consequence, it is concluded that the retail policy set out in the SPPS now takes precedence over the shopping policies contained in BUAP and form the most relevant policy context for the assessment of this aspect of the current development proposal.

Relevant Provisions of Draft BMAP

With reference to draft BMAP and BMAP 2015, and having regard to the Public Inquiry Report prepared by the Planning Appeals Commission, the application site is located within the settlement limit of Metropolitan Newtownabbey and comprises part of a larger area zoned as Existing Employment/Industry at Doagh Road, Cloughfern Avenue.

Both versions of draft BMAP advise that regional operational planning policy is the appropriate mechanism for the assessment of development proposals involving the loss of lands zoned for employment/industry and once again the key policy provisions with respect to this matter are set out in the SPPS and Policy PED7 of PPS 4.

Strategic Planning Policy Statement (SPPS)

The SPPS is material to all decisions on individual planning applications. It sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which it is considered provide the relevant regional policy context for consideration of the proposal:

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 4: Planning and Economic Development
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

As indicated above, the most up to date expression of regional planning policy for retail development is set out in the SPPS itself and this incorporates a town centre first approach for retail and main town centre uses.

Within this policy context, it is considered that the principle of redevelopment of the application site would be acceptable subject to the development complying with the relevant regional policy provisions for retail development and the loss of existing employment/economic development land as well as meeting other requirements in accordance with regional policy and guidance. Consideration of these matters is addressed in detail in the following sections.

Retail Impact

This development proposal seeks planning permission for a foodstore of some 6,415m² of net retail floorspace. As indicated in the Policy Context section above, the shopping policies of BUAP, the current statutory plan for this part of the Borough,

have in effect been superseded by the more up to date expression of retail planning policy now found in the SPPS published in September 2015 and for this reason the provisions of the SPPS with respect to the Town Centres and Retailing are considered to be the correct policy basis for consideration of this aspect of the proposal.

As indicated in the Preliminary Matters section above, a previous outline application (Reference: LA03/2015/0243/O) was submitted to the Council in 2015 for a mixed use development that included a foodstore. The Planning Report prepared for this application contained an assessment of the retail element against the town centre first approach required by the SPPS. The Report provided two draft reasons for refusal with respect to retailing as no sequential test to site selection had been undertaken and it was considered the proposal would adversely impact upon the vitality and viability of existing retail centres.

With reference to the development proposal currently being assessed by the Council, the applicant has submitted several documents that discuss the town centre first approach required by the SPPS. The Council sought independent professional planning advice from Nexus Planning to assist in its consideration of this matter and this is addressed below.

In addition, it should be noted that several letters of objection have been received that raise concerns regarding the suitability of the location of the application site for a foodstore development and its anticipated impact on the vitality and viability of existing retail centres and other localised retail stores nearby. The objections contend the application does not accord with the retail policies outlined in the SPPS.

Strategic Planning Policy Statement (SPPS)

As the proposed development is retail based, the SPPS requires that the planning authority must adopt a 'Town Centre First' approach for retail and main town centre uses. Paragraph 6.280 of the SPPS requires that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local development plan. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

Paragraph 6.281 of the SPPS states that applications for main town centre uses should be considered in the following order of preference and consider all of the proposal's catchment:

- primary retail core;
- town centres;
- edge of centre: and
- out of centre locations, only where sites are accessible by a choice of good public transport modes.

Paragraph 6.282 of the SPPS states that in the absence of a current and up to date local development plan, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. Paragraph 6.283 of the SPPS requires that all applications for retail or town centre type developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the

local development plan should be required to undertake a full assessment of retail impact as well as need.

With reference to both the BUAP, the current statutory plan for this part of the Borough, and draft BMAP, it is acknowledged that the application site is not located within an existing retail centre. In addition, as the proposed development is seeking permission for a foodstore in excess of 1,000 square metres, the applicant is required to provide an assessment of need and a retail impact assessment.

Sequential Site Selection

Regarding the sequential test to site selection, the first matter is to establish the catchment area from which the majority of the proposal's trade is likely to be drawn. In this instance the catchment area for the proposal identified by the applicant equates to a ten-minute drive time area and extends northwards towards Ballyclare, westwards to the junction of the A57 and M2, eastwards towards Carrickfergus and southwards towards Belfast.

In the Retail Audit undertaken by Nexus Planning on behalf of the Council it is noted that the relevant factors affecting the applicant's consideration of this catchment include population density, a propensity to shop close to home for convenience goods, and the 'like for like' principle, whereby customers will ordinarily not drive past a store of a particular nature to shop at a store of a similar nature. Nexus has also noted that the scale of floor space, and sometimes brand, are relevant factors in this respect and concur with the assessment submitted by the applicant that the majority of residents of Ballyclare would be unlikely to drive past the ASDA store in Ballyclare to shop at an ASDA store in Newtownabbey. As a consequence, Nexus concludes that it is content the catchment area identified is both realistic and proportionate for the development proposed and Officers concur with this view.

Whilst the settlements of Ballyclare and Carrickfergus are located outside of this identified catchment area it is noted that they have nonetheless been included within the applicant's sequential site selection analysis and it is considered this demonstrates a robust assessment of the appropriateness of other sites in these settlements.

It should also be noted that the identified catchment does not include Belfast City Centre or Antrim Town Centre given their drive time distance from the site and therefore these areas are not included within the applicant's analysis. Furthermore, the applicant's analysis notes that there is an extremely remote prospect that residents of either Belfast or Antrim would decide to shop at the application site rather than using existing retail foodstores located in closer proximity to where they live. This is considered to be a reasonable and acceptable approach in relation to the catchment area.

As a consequence, the existing retail centres considered as part of the sequential site selection analysis include:

- Ballyclare Town Centre
- Carrickfergus Town Centre
- Abbey Centre District Centre
- Northcott District Centre; and
- Glengormley Local Centre.

This list of existing retail centres is derived from designations contained in both extant statutory Local Development Plans and the emerging BMAP for the areas involved and this is considered to be a reasonable and acceptable approach by which to consider the submitted sequential site selection analysis.

The SPPS indicates that applicants will be expected to identify and fully demonstrate why potential alternative sites within the identified existing retail centres are not suitable, available and viable.

The conclusion drawn in the applicant's analysis with respect to sites assessed in Ballyclare, Carrickfergus, Northcott and Glengormley, is that there are no suitable, viable or available sites sufficient to accommodate the requirements of the proposed development and for this reason these locations are discounted as not being appropriate to facilitate the development proposal. In the Retail Audit undertaken for the Council, Nexus agrees with this conclusion and as a consequence the position of the applicant on this matter is accepted by Officers.

With reference to the Abbey Centre District Centre there was until recently ten (10) consecutive vacant retail/retail warehouse type units fronting onto the Longwood Road, generally known as the Abbey Trading Centre (ATC). These units have been demolished in the last 18 months and the site is currently vacant.

As part of the applicant's original sequential site analysis the ATC is described as being 1.55 ha in area, roughly rectangular in shape and including an area of car parking at its southwestern boundary. For this reason, the analysis originally concluded that, as the ATC is considerably smaller than that of the application site, it would not be able to provide an appropriate number of car parking spaces or accommodate the petrol filling station element of the current scheme. The analysis also advised that even providing for a degree of flexibility (as is required by the SPPS), the ATC site could not feasibly contain all the elements of the proposed development and concluded that it was not therefore suitable to accommodate the proposal. For these reasons the applicant's analysis discounted the ATC site and ultimately concluded that the application site is the most suitable location for the development proposed and concluded that the sequential test had been satisfied.

However, in its Retail Audit for the Council, Nexus indicated that, whilst the application site extends to 5.4 Ha, the applicant's analysis did not properly consider whether that would be the actual size of site which would be necessary to accommodate the proposal when considering the alternative ATC site. The Audit has highlighted features such as the SuDS area, the 'Potential Future Development Site', areas of landscaping around the site access and roads beyond the immediate site, the removal of which would otherwise reduce the necessary site area to accommodate a foodstore of the size proposed together with a Petrol Filling Station, car parking and servicing arrangements.

Nexus also indicated that by making a small concession for flexibility in design as required by the SPPS (Nexus comment a 10% reduction is often applied and this is accepted by the applicant), it was possible that the scheme proposals could be accommodated on a smaller area of approximately 3 Ha and including surface level car parking. Nexus considered that the applicant should be encouraged to look

flexibly at the ATC site and highlighted the large amounts of general purpose car parking in the immediate vicinity that serve the wider Abbey Centre area. Furthermore, it advised that it might be possible to deck a proportion of the necessary car parking at the southeastern side of the ATC, subject to amenity considerations.

In response to the Nexus Retail Audit the applicant submitted several further pieces of information and the Council subsequently sought and received a Supplementary Retail Audit (SRA) from Nexus.

Within the SRA Nexus reiterated its suggestion that there was a significant level of car parking potentially available nearby and it also questioned whether multi-level car parking could be explored. On this latter point, Nexus has indicated that this option would decrease the site below the estimated 3Ha as approximately half of the site area of the proposed store is surface car parking. Nexus also made reference to the marketing brochure provided by the applicant for the ATC. It acknowledged there were a number of site constraints as identified in the applicant's analysis, but considered these could be overcome and therefore maintained its view that the ATC could potentially accommodate a store of the size proposed with associated car parking.

Subsequent submissions made on behalf of the applicant agreed with the Nexus view that not all the elements of the current proposal would be relevant to an alternative site and also accepted that the ATC site equates to approximately 3 Ha of land.

However, with reference to the indicative scheme contained in the marketing brochure that had been submitted as part of their assessment, the applicant has commented that this was drawn up for illustrative and marketing purposes only and as such it did not account for the unique site conditions and constraints that are evident and contends that the indicative scheme is not therefore a realistic proposition given these characteristics. The applicant's latest submission points out that the indicative scheme provides in the main for two storey buildings which it advises would be unsuitable for the requirements of a foodstore. The applicant also undertook a detailed assessment of the developable area of the ATC and concluded that only approximately 1.5 Ha of the site is in their opinion realistically developable. The applicant describes this area as comprising the site of the now demolished ATC buildings either side of the long lease retail units and the existing area of car parking at the southwestern side of the site.

The applicant advised that the developable area of 1.5 Ha was determined by a range of site conditions and constraints. A summary of the matters presented includes the following:

- The awkward shape of the ATC site, particularly due to the removal of the long lease plots and the irregularly shaped southwestern boundary.
- The substantial differences in topographical levels across and throughout the site and the typical scale and massing associated with this form of retail development would dominate the existing residential properties on Mill Road to the southwest (There is an approximate change of 9 metres in topographical levels moving east to west across the ATC site). The development platform would require significant changes to the site levels,

including the export of materials and necessary retaining walls at the boundaries of the site. This is likely to present a number of design constraints should a proposal of this type and size come forward on the site as well as amenity issues arising for the adjacent residential properties.

- The centrally positioned legal Right of Way is in multiple ownership and resolution of this matter may be impossible to achieve at a financially viable level and this would likely sterilise the site for the development of a large format store.
- There is an existing water main and wayleave positioned aside the Right of Way and consent would be required for its relocation with the added financial burden of this to be borne by the developer; and
- The existing open watercourse and surrounding vegetation, the watercourse culvert and wayleave along with the existing foul drain renders much of the southwestern side and southern corner of the site sterile.

In view of the foregoing points the applicant contends that the indicative marketing brochure layout ignored considerations of scheme viability and deliverability and indicates that this was clearly designed for illustrative purposes only. In support of this position the applicant has produced their own indicative scheme (Applicant Scheme 1) that takes account of the site characteristics and that concludes the site only has the potential to yield;

- A 2,787 sq.m gross external area food store.
- Net retail floorspace of 1,672 sq.m.
- A petrol filling station; and
- 120 car parking spaces.

Based on these findings, the applicant rejects this indicative scheme (Applicant Scheme 1) and contends that it has demonstrated the ATC site is neither suitable nor viable for their foodstore development as it is less than half the size (43%) of the existing proposal and the ratio of car parking would fall below the normal standard for a foodstore of this size (199 car parking spaces in line the 'Parking Standards' supplementary planning guidance).

To demonstrate the robustness of their case the applicant also provided a further indicative scheme layout for the ATC site (Applicant Scheme 2) that seeks to accommodate a foodstore of 6,415 sqm per their current proposal together with a petrol filling station and 275 car parking spaces. The applicant makes the following points regarding this indicative layout (Applicant Scheme 2):

- The foodstore building would need to sit on top of a number of the site constraints as noted above and this would require the culverting of the existing open watercourse contrary to the policy provisions of PPS15 as the culvert could adversely impact upon the level of flooding beyond the site;
- The indicative layout would cut off the existing overspill car parking area;
- The provision of 275 car parking spaces to serve the foodstore is not comparable to the 444 spaces identified for the proposed development;
- It is neither desirable nor advantageous for a foodstore to have a shortfall in car parking and that in this instance there is a reliance upon meeting the shortfall on lands which are owned by third parties and which are remote to the ATC site;
- In addition, remote parking provision cannot be relied upon as the adjacent lands are not within the control of the applicant and such an arrangement

would not only require flexibility from the applicant and adjoining landowners, but also from the Council and DfL Roads as a decision to accept such a car parking shortfall would only be determined following detailed assessment of the proposal; and

- The nature of a foodstore relies on customers getting to their cars with packed shopping trolleys and for this reason remote parking is impractical. To emphasize this point the applicant notes that it is neither practical nor reasonable for a customer to traverse the Longwood Road, which is subject to considerable traffic volumes.

Elsewhere within their submissions the applicant notes that the ATC has been openly marketed for a period in excess of 5 years beginning in Mid-2014 via two commercial property firms and that despite this open marketing it is telling that no planning application has ever been submitted for any form of redevelopment.

Overall, it is considered that the identified catchment for the purposes of conducting the sequential site selection test is robust, realistic and proportionate to the development proposal and that there are no available, viable or suitable sites in the majority of existing centres within the catchment.

With reference to the Abbey Centre District Centre and more specifically the ATC site, it is acknowledged that in general terms this alternative site is of an appropriate size to accommodate the main elements of the development proposal and it is recognised that the applicant has demonstrated flexibility in their approach in attempting to justify why this site is neither viable nor suitable for the purposes of the development.

The applicant's position with respect to the realism and deliverability of the indicative scheme set out in the marketing brochure for the ATC site is accepted and it is not considered to be a realistic model of development for the reasons set out above. In addition, the applicant's own studies and indicative layouts are considered to be sufficiently robust to demonstrate that the developable area of the ATC is too restricted to accommodate the development that permission is being sought for.

As a consequence, and taking account of the views expressed by Nexus, it is acknowledged that the ATC site is an available site within the catchment, however it is on balance concluded that it is neither viable nor suitable for the development being applied for and it is therefore reasonable to discount this from the sequential site analysis as an alternative site appropriate to accommodate the development proposed.

In conclusion, it is therefore considered on balance that the applicant has reasonably demonstrated that there are no viable or suitable sites within the catchment area of the proposal which leads to the conclusion that the application site is a sequentially preferable location to accommodate the proposed development and Officers are therefore content that this policy test of the SPPS is therefore complied with.

In addition to the Officer consideration outlined above it should be noted, as indicated at the recent Pre-determination hearing, that it now appears the vacant ATC site at the Abbey Centre is no longer being marketed by the current owners and

as a consequence it does not therefore at this point in time constitute an available site.

Retail Impact

As noted above, the proposed development is seeking permission for a foodstore in excess of 1,000 square metres outside a defined town centre location and as a consequence the applicant has provided an assessment of need and a retail impact assessment in line with the policy requirements of the SPPS.

As part of the Retail Audit of the application undertaken by Nexus Planning on behalf of the Council, Nexus noted that the applicant in compiling their assessment has sought to follow the advice set out in the SPPS on this matter. As such the impact of the foodstore development on existing centres, and particularly town centres, as a whole stands to be considered, whilst the impact on retail premises and locations outside of the hierarchy of centres is not a policy consideration.

With reference to the impact on planned investment Nexus concurs with the applicant's assessment that the development proposal would be unlikely to prejudice any known investments. At the time of the initial Retail Audit undertaken by Nexus in December 2018, it referenced known investment at Northcott and Carrickfergus. Both of these planned investments are now built and operational, namely, The Range at Northcott and a Marks and Spencer store in Carrickfergus. This supports the information provided by the applicant in their assessment.

Regarding the impact of the development proposal on existing centres, Nexus comments that it is broadly content with the household survey design commissioned by the applicant and the overall number of surveys achieved. However, Nexus also comments that the number of surveys carried out in some zones is considerably lower than what would ordinarily be expected and this information should therefore be viewed with a margin for error.

Within the assessment of the impact of the proposal on existing centres the applicant has produced a range of information set out in tabular form and referring to such matters as population and expenditure, turnover, convenience and comparison goods commitments and cumulative impact.

Referring to population and expenditure, Nexus confirms that it is content that the baseline population and expenditure data is broadly acceptable and that in keeping with standard methodology for such matters the applicant has defined the different categories of goods and projected the baseline date forward 5 years to 2023.

Nexus accepts both this methodology and the population growth rate of 0.3% per annum as being broadly consistent with the Northern Ireland Statistics and Research Agency data for both Antrim and Newtownabbey Borough Council and Mid and East Antrim as the study area spans both Council areas.

Nexus also comments that the data used for expenditure growth forecasts is broadly in line with the data source it uses and comments that it is appropriate that the applicant has updated their expenditure projections in line with the most recent forecasts, which causes, for example, available expenditure for convenience goods

in the study area to decrease from £338.5m in the applicant's initial report to £336.8m in the most recent update.

Regarding total expenditure Nexus comments that it is content that convenience goods expenditure is assumed as being 75% 'main' convenience goods expenditure and 25% 'top-up' convenience goods expenditure and that this is a sensible basis for analysis in the study area.

Referring to turnover, Nexus comments that the applicant has set out the survey derived turnovers of all convenience and comparison goods destinations in the study area and that convenience goods figures have been transposed correctly from the household survey results and that the applicant has taken the opportunity to rectify and otherwise update errors to comparison goods figures and in particular Andy's Stores on the Monkstown Road and the turnovers of both Marks and Spencer and Lidl at the Abbey Centre.

With respect to Special Forms of Trading (SFT), that which occurs outside of bricks and mortar and principally on the internet, the applicant does not accept the critique made by Nexus that failure to account for an industry recognised increase in the propensity to shop for non-store sales has the effect of suppressing the impact of the proposal. In its Supplementary Retail Audit (SRA) Nexus notes the applicant's preference to rely upon data derived from the household survey but that the applicant has updated their assessment to show an uplift to SFT over the period to 2023, which is in line with the industry recognised Experian Retail Planner Briefing Note.

Nexus comments that the resultant comparison goods assessment is almost aligned. Nexus does however note that while there remains a difference in convenience goods SFT (the applicant relies upon a figure of 2.75% whereas Nexus seeks to rely upon a figure of 4.8%), it considers that having regard to its own survey results achieved while producing Evidence Papers for both Antrim and Newtownabbey Borough Council and Mid and East Antrim Borough Council's emerging Local Development Plans, that a SFT figure could be agreed somewhere in between the two figures noted above. Once again, Officers concur with this position.

With reference to commitments, the applicant has indicated that The Range at Northcott, Marks and Spencer at Carrickfergus and planning permission U/2014/0259/F (Dulux) at the Shore Road Retail Park are applicable commitments in the assessment of the proposal. Nexus originally signalled that the Dulux planning permission was absent from the applicant's analysis, that it had an assumed sales density of £5,000 per sq.m and with an anticipated turnover of £4m in 2023, and indicated this should form part of the cumulative impact assessment.

With reference to the Marks and Spencer store in Carrickfergus Nexus comments that the applicant has rightly updated the sales density of the unit. As a result, the combined turnover of committed floor space in the study area increases from £18.6m in 2023 within the applicant's original study to £22.5m in their revised assessment.

With reference to convenience goods commitment trade diversion, Nexus advised in its Retail Audit that the applicant had not followed the trade diversion figures utilised by the agent for the Marks and Spencer store in Carrickfergus (25%: £2.2m) rather it

utilised its own and unexplained figure (5%: £0.4m), the effect of which Nexus considered significantly underestimated the potential impact on the Abbey Centre. Nexus also requested that for reasons of balance the trade diversion for the Tesco store at the Abbey Centre should be revisited as the applicant provided an estimation of 10%: £0.8m whereas the agent for the Carrickfergus Marks and Spencer estimated a 5%: £0.4m trade diversion and that this exercise should be carried through to 2023.

In its response the applicant objected to Nexus' reliance upon the trade diversion figures to the Carrickfergus Marks and Spencer store and considered that the agent for that previous grant of planning permission had overestimated the likely trade diversion. The applicant seeks to rely upon its own householder survey findings and points to zone 9 within that survey which covers much of the rural area between Carrickfergus and Newtownabbey, as well as approximately one third of the built up area of Carrickfergus.

Nexus responded to this critique by marrying the survey work of both the applicant for the development proposal under consideration and the survey work of the agent for the Carrickfergus Marks and Spencer store and concluded that it is apparent that the Carrickfergus store assessment did overestimate trade diversion from the Marks and Spencer store at the Abbey Centre to the Carrickfergus store. Nexus then stated that, given both the Carrickfergus and the Abbey Centre stores are operated by Marks and Spencer, it is a reasonable assumption that approximately half of the trade leakage (circa £1m) would be clawed back to Carrickfergus. The conclusion made by Nexus is that its assumption of circa £1m trade leakage exceeds that of the applicant's figure (£0.4m), is less than the £2.2m identified by the agent for the Carrickfergus store such that the applicant's assessment underestimates the likely trade diversion from the Marks and Spencer store at the Abbey Centre, although not to the extent originally identified.

With respect to the applicant's assessment of comparison goods commitments, in its Audit Report Nexus has indicated that it is broadly content with the trade diversion assessment applied to Northcott and notes that the earlier omission of the Shore Road Retail Park commitment (Dulux) has now been included within the study.

Regarding the turnover of the proposed development Nexus indicates that it is content with the applicant's assessment that its proposal would derive around 90% of their trade from stores and centres within the study area and that the sales area provided by ASDA is accurate.

Whilst originally Nexus had challenged the applicant's use of their own estimates of ASDA store sales density in establishing its overall turnover when there is widely used sources of such data, the response of the applicant provided an updated assessment of turnover for the proposed foodstore using industry recognised data. The revised information identifies that the overall turnover of the foodstore would be £44.7m in 2020 increasing to £45.6m in 2023. Nexus has commented that it is content that these figures are a reasonable basis for assessment.

With respect to cumulative impact Nexus takes the view that on a like-affects-like principle the ASDA store would have its greatest impact on other large foodstores in the Metropolitan area such as the Tesco stores at the Abbey Centre and Northcott

and to a lesser extent the Shore Road ASDA and Antrim Road Tesco store. Nexus has commented that it considers the impact upon Tesco at the Abbey Centre has been under estimated and that more appropriate trade diversion figures would be:

- 40% Tesco Abbey Centre
- 20% Tesco Northcott
- 10% ASDA, Belfast
- 5% M+S, Abbey Centre; and
- 5% ASDA Ballyclare.

Nexus has also stated that the applicant's assessment of comparison goods trade diversions broadly supports Nexus' own suggested trade diversions for convenience goods with larger amounts being shown to derive from Tesco at the Abbey Centre. Nexus has noted that, given the vast majority of comparison goods shopping at foodstores is linked to the main food shop, it makes sense that the two assessments would be similar.

In its Supplementary Retail Audit and with reference to trade diversion, Nexus has commented that the applicant has uplifted their forecast trade diversions from the Tesco Abbey Centre store, but makes a case that a greater amount of trade would flow from the two ASDA stores in Belfast and Ballyclare when compared to the Nexus figures. Nexus has also commented that it provides only limited weight to the applicant's first reason for doing so based on public feedback regarding the ASDA brand as there is case law suggesting that brand is largely irrelevant to retail impact as in theory the store could be occupied by an alternative operator in a short period of time.

The applicant's second point is that their survey evidence suggests that outflow of trade to the two ASDA stores is high and that there is a 15% diversion from the Belfast store, a 10% diversion from the Ballyclare store and a 30% diversion from the Tesco Abbey Centre store. Nexus has noted that no alteration is made to the trade diversion from the Marks and Spencer store at the Abbey Centre and commented that it cannot agree with these figures as in their findings it is evident that greater proportions of the catchment area spend is being carried out at the Tesco Abbey Centre store. Whilst Nexus has agreed that a proportion of trade would be clawed back by both the ASDA stores it has also stated that there is likely to be a greater degree of leakage from the Tesco Abbey Centre store (40%).

Nexus concluded its comments by maintaining its position that the applicant's assessment has overestimated the likely trade diversion from both ASDA stores and underestimated the trade diversion from the Marks and Spencer store at the Abbey Centre. In reassessing the trade diversion figures Nexus has commented that it considers the cumulative impacts will be -5.7% for the Abbey Centre, +3.2% for Northcott and -4.0% for Ballyclare Town Centre.

Nexus has qualified its impact figure on the Abbey Centre as being conservative, but goes on to indicate that, notwithstanding differences in statistical figures used to assess the proposal by itself and the applicant, the development proposal is unlikely to result in a significant adverse effect on any centre within the identified catchment and whilst the largest impact will be to Tesco Abbey Centre, both the survey work of Nexus and the applicant indicate that the Tesco store is trading well in excess of company averages. As such it notes that, whilst any loss of trade to that store is

regrettable, it is highly unlikely that that store would close as a result of the proposed development and that the impact on other centres is judged to be within acceptable limits.

Whilst acknowledging the detailed objections which have been received with respect to the retail impact of this proposal, based on the Nexus conclusions as set out above, it is considered by Officers that the development proposal will not have an unacceptable impact on the vitality and viability of existing centres within the catchment and for this reason the proposal is considered to be compliant with the policy provisions of the SPPS in this regard.

Retail Need

As noted above, the proposed development is seeking permission for a foodstore in excess of 1,000 square metres outside a defined town centre location and as a consequence the applicant has submitted an assessment of need as required by the SPPS.

This matter has again been addressed in the Audit Report prepared by Nexus Planning on behalf of the Council. Nexus has firstly noted that it agrees with the applicant that 'need' is not well defined in the SPPS and that it is both a quantitative and qualitative matter.

With regard to quantitative need Nexus has indicated that it is content with the broad methodology employed by the applicant, which is to compare the availability of convenience goods expenditure to 'benchmark' turnover of existing stores and centres within the applicant's study area. Importantly, Nexus has also stated that the Council's Retail and Commercial Leisure Evidence Paper prepared to inform the Council's emerging Local Development Plan and that Nexus produced, demonstrates that there is a quantitative convenience goods 'capacity' in the Borough that exceeds the amount of floor space proposed by the applicant. As a consequence, Nexus has advised that it accepts a quantitative need exists and that this supports the development proposal.

With regard to quantitative need for comparison goods, Nexus has commented that the comparison goods expenditure figures provided by the applicant are robust, again based on an equivalent assessment undertaken by Nexus. With reference to the applicant's assessment of the 'benchmark' performance of existing comparison goods stores and centres, Nexus has commented that this exercise is inherently difficult as some stores have published average sales densities whilst others do not, and figures are not readily available for town centres as a whole, Nexus has commented that it has no concerns with the benchmarking of individual stores and that, whilst the benchmarking of town centres is much more subjective, it agrees with the position of the applicant that the Abbey Centre was trading at around £330m in 2018, which is very similar to the figure of £337m set out in its own Retail and Commercial Leisure Study undertaken for the Borough.

Nexus has commented that with respect to benchmarking, that the Abbey Centre trading figures of £218m in 2018 suggests that the Abbey Centre is trading at around 51% above expectations but that, in practice, Nexus considers that while the Abbey Centre is trading at above average expectations, it is perhaps not to the same extent.

While reference is made to the perceived underestimation of the benchmark performance of both the Abbey Centre and Glengormley Local Centre, Nexus has indicated that there are very fine margins involved and that it is not the purpose of the 'needs' test to be as precise as is noted in the applicant's survey work.

Nexus has raised no objection to the issue of quantitative need for comparison goods in this instance. It is noted that Nexus has come to this conclusion by referring to qualitative need, but that the wider conclusion is made in the context of a section of its report entitled 'Quantitative Need'. Officers have confirmed with Nexus that this is a typographical error and that the thrust of what is being recommended is accurate.

With reference to qualitative need, Nexus notes that the case being advanced by the applicant essentially revolves around there being a demand for the ASDA brand. Nexus disagrees with this position and indicates that it considers more notable indicators of this type of need to be on the ground issues such as queuing or parking issues, or evidential dissatisfaction with the provision of existing convenience and comparison goods stores. Nexus concludes by stating that the applicant does not make a compelling case with regard to either on the ground issues or dissatisfaction and that only a limited weight can therefore be given to the arguments advanced by the applicant.

In its conclusion with respect to the 'needs' test required by the SPPS, Nexus concurs with the applicant's assessment that there is a demonstrable quantitative need for the convenience goods element of the proposal and, on balance, a marginal case can be made for the comparison goods element of the proposal. It advises that there has been little evidence provided to support a qualitative need for the proposal, but considers overall that the 'needs' test has been satisfied.

Whilst again mindful of the objections received with respect to this policy test, based on the position advanced by Nexus, and having carefully assessed this matter it is considered by Officers that there is a demonstrable quantitative need for the convenience goods element of the proposal and, on balance, that a marginal case has been made for the comparison goods element of the proposal. Whilst little persuasive evidence has been provided with respect to the qualitative aspect of the 'needs' test, it is nevertheless considered on balance that it has been satisfied and for this reason Officers are content that this aspect of the proposal meets the relevant policy provisions of the SPPS.

Summary of Retail Impact

Having regard to the sequential site selection, the application site is considered to be a reasonable location to accommodate the proposed foodstore development outside of existing centres within the catchment.

Whilst the retail impact of the proposal is likely to be greatest upon the Tesco store at the Abbey Centre, this is considered to be within acceptable margins and overall it is considered that the development proposal will not have an unacceptable impact on the vitality and viability of existing centres within the catchment.

With respect to the 'needs' test it is considered that a demonstrable quantitative need for the foodstore has been established and that whilst the qualitative need arguments are less persuasive the overall needs test, on balance, has been met.

Overall, it is considered that the relevant policy provisions of the SPPS with respect to the town centre first approach including tests associated with sequential site selection, retail impact and need have been broadly met and for this reason it is considered the foodstore development proposed at this location is acceptable.

Loss of Industrial/Business Use Land

The application site was formerly occupied by Nortel, a telecommunications component manufacturer. The buildings on site are currently in a run-down state and several are vacant, although part of the building complex (some 3,500 sqm) is currently leased to DXC Technology for use as a recovery centre by clients in an emergency situation i.e. it is fitted out with desks, workspace and critical IT infrastructure to allow client companies to move in at short notice and maintain business continuity in the event of an emergency arising. DXC has indicated the current lease of the site expires in May this year and it will then be moving to alternative premises.

With respect to the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO), it is considered that the existing use of the application site falls within Part B: Industrial and Business Uses of the Schedule to the UCO.

The current application seeks to redevelop the site for use as a food store that falls within Part A: Shopping and Financial and Professional Services (Class A1: Shops) of the UCO which will result in the loss of this area of existing industrial/business land. For this reason, the relevant policy provisions of the adopted BUAP, both versions of BMAP, the SPPS and PPS4 are applicable in assessing this aspect of the development proposal.

A Development Appraisal and Viability Report (DAVR) along with other submissions made on behalf of the applicant have been received in support of the development proposal.

BUAP

As indicated above the Belfast Urban Area Plan (BUAP) is the extant statutory local development plan for the area. Whilst it contains a specific planning policy for the retention of land used for industrial purposes, namely Policy IND6 'Land Use Policy for Industrial and Commercial Areas', this policy only relates to lands zoned for such purposes in the Plan. Given that the application site comprises an area of unzoned land, it is concluded that Policy IND6 is not applicable to the assessment of the current development proposal.

As the BUAP does not contain planning policy relevant to the loss of industrial land on unzoned land within the urban area the assessment of this issue falls to be considered within the context of the relevant provisions of the Strategic Planning Policy Statement (SPPS) and PPS4 'Planning and Economic Development'.

Draft BMAP

With reference to draft BMAP published in 2004 the application site lies within lands proposed to be zoned as an area of Existing Employment and Industry (reference zoning MNY 15). In BMAP 2015 the application site is indicated as a zoned area of Existing Employment (reference zoning MNY11).

The Employment Strategy of both versions of BMAP are similar and state that Existing Employment/Industry Zonings incorporate lands currently in employment/industrial use and have been zoned in order to retain them for this purpose. It also states that a major factor of economic change in recent years has been the growth of the service sector and this is forecast to continue for the foreseeable future.

With reference to the assessment of development proposals involving the loss of existing industrial/employment land, both versions of BMAP defer to the relevant policy provisions of relevant regional planning policy, which again are found in the SPPS and PPS 4.

Strategic Planning Policy Statement (SPPS)

The SPPS indicates that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. To this end it advises that planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. In addition, it indicates that the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes), whilst acknowledging that Councils may however wish to retain flexibility to consider alternative proposals on unzoned land that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

A Planning Advice Note (PAN) titled 'Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses' published in November 2015 provides amplification on the SPPS policy. It indicates that only in exceptional circumstances should the loss of land zoned in a Local Development Plan for economic development use to an alternative use be considered. For proposals impacting on unzoned land used (or last used) for economic development it indicates that Local Planning Authorities, in assessing the benefits of alternative proposals, should be fully satisfied that it has been clearly demonstrated the particular circumstances of the case presented outweigh the preferred option of retaining the land or buildings for economic development use. The PAN also lists a number of matters that should be considered in assessing proposals involving the loss of economic development land and indicates that the flexibility afforded in the SPPS policy relates only to firm proposals for acceptable alternative uses.

It should be noted that for the purpose of the SPPS and PPS 4, economic development use is deemed to comprise industrial, business and storage and distribution uses as defined in Part B Industrial and Business Uses of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

PPS4: Planning and Economic Development

Policy PED7 of PPS4 titled 'Retention of Zoned Land and Economic Development Uses' is of particular relevance when considering planning applications on land zoned for economic development use in a local development plan, and applications on unzoned land that is currently (or was last used) for economic development purposes. Paragraph references in the policy itself distinguish between Zoned Land in all Locations and Unzoned Land in Settlements.

PED 7: Zoned Land in all Locations

With reference firstly to both versions of BMAP the application site falls upon lands allocated as being zoned as Existing Employment and therefore the section of the policy relating to 'Zoned Land in Settlements' is applicable together with the relevant provisions of the SPPS to the assessment of this development proposal.

In their submission the applicant acknowledges that this development proposal for a retail foodstore is unable to demonstrate compliance with the policy provisions of the SPPS and Policy PED7 with respect to zoned land in all locations as the existing industrial use, an 'economic' development use for the purposes of PPS4, would be lost to an alternative land use and the wider area of lands zoned as existing employment /industry in which the application site is located (Monkstown Industrial Estate) has not been substantially developed for alternative uses. The applicant further acknowledges that this development proposal fails to meet with the exception test identified in this section of Policy PED7 as the foodstore use falls within 'Class A1: Shops' of the UCO whereas the exception test refers solely to 'sui-generis' type land uses.

However, the position of the applicant with respect to this matter is that the correct policy test to be applied to the development is that part of the SPPS and Policy PED7 which relates to development impacting on unzoned land on the basis that the application site, whilst last used for economic development purposes, comprises unzoned land in the current statutory Plan, the BUAP.

PED 7: Unzoned Land in Settlements

The policy provisions of PED7 for development under the heading 'Unzoned Land in Settlements' sets out a number of circumstances where the development or redevelopment of land resulting in the loss of a Class B2, B3 or B4 use or land last used for these purposes will be permitted. These are listed as follows and subsequently referred to as policy tests for ease of reference:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or
- (c) the proposal is for the development of a compatible *sui generis* employment use of a scale, nature and form appropriate to the location; or
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity

It should be noted that the policy tests listed are permissive insofar as it is only required to meet one of the tests listed to fulfil the policy requirement. In support of the current application the applicant seeks to demonstrate that the circumstances

outlined in (d) and (e) are met and as a consequence the proposal is policy compliant.

The policy also indicates that a development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Policy Test (d)

With reference to policy test (d) which considers whether the present use has a significant adverse impact on the character or amenities of the surrounding area the applicant considers this test is met given:

- The application site accommodates approximately 10,500 sq.m of floor space much of which is currently vacant and in a state of disrepair presenting an eyesore at this prominent location on the Doagh Road/Monkstown Road.
- The current buildings serve no function in respect of much needed jobs and services to the surrounding locality.
- The application site in its current form does not service, complement or otherwise contribute to the surrounding local amenities or services.
- The surrounding area benefits from a variety of amenity services and that given the demonstrable retail need for a foodstore has been justified in this location (see Retail section of report) the foodstore and petrol filling station would be a natural extension to the surrounding area and its provision of amenity services.
- The proposal would improve the appearance of the application site (an issue also commented upon in representations received by the Council); and
- The proposal would provide necessary upgrades to the existing transport network including a new pedestrian linkage to the Doagh Road.

Consideration of Policy Test (d)

There is little doubt that the current state of the Nortel complex diminishes the character and appearance of the local area. Whilst it is acknowledged part of the building complex is currently in use as a service recovery centre, the remaining premises have been vacant for some considerable time and there is an air of dereliction. It is acknowledged too that the proposed redevelopment would bring life back to the locality and as commented by some representations this would also serve to improve the appearance of the application site.

However, it also accepted that the site comprises part of a long established industrial area and that redevelopment for more modern employment purposes could equally ameliorate the current air of dereliction evident at the site.

It is therefore debateable whether the present building complex has a significant adverse impact on the character or amenities of the surrounding area or whether this is more a result of a lack of investment in the premises. On balance, it is considered by Officers that this policy test on its individual merits has not been met

Policy Test (e)

With reference to policy test (e) which considers whether the site is unsuitable for modern industrial, storage or distribution purposes, the applicant considers this test is met for the following reasons:

1. The existing Nortel building complex is unsuitable for modern industrial /employment usage and it would be economically unviable to rehabilitate the existing complex.
2. A 'Notional Scheme' for Storage and Distribution usage drawn up by the applicant demonstrates that redevelopment of the site for industrial/employment usage would not be economically viable.
3. The submitted statistical based analysis justifying the loss of employment lands is a robust and comprehensive means of justifying the loss of existing industrial /employment land; and
4. That there are identifiable social, economic and environmental benefits associated with this development proposal.

A considerable amount of information has been provided by the applicant in support of this matter. In relation to **Reason 1** the applicant refers to the Development Appraisal and Viability Report (DAVR) submitted on their behalf which indicates as follows:

- The existing Nortel buildings are in a poor physical condition and would require significant capital investment to render the buildings as suitable for medium to long term use.
- The buildings do not adhere to 2018 Health and Safety standards and as such the capital investment required to reverse this situation is not a viable fiscal proposition and for this reason the buildings are not suitable for retention for industrial use and its location and the current property arrangement would not meet the requirements of modern occupiers.
- There have been no enquiries from the market seeking either to lease or to acquire the Nortel complex and there have been no approaches from the market for floor space; and
- Given prevailing rental levels in the Northern Ireland property market the proposition of refurbishing the Nortel complex is financially unviable.

For the aforementioned reasons the conclusion of the DAVR is that there is no commercially robust case to develop/redevelop the site for industrial/business use.

In relation to **Reason 2** the DAVR includes a 'Notional Scheme' for a new Class B4: Storage and Distribution use at the site, which would be a compatible form of land use for the area in which the application site is located, in order to demonstrate that there is no commercially robust argument to re-develop the application site for an industrial/employment type land usage.

The notional scheme provided considers the development of a storage and distribution unit with a floor space of circa 7,900m². Whilst it is noted that the indicative layout of the notional scheme does not quantify the provision of car parking or clarify the specific servicing arrangements of the scheme, it is accepted that the concept layout does generally provide for car parking and servicing and which is described in the DAVR as being suitable for current market requirements in terms of size and layout for the notional scheme.

The conclusion of the DAVR is that redevelopment of the site for the purposes of the notional scheme is likely to produce a negative site value of some £2.5 million causing a very significant financial investor loss and it contends for this reason that

the application site is unable to produce a viable redevelopment opportunity for the purposes of Policy PED7.

The DAVR further avers that the industrial development sector has been severely impacted upon since the property crisis in mid-2007 and there is a lack of occupational and investor demand and a scarcity of development finance, which has resulted in very limited levels of development and virtually no large scale speculative economic development similar to that detailed within the notional scheme provided.

The key conclusion drawn by the DAVR and which the applicant also highlights is that given the restrictions of Policy PED7 of PPS4, there is insufficient demand now or in the foreseeable future to redevelop the site for employment/industrial purposes and due to these restrictions the application site would remain undeveloped for the foreseeable future.

In relation to **Reason 3** the applicant refers to the information included within the DAVR relating to existing employment lands in the Greater Belfast Area and zoned development sites in BMAP 2015 as being a robust and comprehensive statistical based analysis that helps provide justification for the loss of the existing employment lands comprised in the application site as a consequence of the proposed development.

The statistical based analysis of employment lands consists of two key parts:

1. An Availability Schedule of existing built industrial accommodation; and
2. Zoned Development Land.

The first part of the analysis seeks to demonstrate that there is a large amount of existing built industrial stock and floorspace available for occupation across the Greater Belfast Area (GBA) comprising Antrim, Boucher/Derriaghy, Castlereagh, Carrickfergus, Dargan/Duncrue, Lisburn, Mallusk/Newtownabbey and Sydenham.

Across the 'Greater Belfast Area' study area, the total industrial type accommodation equates to some 258,000m², which the analysis equates to a 3-5 year supply of built available space, whilst for the Mallusk/Newtownabbey area it is indicated that there is over 60,000m² of available industrial type accommodation.

The second part of the statistical analysis in the DAVR considers lands zoned for employment/industrial use in BMAP 2015. The information provided includes each of the districts comprising the Belfast Metropolitan Area. The figures provided indicate that there is a significant amount of land identified as existing employment lands. This equates to approximately 1,767 Ha across the BMAP Districts with some 288 Ha of this amount still to be developed. In addition, the information indicates there is almost 530 Ha of land zoned for future employment/industrial use, including over 150 Ha in the legacy Newtownabbey Borough Council area.

In support of the applicant's stance that the development of the application site to an alternative use would not impact significantly on the overall amount of land identified for employment use both across the BMAP Districts and within Metropolitan Newtownabbey, the analysis firstly points out that the Regional Development Strategy 2035 states that there is a significant provision of 2,000 Ha of zoned

employment lands in Northern Ireland, but that there is only a regional 'need' for some 450 Ha. The analysis then indicates that there is also a generous supply of new land zoned for future employment uses in BMAP 2015 at some 530 Ha of land which is well in excess of that indicated for all of Northern Ireland in the RDS in addition to the 1,767 Ha of existing employment lands identified.

In relation to **Reason 4** referred to above the applicant advises that there are clearly identifiable economic/environmental and social benefits associated with the development that weigh in favour of the loss of the current industrial/business use of the application site.

In support of this view the applicant highlights the Council's position as expressed in its emerging Local Development Plan Evidence Paper 'Facilitating Economic Development' that the service sector accounts for over 80% of the jobs in the Borough, including the retail and leisure markets, and the important role these uses play in supporting economic development. The applicant also points to paragraphs 3.3 and 3.4 of the SPPS, which refer to furthering sustainable development in the long term public interest requiring the integration and balancing of complex economic, environmental and social factors in decision making and that local planning authorities should deliver on these three pillars of sustainable development.

The applicant advises that in this case the redevelopment of the application site, which has remained largely vacant since the departure of Nortel in 2009, approximately 11 years ago, will contribute positively to sustainable and economic investment and growth within the Council area. In furthering their argument regarding the unsuitability of the Nortel complex for modern industrial or storage and distribution purposes, the applicant notes that the socio-economic benefits of this brownfield redevelopment proposal will have various direct and in-direct benefits during both the construction and operational phases. These are described as follows;

- The development represents a capital investment of some £17.5 million.
- During the construction phase the proposal has the potential to create 100 construction jobs, whilst during the operational phase 258 full time equivalent in-store jobs will be created, generating £4.37 million pounds in salaries with at least a further 11 jobs supported in other local businesses; and
- The proposal will generate £11 million in gross value added per annum (to the Northern Ireland Gross Domestic Product) and £275,000 in business rates per annum equating to £5.8 million over a 20 year period.

In this respect the applicant concludes that the development proposal is considered to provide a betterment in economic, social and environmental terms in accordance with the provisions of the SPPS. In addition, the applicant concludes that these positive characteristics of the development proposal should be afforded significant weight by the Council when reviewing the unsuitability of the site for industrial/business purposes and the adverse impact of the site remaining in its current state has on the general locality.

Consideration of Policy Test (e)

In assessing the suitability of the application site for modern industrial, storage or distribution purposes, and taking account of the current use of part of the building complex as a service recovery centre, it is accepted by Officers, for the reasons outlined in the applicant's submissions as summarised above, that there is no

commercially robust case to bring the existing buildings back into industrial/employment use. Furthermore, there is no reason to disagree with the findings of the DAVR that there is insufficient demand now or in the foreseeable future to redevelop the site for employment/industrial purposes and as a consequence it is accepted that the application site is likely to remain undeveloped for the foreseeable future. This is supported by the findings associated with the notional scheme drawn up for a storage and distribution use.

It is clear from the analysis undertaken as part of the DAVR that there is at present a reasonably high level of available industrial stock across the Greater Belfast Area and within Mallusk/Newtownabbey as well as a substantial amount of land both in the BMAP Districts and within Metropolitan Newtownabbey that is in existing employment/industrial use with large areas zoned for such future development.

In the Council's own Evidence Paper 3 'Economic Growth' of June 2019 prepared as part of its emerging Local Development Plan, it is indicated that there is over 400 Ha of employment land in the Borough of which some 260 Ha are existing employment lands and approximately 143 Ha zoned for employment. The Evidence Paper also states that there some 130 Ha of employment land remains to be developed. These figures are broadly consistent with those found in BMAP 2015 and the analysis undertaken by the applicant for the BMAP Districts, including the legacy Newtownabbey Borough Council area.

In this context the development of that part of the application site which comprises existing employment lands (some 4.3 Ha) would represent a loss of some 1.65% of existing employment/industrial land in the Borough or just over 1% of total employment land. Overall this is considered not to constitute a significant loss of employment land and is not considered as undermining either the draft BMAP Employment Strategy or the Council's emerging Local Development Plan.

As regards the socio-economic benefits associated with the redevelopment proposal, the SPPS comments that a key dimension of sustainable development for Northern Ireland is economic growth and that this requires the planning system to, amongst other things, support job creation and aid economic recovery for the benefit of all our people. In addition, the SPPS comments that planning authorities should take a positive approach to appropriate economic development proposals and should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when taking decisions.

Whilst it is accepted that the development will result in the loss of an existing area in industrial/business use, it is considered that redevelopment of this brown field site will afford positive long term socio-economic benefits to both Metropolitan Newtownabbey and the wider Council area. The application will create new employment in this area which is close to a socially deprived area and whilst the appropriateness of the retail use proposed is assessed elsewhere in this report, it is accepted by Officers that the socio-economic benefits associated with this proposal as identified by the applicant weigh significantly in favour of the proposal.

Overall, for the foregoing reasons, it is considered that policy test (e) set out in PED7 has been met.

Summary of Assessment - Loss of Industrial/Business Use Land

The applicant acknowledges that the redevelopment of the application site with the foodstore proposed would not comply with the relevant provisions of the SPPS and Policy PED7 of PPS4 with respect to zoned land in all locations.

However, as indicated previously the applicant contends that the proposal, as an unzoned site within BUAP, which remains the current statutory plan for this part of the Borough, would meet the provisions of the SPPS and two of the relevant policy tests set out in PED7 for loss of an existing unzoned economic development use and furthermore that this combined with the other economic, environmental and social benefits associated with the current proposal should be given determining weight in assessing this aspect of the development.

In assessing this aspect of the development Officers consider it reasonable that greater weight be afforded to the provisions of the extant BUAP, rather than to the emerging provisions of draft BMAP, and which despite its vintage remains the statutory Local Development Plan for this part of the Borough. Officers have reached this conclusion on the basis that it appears increasingly unlikely that draft BMAP will be adopted. As a consequence, it is accepted that the proposal should be assessed against the policy provisions of PED 7 for unzoned sites and furthermore, for the reasons outlined above, it is considered by Officers that the applicant has demonstrated the proposal complies with policy test (e).

In relation to the policy provisions of the SPPS, it is acknowledged that it promotes the retention of land and buildings in settlements which are in current economic development use (or land and buildings last used for these purposes) to ensure a sufficient ongoing supply. However, it also acknowledges that consideration can be given to proposals for alternative use or development where these offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use. The Planning Advice Note on this topic does not amend this SPPS policy, but does indicate that the flexibility afforded in the policy relates only to firm proposals for acceptable alternative uses and lists a number of matters that should be considered in assessing proposals.

In the current case the application has been submitted by Asda, which is the landowner of the site and who intends to operate the proposed foodstore should permission be forthcoming. As such it is considered the current development scheme is a firm proposal, whilst the acceptability of the proposed retail use is addressed elsewhere in this report.

It is noted that there is no policy requirement in the SPPS or PED7 of PPS 4 regarding the need to maintain a specific quantum of land for employment/industrial use in a given location. Notwithstanding this, it is considered that the impact of the current scheme would be minimal representing a loss of some 1.65% of existing employment /industrial land in the Borough or just over 1% of total employment land. A generous supply of land suitable for economic development will still exist across the Borough together with a wide choice and range of sites in terms of quality, size and location.

The reports presented on behalf of the applicant highlight the socio-economic, environmental and other benefits the scheme will bring forward and indicate that these weigh significantly in favour of the proposal. As previously indicated, these

include infrastructure improvements to the local road network to the benefit of all road users; the reduction and mitigation of flood risk potential at the site; the removal of land contamination and mitigation of potential water pollution arising at the site; and the jobs that would be created in the proposed foodstore that would secure the ongoing use of the site for employment purposes.

Whilst acknowledging the existing service recovery centre that currently occupies part of the building complex on site, it is noted there are generally no more than 3-4 people employed full-time on site to accommodate this use. As a consequence, Officers consider that the existing Nortel complex overall currently provides limited benefit to the local community and has made no significant economic contribution to the area for in excess of a decade.

As indicated above it is accepted that the redevelopment of this brown field site will afford positive long term socio-economic benefits to Metropolitan Newtownabbey that would make a significant contribution to the wider local economy. The application will regenerate the site and create new employment close to a socially deprived area and it is acknowledged that there are a number of environmental benefits associated with the scheme

It is also considered that the proposed development, in replacing the current industrial buildings on site with a foodstore, will act as an important buffer in land use terms between the approved residential development on land directly abutting the site to the north and the remaining premises in the existing industrial estate.

Whilst noting that a number of objections have been received with respect to the purported benefits of the foodstore and highway infrastructure road improvements associated with the development, it is also noted that several letters of representation refer to the benefits that local people perceive as being associated with the proposal. These include the removal of the current buildings that act as an eyesore in a prominent road side location and their replacement with a modern foodstore building with an active frontage to the Doagh Road. The report submitted with the application on the community consultation exercise undertaken also highlights there was positive feedback regarding the scheme from over 80% of the 231 respondents.

Furthermore, and whilst not referred to by the applicant, it is also noted that Policy PED 7 indicates that a development proposal for the re-use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits. In this case the service recovery centre that occupies part of the building complex is considered to be a Class B1 use on land not zoned in BUAP. As such redevelopment of this part of the complex would stand to be assessed on its individual merits and given the benefits of the proposal, as outlined above, it is considered these would outweigh the loss of this existing business use.

In conclusion, it is considered by Officers that the proposal meets with the relevant policy provisions of the SPPS and PED7 of PPS 4 and will result in the loss of only a small area of land in employment use overall. In addition, the proposed redevelopment offers demonstrable benefits, including local job creation, that outweigh the loss of the existing industrial/business use of the site.

Access, Movement and Parking

As noted in the description of development the proposal includes the formation of a new access to serve the proposed new foodstore and petrol filling station from the B59 Doagh Road, a Protected Route. This access is to be facilitated by a new 5 arm roundabout to replace the existing Doagh Road and Monkstown Road junction whilst retaining vehicular and pedestrian access to existing developments at Hillside View, Cherrylands and Hillside Garden Centre. Off-site highway infrastructure improvement works are also proposed as part of the development at the existing Doagh Road/Station Road/O'Neill Road roundabout junction.

A Transport Assessment (TA) has been submitted in support of the application and this seeks to demonstrate that the highway infrastructure improvement works proposed in association with the foodstore development should result in a degree of betterment in highway terms to the existing road network and local traffic conditions.

Highway Infrastructure Road Improvements

The TA states that the highway infrastructure improvement works proposed at the Monkstown Road/Doagh Road and the O'Neill Road/Station Road/Doagh Road junctions will provide much safer alternatives to the road layouts currently in place. The TA also states that a range of other existing road junctions in the vicinity of the proposed development have been assessed and determined as being able to accommodate the anticipated increase in vehicular traffic associated with this development proposal as well as natural growth rates in road usage.

The highway infrastructure improvement works proposed at the Monkstown Road/Doagh Road junction comprise the introduction of a new 5 arm roundabout described in the TA as ameliorating existing problems experienced at the existing road junction whilst providing for a new vehicular access to serve the application site. The TA describes the new roundabout as also providing safe access to the existing residential developments of Hillside View and Cherrylands as well as the Hillside Garden Centre, all of which are located on the northern side of the Doagh Road. In addition, the TA describes how the design of the proposed new roundabout has taken account of the increases in level of vehicular traffic anticipated as a result of extant planning permissions nearby. These include an extension approved at the Hillside Garden Centre and the residential development of 92 units approved on land immediately to the north of the application site which are to be accessed from the Monkstown Road. It is noted that the design of the vehicular accesses serving Hillside Garden Centre and the extant residential development are not impacted upon by the proposed highway infrastructure improvement works at the Doagh Road/Monkstown Road junction.

The TA quantifies the level of increased vehicular traffic anticipated as being generated by this development proposal as:

Time Period	Arrivals	Departures	Total 2-way peak hour trips
Weekday AM	186	148	334
Weekday PM	317	318	635
Saturday busiest	337	334	671

In assessing the impact of the increase in vehicular traffic anticipated to be generated by the development proposal the TA identifies the following peak hour periods of vehicular activity (weekday morning and evening and weekend) for existing road traffic conditions at the Doagh Road/Monkstown Road junction:

Weekday AM: 08:00 – 09:00.

Weekday PM: 16:30 – 17:30; and

Saturday busiest hour: 12:00 – 13:00.

The TA states that the design of the proposed new roundabout and associated highway infrastructure works at this junction can accommodate the increase in vehicular traffic anticipated as a result of the development proposal as well as that associated with the extant planning permissions noted above for all peak hour scenarios and this also incorporates normal growth rates in road usage up to the forecast year of 2038.

The TA concludes that the works proposed will result in a major betterment in highway terms when compared to the existing Doagh Road/Monkstown Road junction for the following reasons;

- The Monkstown Road currently meets the Doagh Road at an acute angle and the gradients of the roads make it a difficult junction to navigate;
- Visibility for traffic exiting the Monkstown Road junction onto the Doagh Road is substandard for the volume of traffic using the junction;
- The existing junction is at capacity for the weekday AM peak period and over capacity for the weekday PM and Saturday busiest hour period;
- Pedestrians and cyclists using the junction have no facility to aid their crossing of the junction; and
- Accident statistics have demonstrated that the existing junction is dangerous with 16 reported collisions in a 3 year accounting period (April 2015 to March 2018) with 1 person seriously injured and 24 people being slightly injured.

Off-site highway infrastructure road improvements are also proposed at the Station Road/Doagh Road/O'Neill Road roundabout junction located approximately 1.25km to the southeast of the application site. The proposed improvements include the traffic light signalisation of the existing roundabout junction with elements of road widening in several locations to facilitate the free flow of traffic and increase the capacity at the roundabout along with increased provision of pedestrian footpaths and islands for enhanced pedestrian safety and ease of movement.

With reference to the road traffic conditions at this existing roundabout junction the TA states that it currently operates over-capacity on the Doagh Road North and Station Road arms and is approaching capacity on the O'Neill Road arm. The TA indicates that, without mitigation measures, the anticipated increase in vehicular traffic associated with the development proposal would have the effect of increasing the queuing and delay to through traffic at this location. The TA concludes that the improvement works proposed will result in a betterment in highway terms and it is predicted they will allow the roundabout junction to operate with an increased capacity for all peak hour scenarios and result in a decrease in queuing on the Doagh Road from that currently experienced.

With reference to the impact of the highway infrastructure road improvements proposed on pedestrian movement, the TA states that the dedicated facilities to be provided will enable pedestrians to cross at both junctions in a safe manner which it advises will result in both junctions being much safer for all road users.

In addition to the highway infrastructure road improvements for the Doagh Road/Monkstown Road and the Station Road/Doagh Road/O'Neill Road junctions the TA has assessed the impact of the proposed development on a range of other road junctions in the area. These include;

1. Doagh Road/Ballyduff Road/Bridge Road junction.
2. Doagh Road/Monkstown Avenue junction.
3. Monkstown Avenue/Jordanstown Road/Bridge Road junction.
4. Doagh Road/Braeside Avenue junction.
5. Doagh Road/ Ballyfore Road junction.
6. Doagh Road/Downhill Road junction; and
7. Doagh Road/Knockview Road junction.

The TA states that each of these junctions is forecast to operate within capacity during all peak hour scenarios up to the forecast year of 2033. No mitigation is therefore considered necessary or proposed at these road junctions.

It is noted that the TA states that the junction of the Doagh Road and Woodford Road forms one of the junctions to be assessed. No assessment of this junction has been set out in the TA. The applicant has confirmed that reference to this specific road junction has been made in error and that it has been determined and accepted by DfI Roads that this road junction will experience an impact of equal to or less than 5% and therefore does not require to be further assessed.

Car Parking, Pedestrian Movements and Alternative Modes of Transport.

The development proposes the provision of 444 car parking spaces, to include 26 Disabled Badge holder spaces and 23 Parent and Child spaces. These are located either directly in front of the proposed food store or either side of a centrally positioned landscaped pedestrian walkway leading directly to the foodstore entrance. In addition, 4 spaces are proposed at the northern edge of the car park in close proximity to the foodstore for the charging of electric vehicles.

The TA acknowledges that the level of car parking proposed to serve the development at 444 car parking spaces is slightly less (97%) than the standard outlined in planning guidance on Parking Standards which would equate to a provision of 458 car parking spaces.

In justification for this minor shortfall in parking provision the TA states that surveys undertaken at other ASDA stores at Portadown, Dundonald and the Shore Road, Belfast have demonstrated that approximately 80% of available car parking spaces are utilised by customers during the month of December, a time of year when demand for car parking spaces is above average.

In addition, the TA states that the proposed development is located in close proximity to several existing residential developments and that a 'walk-in' catchment of people is anticipated as being attracted to the foodstore given both existing and proposed pedestrian infrastructure. The TA also notes that the development layout

makes provision for direct pedestrian access from the approved residential development immediately to the north of the application site providing ease of pedestrian access from this location.

The TA also states that the application site is well served by public transport with bus stops adjacent to the application site on the Doagh Road for both Translink Metro and Ulster Bus services. The TA describes these services as an excellent alternative to use of the car for travel to and from the site. It is noted that connecting footpaths are proposed from the development to the bus stops that will provide safe and logical routes for pedestrians.

Elsewhere in the TA it is stated that survey work at other ASDA stores (Dundonald, the Westwood Centre and the Shore Road, Belfast) has demonstrated that the use of taxis by customers to travel to and from these foodstores is now an established mode of customer transport and it is therefore assumed that this practice will continue at the proposed foodstore. Both taxi and customer 'Pick-up' and 'Drop-off' points are provided adjacent to the store entrance.

Regarding facilities for people with a disability it has been noted above that dedicated and conveniently located disabled parking bays are to be provided within the development layout. Further facilities include dropped kerbs and non-slip ramped footways at all pedestrian crossing points to facilitate safe and easy pedestrian movements.

Secure bicycle stands are to be provided at the front of the foodstore that are overlooked and sheltered to provide safe and convenient parking facilities for cyclists with additional secure bicycle stands provided at the rear of the store for employees. A total of 20 bicycle spaces are to be provided. The TA comments that the application site is close to the National Cycle Network Route 93, which follows the Newtownabbey Way and provides ease of access for cyclists to the Shore Road and onwards to Belfast.

The customer car park, staff entrance and service yard areas will be illuminated to make these areas safer for all users throughout the year.

In summary, the TA seeks to demonstrate a betterment to local roads infrastructure, whilst accommodating the vehicular traffic anticipated on foot of this development proposal and the its principal conclusions are as follows;

- All junctions in the vicinity of the development site have been assessed and all were forecast to operate within capacity for all peak hour scenarios with the exception of the Doagh Road/Monkstown Road and Station Road/Doagh Road and O'Neill Road junctions where highway infrastructure road improvements are proposed.
- Total car parking provision at 444 car parking spaces is 97% of the Parking Standards guidance document standard. This incorporates provision for those with a disability as well as parent and child parking provision.
- Facilities for cyclists and pedestrians, including those with mobility difficulties have been considered and a new pedestrian linkage to the Doagh Road and the approved residential development to the north of the application site will be provided.
- Public transport links to the application site are of a good standard.

- There are no safety problems associated with the design of the highway infrastructure road improvement works coming forward as part of the development; and
- The traffic impacts anticipated with the development will not be significant and are within acceptable limits, while the highway infrastructure improvement works proposed should result in a degree of betterment in highway terms to the existing road network and local traffic conditions

A Travel Plan has also been submitted in support of the planning application and its aim is to encourage a shift in travel patterns for employees towards travel modes other than the private car. These include walking, cycling, public transport and following this use of car and taxi 'pools'. Whilst an aspirational document, the Travel Plan details the means by which alternative modes of transport can be promoted to staff members and considers the management measures required to effect a change in travel behaviour. The Travel Plan comments that the developer is committed to ensuring the successful implementation of the measures described therein and will assist in delivering them with the aim of decreasing local congestion (and consequent negative environmental impacts) and increasing modal choice for employees.

A Service Yard Management Plan submitted in support of the planning application comments that the foodstore will be serviced from the rear of the building off a dedicated service road. This service road separates from the customer access road a short distance off the roundabout to minimise interaction and reduce conflict between customer and delivery vehicles within the proposed development layout.

Servicing of the foodstore will be via 2 articulated lorries and a number of smaller service vehicles each day, which the applicant has confirmed will consist of 5 – 6 box vans per day. The TA states that the proposed number of delivery trips associated with the proposed foodstore is forecast to be significantly lower when compared with the number of delivery vehicles associated with an industrial use at the application site.

Several letters of objection set out detailed arguments contradicting the conclusion of the TA that the development proposal will provide a betterment to the highway network whilst accommodating the increase in traffic anticipated for this development proposal. A summary of the objections is as follows;

- The TA assessment process and the parameters employed for junction modelling as well as the scrutiny of these matters lacks clarity and accuracy.
- Comparison sites studied in the TA have been selectively considered.
- 'Base' flow data and traffic growth figures used for the TA are incorrect and no modelling of the existing situation has been undertaken.
- There has been no validation or calibration of traffic models being relied upon for the proposed roundabout junction at the Doagh Road which is a Protected Route where queuing and delay are critical issues. Queuing and delay on any arm of the new roundabout will seriously impact local businesses and residents who will not be able to access their respective properties.
- The geometry, gradients and safety of the new roundabout are of concern.
- No mitigation measures are proposed and a requirement of a TA is to demonstrate that the proposal will have a 'nil net detriment'.
- No road safety audit has been provided.

- No auto tracking for the largest service vehicle likely to be attracted to the site has been provided and Heavy Goods Vehicles at 15.5m to 16.5m in length have not been demonstrated as being able to negotiate the proposed roundabout without crossing into adjacent lanes raising road safety concerns.
- Hillside Garden Centre and other local businesses have not been properly considered as part of the TA and the impact to Hillside View has not been considered, whilst the operation and anticipated impacts of a 4 and 5 arm roundabout differ greatly.
- The historical industrial use of the site is an inappropriate comparison for the purpose of the TA and deliberately seeks to decrease the impact of the volume of vehicular trips associated with the development proposed. In addition, trips associated with industrial use of the site do not access directly onto the Doagh Road rather they use the existing vehicular access to the Bombardier plant.
- The 'peak hour' periods for trip generation provided for assessment are not consistent with the established peak hours for food retail development, which are Weekday: 12:00 – 13:00 and Weekend: 13:00 – 14:00. For this reason the true peak hour period has not been assessed in the TA and the impact of the development on the local road network has as a result been underestimated. Contends that the true volume of trips generated by this proposal would create an additional 154 two-way weekday peak hour trips and an additional 189 total two-way weekend peak hour trips. Consequently, a much greater impact to the proposed roundabout will be experienced and the TA is therefore fundamentally flawed.
- There is no separate assessment of the 8 bay Petrol Filling Station, rather it has been accounted for as part of the overall trip generation anticipated as being associated with the development and this has the effect of misrepresenting the true impact of the proposal on the local road network.
- The TA manipulates the TRICS database to minimise the anticipated impact of the development and existing ASDA stores should be studied to accurately identify the volume of vehicular trips associated with the development proposal as a comparative tool and in order to identify and assess the true impact.
- The introduction of the proposed roundabout at Doagh Road will have the effect of removing the number of vehicles that can queue to turn right onto the Monkstown Road from 6 cars down to 1 resulting in longer queues at the junction. For this reason increased delays are inevitable and if there is more than 1 vehicle attempting to turn right onto the Monkstown Road or access the application site through traffic will be blocked and gridlock will occur. In the absence of the development proposal this situation does not otherwise exist and the proposal will clearly inconvenience the flow of traffic on the road network, which did not previously have to negotiate a roundabout and had priority on the public road. For these reasons the new highway infrastructure road improvements will not improve the Doagh Road/Monkstown Road junction and the demonstration of a nil net detriment as required of a TA cannot be demonstrated. Contends this should form a reason for refusal.

The overall conclusion of the objections with respect to the design of the highway infrastructure road improvements and the robustness of the TA is that the development proposal fails to comply with the relevant planning policy framework

found in Policy AMP2 'Access to Public Roads' and Policy AMP3 'Access to Protected Routes' of Planning Policy Statement 3 (and associated Clarification).

Policy AMP2 'Access to Public Roads' of PPS 3 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;

- (a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- (b) The proposal does not conflict with Policy AMP3 'Access to Protected Routes' of PPS3.

The policy goes on to state that the acceptability of access arrangements, including the number of access points onto the public road, will be assessed against published guidance and that consideration will be given to a number of other listed factors.

A Policy Clarification document published in 2006 for Policy AMP3 'Access to Protected Routes' states that the number of new accesses onto Protected Routes should be controlled. The B59 Doagh Road is a Protected Route within the settlement limit of Metropolitan Newtownabbey, the relevant part of the policy 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 such a route, where access cannot reasonably be taken from an adjacent minor road.

In accordance with normal arrangements for planning applications that raise highway issues, consultation has taken place with DFI Roads, the body with statutory responsibility for transport matters in Northern Ireland. In assessing the merits of the highway matters associated with this development proposal against the policy framework provided in PPS 3 it is noted that the DFI Roads consultation response has offered no objections to this development proposal subject to the use of planning conditions. In reaching this view DFI Roads has considered all the matters and concerns raised in objections as summarised above.

The detailed nature of the objections to this aspect of the development and the concerns raised regarding the purported merits of the highway infrastructure improvement works are acknowledged. However, it is considered, having regard to the response of DFI Roads, that the new access arrangements and associated infrastructure improvement works will not prejudice road safety nor significantly inconvenience the flow of traffic. It is concluded the proposal therefore complies with criterion (a) of Policy AMP2 and is acceptable in this regard.

Criterion (b) of Policy AMP2 and the provisions of Policy AMP3 in relation to the Protected Route status of the Doagh Road only allows planning permission to be granted for a new access onto a Protected Route within a settlement where that access cannot reasonably be taken from an adjacent minor road. It is noted that the area of land within the ownership and control of the applicant does not extend beyond the application site and as such it is accepted that it would not be reasonable to maintain access to the proposed development through continued use of the existing access fronting the Doagh Road that serves the current Bombardier complex and which historically facilitated access to the Nortel complex. It is also accepted that use of the existing access taken off Cloughfern Avenue accessed from Monkstown Avenue which leads to the rear of the application site and which is

utilised by several other industrial premises in this area would not provide an appropriate or reasonable means of accessing the site. In this context, and again having regard to the consultation response from DFI Roads that offered no objections to the development proposal subject to the use of planning conditions, it is considered that a new access is acceptable in principle and as such it is concluded the proposal complies with criterion (b) of Policy AMP2 and the policy provisions of Policy AMP3 of PPS3.

Overall, it is considered that the developer funded highway infrastructure road improvements proposed have been demonstrated as having a nil net detrimental impact on the local highway network and for the reasons outlined in the TA, which DFI Roads has offered no objections to, are anticipated to bring some additional benefit to the capacity and safety of the Doagh Road/Monkstown Road junction and the nearby Station Road, Doagh Road, O'Neill Road roundabout junction.

In addition, it is considered that an appropriate design, layout and quantity of customer car parking and secure bicycle spaces has been provided for and that the proposal will support a move to more sustainable forms of transport. It is also considered that pedestrian movement in and around the proposed development has been adequately provided for and suitable servicing arrangements facilitated.

For the reasons set out above determining weight in the decision making process is not being attributed to the points of objection made and the development proposal is considered by Officers as being compliant with the relevant policy provisions of the SPPS and PPS3.

Development Layout

The development proposal relies upon the provision of a new roundabout at the junction of the Doagh Road and Monkstown Road to provide access to the proposed food store complex. Upon leaving the roundabout and entering the food store complex customers and service vehicles are separated out as soon as possible with customers being diverted to the main car park area buffering the food store building from the public road. Service vehicles are directed to a dedicated service road abutting the southern boundary of the application site and leading to the rear of the building, which is set towards the eastern boundary. The road access arm from the roundabout is curved, which reduces traffic speeds.

The Petrol Filling Station (PFS) is located approximately 10 metres to the east of the roundabout and accessed internally from the main internal carriageway. The applicant advises that this location is intended to promote the visibility of the PFS and attract passing trade using the adjoining road network. The PFS will be approximately 70 metres away from existing residential development on the western side of the Doagh Road at Hillside View and Cherrylands. The car park serving the development begins approximately 90 metres from these residential properties and the food store is located approximately 80 metres further east.

The public road network contiguous with the western boundary of the application site is at a higher level in the landscape than the main body of the food store complex and this is where the primary views of the proposed development will be available from.

In the Design and Access Statement (DAS) submitted on behalf of the applicant it is stated that a store location towards the rear of the site allows back of house and servicing arrangements to be removed from the frontage of the food store enabling the primary road frontage elevation to be the active frontage accommodating the main customer entrance with areas of glazing serving the café and check out mall.

The design of the food store comprises a modern large format retail building utilising modern materials that includes a mix of cladding and glazing promoting an active frontage orientated towards the public road. The design appearance of the building is considered to be consistent with the recognisable form of retail architecture associated with the provision of a foodstore. Within the DAS the applicant advises that the design of the building is a substantial improvement on the existing building (Nortel) that is falling into a state of disrepair and the perceived improvement in the physical appearance of the application site is also a matter referred to in letters of support for the proposal received by the Council.

The height of the food store building is comparable with the existing Nortel factory building and those of other existing industrial buildings immediately abutting the application site to the east and south and is not considered as impacting the operation of any surrounding development in terms of loss of light or overshadowing.

With respect to the relationship of the proposed food store to the approved residential development located immediately north of and adjacent to the application site, it is noted that the food store building is approximately 6.5 metres in height and 75 metres deep, has no windows in the relevant north facing elevation, and is set back from the common boundary with the residential development by approximately fourteen (14) metres. Approved dwellings in the area of land adjacent to the proposed food store building are positioned to have their gable walls running parallel with the food store. Landscaping associated with the residential development and that proposed in this development proposal will soften the relationship between the extant residential planning permission and the proposed foodstore land uses. It is considered that a reasonable relationship will exist between the dwellings along the common boundary with the food store building and that there will not be any significant adverse impact by reason of overshadowing or overlooking. The potential issue of noise generated by the operation of the food store impacting upon the amenity of proposed residents of the housing development is discussed in the section entitled 'Noise' and set out later in this report.

The acoustic barrier that is to be located to the rear (western edge) of the petrol filling station (PFS) forming part of the development proposal is to be screened by planted elements to help soften its visual appearance in the street scene. The acoustic fence is discussed in more detail under the section entitled 'Noise'. The development proposal includes several other areas of landscaping and these are discussed under 'Landscaping' set out below.

At the eastern corner of this irregularly shaped application site a new water storage and attenuation pond is to be formed, which it is proposed to be surrounded with soft landscaping. Whilst providing a positive 'greening' of the development layout the pond also functions as a SuDS (Sustainable Urban Drainage System) technique that will store and attenuate received surface water run-off. This aspect of the

development is discussed in more detail under the sections entitled 'Land Contamination', 'Open Space' and 'Flood Risk'.

In summary, it is considered that the design and appearance of the proposed foodstore is recognisable as being consistent with standard foodstore retail architecture and the development layout is considered as providing an active frontage to the Doagh Road with servicing arrangements separated out from customer activity and located to the rear of the proposed foodstore. It is considered that the foodstore, in the location proposed and at the indicated height and scale, will not negatively impact the functioning or amenity of other existing and adjoining business operations or proposed residents of the extant residential planning permission located to the immediate north of the application site. For these reasons it is considered that the proposed development is of a suitable quality and is therefore acceptable.

Landscaping

The landscaping scheme submitted seeks to provide a range of varying forms of planting that will assist in framing the proposed development, help it to integrate with the context of the receiving environment and distinguish the proposal from adjoining land uses.

Proposed planting takes several different forms including tree planting, hedgerows, woodland planting and shrub planting, ornamental planting, spot planting and car park tree pits. These varying forms of planting occur at the edges of the application site around the new pond area, within the customer car parking area at the Petrol Filling Station and also on lands beside and within the land take associated with the roundabout and also on lands fronting Hillside View and Cherrylands.

The landscaping scheme seeks to define the edge of the proposed development adjacent to the Doagh Road/Monkstown Road with a low level hedge supplemented with tree planting. This design along the street frontage will help to screen and soften areas of hardstanding associated with the car parking area from passing traffic and existing residential properties to the west. Additional landscaping including tree planting is to be provided at either side of the Petrol Filling Station (PFS) with a hedgerow provided to the rear of the acoustic barrier. This will help to soften the visual appearance of the acoustic barrier and the PFS. In summary, it is considered that the landscaping scheme will enhance the proposed development and improve the visual amenity of the local area when viewed from the adjacent road network and surrounding residential properties.

Landscaping to be provided at the northern and southern boundaries will assist in screening views into the neighbouring sites and in particular provide relief to the residential development granted planning permission to the north and immediately adjacent to the application site. The pond area to be provided at the eastern side of the application site as part of the proposed SuDS scheme is subject to landscape works which will further improve the visual appearance of this area of open water and promote its ecological potential and quality.

Overall, it is considered that the landscaping scheme will positively frame the proposed development, help to 'green' and improve the overall quality of development, promote bio-diversity and assist in defining and separating out the

proposed development from adjoining land uses. For the reasons outlined above the landscaping scheme is considered to be acceptable.

Flood Risk

At the outset of consideration of this matter it should be noted that the lack of a Drainage Assessment (DA) was one of the reasons outlined in the Planning Report for refusal of the earlier mixed use development scheme previously proposed at this site (reference: LA03/2015/0243/O).

To accompany the current application, the applicant has submitted a DA in accordance with the requirements of Policy FLD3 "Development and Surface Water Flood Risk outside Flood Plains" of PPS15 as the application site area is in excess of 1 hectare.

Information set out in the DA identifies that the application site is not affected by the 1% Annual Exceedance Probability (AEP) fluvial flood event or the 0.5% AEP tidal flood event. Small areas of the application site are indicated as possibly being affected by the 0.5% AEP surface water flood event, which has a 1 in 200 or greater chance of being exceeded in any given year. There are no records of flooding in the vicinity of the application site.

At this time the drainage regime serving the existing Nortel complex has no discharge or flow control restrictions or storm water storage facilities. The vast majority of the site at the current time drains northwards to the Three Mile Water in an unrestricted fashion.

The proposed surface water drainage regime serving the development consists of a series of pipes receiving storm water run-off from the customer car park and other hardstanding areas sent to the proposed SuDS (Sustainable Urban Drainage System) scheme storage pond at the eastern side of the application site, which includes a flow rate control device discharging to the Three Mile Water River some 300 metres to the north of the application site. Given that there are currently no restrictions in place for surface water discharge for the existing Nortel complex, a betterment of 30% on the existing off-site flow rate will be provided using on site flood controls and storm water attenuation when compared with the existing discharge rate, which has no discharge restriction.

The SuDS scheme water storage and attenuation pond located at the eastern edge of the application site will be designed and constructed to contain flows for a storm event with a return period of 1 in 100 years, with an allowance of an additional 40% for climate change. The SuDS storage pond will have a storage volume of approximately 1,400 cubic metres, will be 2 metres in height with a maximum water storage depth of 1.7 metres and with a 300mm free board. The flow control apparatus will be provided at the pond outlet to ensure a restricted flow discharge rate of some 564 litres per second, which is comparable with green field run off rates.

It is considered that the limitation on storm water discharge with associated storm water storage has been designed to ensure, so far as possible, that there will not be any increased flood risk to the development or people or property in the downstream catchment as the drainage infrastructure (including the proposed SuDS

pond) has been designed with provision for exceedance and allowance for climate change.

Surface water run-off for all car parking and other hardstanding areas shall pass through a bypass separator prior to discharge to the pond where further treatment will occur prior to this being discharged from the application site.

In its consultation response DfI Rivers indicated that it accepts the logic of the DA with respect to surface water run-off quantities/volumes that are to be contained within the SuDS pond and has no reason to disagree with the conclusions of the DA. DfI Rivers qualify this conclusion by stating that the effectiveness and function of the proposed attenuation method is reliant on the SuDS system being designed in accordance with the correct industry specifications and having a long term maintenance programme in place to ensure its ongoing function. DfI Rivers suggest this matter should be controlled by the Council and a draft planning condition to this effect has been provided should planning permission be granted.

It is considered that the drainage regime serving the development proposal has demonstrated that adequate flood risk measures will be put in place to effectively mitigate potential flood risk at the proposed development site and elsewhere. Consequently, it is considered the proposal complies with the provisions of Policy FLD3 of PPS15 and the relevant policy provisions of the SPPS.

Whilst the application site is recorded as lying within an area of potential inundation from NIW's Whiteabbey Lower Reservoir, DfI Rivers has stated that Policy FLD5 'Development in Proximity to Reservoirs' is not applicable to the consideration of this development proposal.

Noise Impact

As the application submitted seeks permission for the proposed foodstore to operate on a 24 hour basis Monday to Saturday and on 24/7 basis for the proposed Petrol Filling Station it is important to consider noise impact associated with the proposal.

Advice set out in Annex A of the Strategic Planning Policy Statement for Northern Ireland (SPPS) is entitled "Managing Noise and Improving Air Quality". It states that the planning system has a role to play in minimising the potential for adverse impact upon human health and well-being through noise, by means of its influence on the location, layout and design of new development and consideration of the amenity impacts. The SPPS goes on to advise that in managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise and that planning authorities should seek to reach balanced decisions that consider noise issues alongside other relevant material considerations including the wider benefits of the particular proposal. The Noise Policy Statement for Northern Ireland published by DoE Planning in September 2014 is also a relevant guidance document. Through the effective management and control of environmental, neighbour and neighbourhood noise the Noise Policy Statement aims to:

1. Avoid or mitigate significant adverse impacts on health and quality of life.
2. Mitigate and minimise adverse impacts on health and quality of life; and
3. Where possible, contribute to the improvement of health and quality of life.

In support of the planning application the applicant has submitted a Noise Impact Assessment (NIA) addressing such matters as road traffic noise levels, fixed plant equipment, the packaging compactor, lorry deliveries, car parking, and use of the petrol filling station (to include the jet wash and vacuum unit) as well as fuel deliveries.

The NIA has identified three locations as being the nearest and most affected residential property noise sensitive receptors (referred to hereafter as the three identified sensitive receptor locations). These are;

- (a) Dwellings opposite the site on the Doagh Road in and around the entrance to Hillside View.
- (b) At the front of dwellings granted planning permission on lands at the northeastern side of the proposed foodstore; and
- (c) To the rear of dwellings granted planning permission on lands to the north of the customer car park for the food store.

The Council's Environmental Health Section has offered no objections to the locations identified by the applicant as being the nearest and most affected sensitive receptor locations nor has it suggested that additional locations should be considered.

With respect to fixed plant equipment the NIA comments that no details of the specific plant equipment to be used or their locations are available at this time, but that the assessment of fixed plant has been applied to a generic design for the stated size of the proposed foodstore. For the purposes of the NIA fixed plant equipment is described as being located on the roof of the food store comprising refrigeration packs, air handling units, condensing units and extraction fans. To provide a robust assessment the NIA has assumed that all items of plant equipment will operate simultaneously during their operating periods.

The findings of the assessment are that the cumulative attenuated plant rating noise levels may marginally exceed the target rating noise level but that this will depend on the final equipment specification and selection and their locations. It is stated that screening may be required for some of the refrigeration packs in order to achieve the target noise levels at the receptor positions. The conclusion of this part of the report is that when final equipment specification and selection and their locations are available, an assessment of the fixed plant equipment will be completed and attenuation proposed to ensure that the existing background noise levels at the three receptors are not exceeded. The NIA also concludes that after the store has been trading for three months, a follow up survey is to be carried out and a noise report submitted to the Council to demonstrate that the cumulative sound rating levels from the food store do not exceed the target rating levels at the identified sensitive receptor locations.

In its consultation response the Council's Environmental Health Section has indicated no objections to the methodology, findings and conclusions of the NIA with respect to these matters and recommended a series of noise attenuation based planning conditions should planning permission be granted.

With respect to the food store packaging compactor, the conclusions of the NIA are that the target noise levels would not be exceeded at any of the three identified sensitive receptor locations during either the day or night and that for this reason the compactor can operate without mitigation on a 24 hour basis all year round.

With respect to noise associated with delivery lorries attracted to the food store the NIA indicates that these will be below the existing noise climate ranges and that the World Health Organisation (WHO) night time noise criteria will not be exceeded at any of the identified sensitive receptor locations. As a consequence it concludes that no mitigation is therefore required.

The NIA states that the main car parking activity to be considered includes vehicle arrivals and departures, together with associated noise events due to the closing of car doors and, to a lesser degree, trolley movements. The NIA concludes that the WHO night time noise criteria is not exceeded at any receptor position and that the highest predicted noise level is below the existing noise climate during the night at any receptor position. No mitigation is therefore required.

With reference to the potential noise impacts of delivery lorries and customer car parking activity set out above, the NIA concludes that the proposed foodstore can operate on a 24/7 basis without the need for mitigation.

With respect to the Petrol Filling Station (PFS) and excluding the operation of the Jet Wash and Vacuum Unit and the impact of delivery lorries discussed below, the main activities assessed in the NIA are similar to those within the car park, namely the arrival and departure of vehicles and associated noise events due to closing of doors and engine start up. The conclusions of the NIA with respect to these matters is that the WHO night time noise criteria is not exceeded at any noise sensitive receptor position and the PFS, excluding the operation of the Jet Wash and Vacuum Unit, can operate 24 hours a day all year round without the need for noise mitigation measures.

With respect to the Jet Wash and Vacuum Unit located at the PFS the NIA identifies that the Jet Wash noise rating levels would have a significant adverse impact upon noise sensitive receptors on weekdays between 23:00 – 06:00 hours and between 23:00 – 07:00 hours on a Sunday. Regarding the vacuum unit the NIA states that a mix of impacts (significant adverse/adverse/low-adverse) upon noise sensitive receptors would occur on weekdays between 22:00 – 06:00 hours and on a Sunday between 22:00 – 09:00 hours. The conclusion of the NIA is that the Jet Wash and Vacuum Units should be time restricted in their use to between 07:00 – 22:00 hours Monday to Saturday and 09:00 – 22:00 hours on Sundays.

As an additional form of mitigation the NIA proposes to introduce an acoustic fence some 2.4m in height along the road side boundary of the PFS fronting the Doagh Road to reduce the noise levels to receptor position A (Hillside View area). The construction details of the acoustic fence, including materials and height, are provided in the NIA. In the event that planning permission is granted the design and construction of the acoustic fence and associated landscaping can be controlled through the imposition of relevant planning conditions.

With respect to fuel lorry deliveries the assessment provided by the NIA includes noise generated by the arrival of the lorry, the filling operation and lorry departure. Tanker 'pass-by' noise has also been included.

The information provided identifies that an adverse impact to receptor A (Hillside View area) will occur on weekdays between 23:00 – 06:00 hours and on a Sunday between 06:00 – 07:00 hours. At receptor C (between the proposed foodstore and the extant residential development to the north of the application site) an impact will occur on weekdays between 23:00 – 06:00 hours. Notwithstanding these conclusions the NIA recommends that tanker deliveries are restricted to 07:00 – 22:00 hours on all days of the week.

With reference to road traffic noise generated by the development proposal the NIA concludes that the foodstore would increase road traffic noise on the road network by no more than +1dB approximately and that this would have a negligible impact on the amenity of resident receptors fronting the road network. The NIA concludes that no mitigation is required in this respect.

The Council's Environmental Health Section (EHS) has offered no objections to the methodology, findings and conclusions provided in the NIA. It is therefore considered that the noise generating activities set out above will either not cause a significant adverse impact to the amenity of those living in identified sensitive receptor locations or can otherwise be successfully mitigated against. For these reasons the proposal with respect to noise generating activities is considered acceptable and there is nothing from a noise perspective that would preclude the proposed foodstore and PFS, excluding the Jet Wash and Vacuum Unit, operating on a 24 hour basis. EHS has recommended a number of draft planning conditions relevant to the required mitigation techniques to be used in the event that planning permission is granted.

In summary, taking account of the guidance contained within the SPPS and the 'Noise Policy Statement for Northern Ireland' and the response provided by the Council's Environmental Health Section (that recommends use of relevant planning conditions), the proposal is considered to be acceptable with respect to noise impacts.

Odour/Air Quality

The applicant has submitted a Statement of Odour Control (SOC) for the proposed food store in support of the development proposal.

It is identified that there will be three areas where food preparation will take place; the customer coffee shop, which comprises 112 sq.m of net retail floorspace, a deli area and a bakery. The statement outlines that;

- It is unnecessary to provide mechanical extraction for the customer coffee shop.
- It is possible that mechanical extraction is required for the deli area; and
- Mechanical extraction is required for the bakery area.

The SOC concludes that given the low risk of odour from the products being prepared and the elevated position of the mechanical extraction discharge points on the roof of the proposed foodstore, no odour nuisance to local residents (existing or proposed) is likely to occur and consequently no mitigation is required.

In its consultation response the Council's Environmental Health Section offered no objections to the findings or conclusions of the SOC. It is therefore considered that odours generated by activities within the foodstore will not cause an unacceptable adverse residential amenity impact to nearby identified sensitive receptors, that no mitigation is required and consequently that the proposal is acceptable in this regard.

Lighting

An External Lighting Report has been submitted in support of the development proposal. It seeks to demonstrate how the design of the external lighting scheme has been prepared to provide a safe and secure car park area whilst minimising the potential impact on adjoining properties, in particular nearby residential units existing and proposed.

The report comments that the luminaires have been strategically placed such that the selected design solution meets with standards associated with a suburban location of 'medium district brightness' and that care has been taken to ensure that light and glare to and around the application site boundaries are reduced as far as possible.

The report concludes that no luminaires are directed towards any residential area in order to ensure no loss of amenity caused by light and glare. The report also comments that the provision of landscaping at the application site boundaries has not been accounted for and that this will serve to further reduce any potential external lighting impact.

In its consultation response the Council's Environmental Health Section (EHS) commented that the highest value of illumination falling onto the facades of the properties most likely to be affected by artificial light from the proposed development will not exceed the '2 Ev' post-curfew limits nor the '10 Ev' pre-curfew limits. The EHS therefore has offered no objection to this aspect of the development proposal. For the reasons set out above it is considered that the proposed external lighting scheme will not cause an unacceptable adverse residential amenity impact upon nearby sensitive receptors and is therefore acceptable.

In the event that planning permission is granted the details of the proposed lighting scheme can be controlled through the imposition of relevant planning conditions.

Land Contamination and Water Quality

An Environmental Site Assessment and Generic Quantitative Risk Assessment, an associated Remediation Strategy and an Outline Construction Environmental Management Plan have all been submitted in support of the application.

It is noted that the consultation response from DAERA: Land, Soil and Air Section indicated that the GQRA submitted on behalf of the applicant was prepared in 2015 and recommended a planning condition for this to be updated to reflect any changes in land use since it was produced. However, the Council is content that no land use change has occurred in the intervening period and as a consequence it is considered the findings of the GQRA as submitted remain valid.

Given the nature of the uses previously undertaken at the former Nortel factory complex the Generic Quantitative Risk Assessment (GQRA) has identified a number of potential sources of soil and groundwater contamination as well as fill materials and fuel storage. Elevated levels of methane and carbon dioxide were detected during the study with the main pollutants identified being some areas of asbestos in shallow soil and ground gas. Additional sources of contamination are described as including the presence of hydrocarbons (oil) in residual water contained within service duct manholes and bunds provided to oil storage tanks. These constitute the unwanted by-products of the former industrial use with the potential to pollute air, land and water and thereby impact human health and the environment.

The application site is hydrologically connected to the Three Mile Water River and in turn the Belfast Lough RAMSAR/Special Protection Area, Belfast Lough Open Water Special Protection Area and the East Coast Marine proposed Special Protection Area.

The migration of pollutants in soil or towards watercourses identified in the GQRA has the potential to have a significant adverse impact on human health, flora and fauna and the integrity of European Protected Sites. The GQRA advises that there is potential for suspended sediments or pollutants to enter surface waters leading to the degradation of habitats within the designated sites through the excavation and storage of soils and other works undertaken at the construction stage, and run-off of polluting substances from hardstanding areas at the operational stage of development. The GQRA concludes that the effects of such events can be significant and recognises that mitigation is therefore required to prevent it from occurring.

With respect to the mitigation of asbestos, the Remediation Strategy (RS) submitted proposes that the areas of land identified as being contaminated with this pollutant will be removed and replaced with imported 'clean' soil. A protective capping layer is to be placed underneath all landscaped areas in order to minimise the potential impact to human health due to the risk of ingestion or dust inhalation during both the construction and operational phases of proposed development. With respect to detected on-site gas concentrations the RS proposes a protective layer to be placed underneath the food store floorplate to minimise the risk of inhalation of ground gases.

With reference to potentially contaminated surface water run-off during the operational phase of development the RS stated that a by-pass separator will be utilised prior to surface water run-off reaching the SuDS attenuation pond and prior to leaving the site.

The RS also advises that the hydrocarbon (oil) contamination in service duct manholes and in historic bunds will be addressed as these are decommissioned in accordance with recognised construction industry standards during site preparation works in order to prevent contamination of the surrounding soils and groundwater.

Should any previously unidentified contamination be identified during the construction stage, necessary mitigation will be dependent upon site requirements and subject to advice from appropriately qualified professionals to be agreed with the Council in consultation with Department for Agriculture, Environment and Rural

Affairs. In the event that planning permission is granted the details of the proposed remediation of the areas of contaminated land can be controlled through the imposition of relevant planning conditions.

The outline Construction Environmental Management Plan (oCEMP) submitted with the application details the environmental monitoring and mitigation measures that are to be implemented during construction works to minimise potential impacts on environmental receptors. The package of mitigation measures contained within the document will form part of the contract requirements to be placed upon the principal contractor once appointed.

Examples of the proposed mitigation measures include, but are not limited to: foul sewage connection to NI Water infrastructure, grease traps to serve kitchen areas, safe oil storage with secondary containment units, the use of oil separators in the surface water drainage systems, the use of SuDS, techniques for dealing with protected species during construction activities, well maintained, sound attenuated plant and equipment, weekly site walkovers for visual signs of dust deposition, avoidance of potentially polluted site water run-off, use of covered skips, soil capping layer to mitigate asbestos, checks on excavation surfaces for signs of previously unrecorded contamination, decommissioning of historic bunds and ground gas protection measures.

In addition to the construction phase, the oCEMP refers to the surface water drainage management plan contained within the Drainage Assessment with the aim of highlighting the measures that will be employed to provide protection for the water environment during the operational phase of the project.

Shared Environmental Services (SES) acts on behalf of the Council in undertaking consideration of proposals against the provisions of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In its consultation response on the development, SES has indicated that having considered the nature, scale, timing, duration and location of the project, the proposal is unlikely to have an adverse effect on the integrity of any European site subject to the use of relevant planning conditions.

The Council's Environmental Health Section and DAERA: Land, Soil and Air Section have both indicated no objections to the development in relation to land contamination and water quality issues arising subject to the use of relevant planning conditions with respect to remediation measures (to include the provision of validation and verification reports) to ensure that there are no unacceptable risks to environmental receptors.

DfI Rivers has commented that the effectiveness and function of the proposed attenuation pond is reliant upon the SuDS system being designed in accordance with industry specifications and having a long term maintenance programme in place to ensure its ongoing function. A long term maintenance programme for the attenuation pond is included at Appendix G of the Drainage Assessment. In the event that planning permission is granted, and in addition to the need for contaminated land remediation conditions, it is considered that the details of the proposed management programme for the SuDS attenuation pond can be adequately controlled through the imposition of relevant planning conditions.

In summary, it is considered that appropriate mitigation measures can be brought forward through the use of relevant planning conditions to deal with anticipated land contamination and water quality issues likely to arise in association with the proposed development. In these circumstances it is concluded that the proposal is not likely to cause any demonstrable harm with respect to land contamination, water quality or impacts on human health that would warrant withholding a grant of planning permission.

Natural Heritage

An Ecological Report (ER) and a clarification document have been submitted by the applicant in support of the proposal to address potential impacts of the development on natural heritage interests, including protected species. The ER incorporates an extended Phase 1 Habitat Survey which includes consideration not only of the site itself, but also of lands adjacent to its boundaries and it contains information on the potential for habitats to support species protected by law or other features of natural heritage importance.

With respect to bats the ER comments that there are only three buildings present within the confines of the application site that were considered as possibly being suitable for bat roosts. However, all are identified in the report as having low potential for bat roosting and no bats were observed entering or leaving the buildings during the survey period.

In relation to the existing pond (which is fenced off) and the adjacent wooded area that are located at the eastern side of the application site the ER indicates that this area is of ecological value at a local level only. The report comments that the removal of trees at this location to facilitate the development will not result in the loss of any bat roosts, but acknowledges that this will decrease foraging opportunities resulting in a minor adverse ecological effect. However, it is indicated that this low level effect does not require mitigation and that the landscaping proposed will promote new foraging opportunities during the lifetime of the operation of the proposed development. As a result, the ER concludes that there will be no significant effect on bats.

With respect to Otters and Smooth Newts the ER comments that there was no evidence of activity by these species on the application site and for this reason no mitigation is required as no impact will occur.

With respect to Badgers the ER comments that no setts were recorded within the confines of the application site, which is described in the report as offering limited foraging habitat for badgers. It is indicated in the report that although the construction phase may have a temporary displacement effect on any foraging Badgers in the locality this is a minor adverse effect and mitigation is not required.

Both wintering and breeding birds were observed within or in flight over the survey area however no species of interest were recorded using the site. The ER comments that whilst the proposed development may have a temporary displacement effect on wintering birds any potential effect would only result in a minor adverse impact and as a consequence no mitigation is required. With respect to nesting birds the ER acknowledges that the removal of the vegetation at the site would cause the loss of

an area for wild birds valued at a local level in the breeding season. These effects are described in the report as having a moderate adverse impact requiring mitigation. The mitigation proposed relates to the landscape scheme submitted and includes a range of varying forms and types of planting to include trees, shrubs, hedgerow and ornamental planting. This landscaping will provide for nesting opportunities for local populations of wild birds during the operational phase. The report concludes that given this form of mitigation there will be no significant effect upon wild birds.

In its consultation response the Department for Agriculture, Environment and Rural Affairs: Natural Environment Division (NED) commented that it is content that no species or habitats under the protection of national and international law have been identified on the application site and that the provisions of Policy NH5: Habitats, Species or Features of Natural Heritage Importance of PPS2 and the provisions of the Strategic Planning Policy Statement relating to natural heritage interests are not engaged. DAERA: NED comments that it also welcomes the compensatory measures proposed for the loss of woodland habitat and the existing pond.

As noted in the 'Land Contamination and Water Quality' section of this Report, Shared Environmental Services has indicated that having considered the nature, scale, timing, duration and location of the project, the proposal is unlikely to have an adverse effect on the integrity of any European site subject to the use of relevant planning conditions.

For the reasons set out above it is considered that the proposal will not have an unacceptable adverse impact on, or damage to, habitats, species or other features of natural heritage importance. The proposal is therefore considered to comply with the relevant provisions of the SPPS and PPS2 and is acceptable in these regards.

Open Space

The existing recreational area at the eastern side of the application site includes an area of woodland and a pond that was previously used by the employees of the Nortel factory. It is considered this area falls within the definition of open space as set out in Annex A of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation. The policy provisions of the SPPS with respect to open space and Policy OS1 'Protection of Open Space' of PPS8 are therefore relevant to the assessment of this development proposal.

With reference to the typology of open spaces of public value set out in the annex it is considered that this portion of the application site is both an amenity green space given its role as an informal recreation space, and a semi-natural urban green space as it includes a wooded area and a pond.

Policy OS1 of PPS8 introduces a general presumption against development that would result in the loss of existing open space irrespective of its physical condition or appearance subject to certain exceptions.

One of the exceptions listed in the Policy is that development will be permitted for an area of open space of 2 hectares or less where it is demonstrated that the loss of the open space in question will have no significant detrimental impact on the amenity, character or bio-diversity of the area and alternative provision is made by the

developer which is at least as accessible to current users and at least as equivalent in terms of size, usefulness, attractiveness, safety and quality.

The existing open space area located at the eastern side of the application is not a public amenity space, rather it exclusively served the employees of the now defunct Nortel factory, which is located within the Monkstown Industrial Estate. This area is currently fenced off and no access to this area is achievable. It is located towards the rear of the Nortel complex and there are only transient views of the tops of some of the existing woodland trees when travelling along the Doagh Road and the Monkstown Road. As a consequence, it is considered that the removal of this area of open space will not have a significant detrimental impact on the character or visual amenity of the locality from these transient viewpoints.

Cloughfern Avenue is accessed from Monkstown Road and leads towards the southeastern corner of the application site where it is acknowledged there are better views of the existing trees achievable and as such their removal will be notable in visual amenity terms from this vantage point. Notwithstanding the impact of the loss of trees in visual amenity terms from this vantage point it is noted that Cloughfern Avenue as a public road effectively becomes a dead end as it leads towards several industrial complexes and into and through the Nortel complex and is not used as a means of pedestrian or vehicular access by members of the public. As such, this is considered as decreasing the significance of the impact in visual amenity terms of the loss of these trees from this vantage point. It is also considered that the removal of the existing open space area and the provision of a new storage pond SuDS technique and qualitative new landscaping will have a number of positive characteristics.

The development proposal seeks to introduce a drainage regime that will discharge water in an attenuated and controlled fashion at green field run off rates, which would have a positive benefit to the environment and water quality whilst also reducing the potential for downstream flooding issues to occur to land and property. The existing small pond will be replaced by a storage pond SuDS technique some three times larger in size causing there to be no long term loss of this privately accessible water feature and will, during the operational phase of the development, provide positive ecological and amenity value. Although the short walking routes for the use of staff of the former Nortel complex in and around the existing pond would be removed these were only privately accessible and not available to members of the public, which removes the wider public value of this space for promoting health and well-being. In addition, it is noted that the areas around the new pond will be available for use by the staff of the proposed foodstore if they choose to do so and the new and enlarged pond and its landscaped embankment structure will provide visual amenity value around this reconfigured and overall enlarged area of proposed open space. Qualitative new landscaping is proposed in and around this area that will not only enhance the visual amenity of this open space area but will in due course create a local area of habitat for birds and other forms of wildlife. As noted above, DAERA Natural Environment Division has offered no objections in ecological terms to the removal of the existing pond and trees and has welcomed the works proposed comprising the SuDS pond and associated landscaping scheme as it will assist in compensating for the loss of woodland habitat.

For the reasons set out above it is considered that the provision of the new storage pond SuDS technique and associated qualitative landscaping will adequately compensate for the loss of the existing open space area. There will be no significant detrimental impact on the amenity, character and bio-diversity of the area. The new area will be accessible to members of staff of the proposed foodstore and is at least equivalent in terms of size, usefulness, attractiveness, safety and quality when compared to the existing area of open space. It is considered the exception to the presumption against the loss of open space set out in Policy OS1 of PPS8 is met and that the proposal is therefore compliant with the relevant policy provisions of the SPPS and PPS8.

Socio-Economic Matters

The SPPS indicates that a key dimension of sustainable development for Northern Ireland is economic growth and that this requires the planning system to, amongst other things, support job creation and aid economic recovery for the benefit of all our people. In addition, the SPPS comments that planning authorities should take a positive approach to appropriate economic development proposals and should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when taking decisions.

With regards to the socio-economic benefits associated with the proposed development, and as previously noted, the applicant has indicated that the proposal will have various direct and in-direct benefits during both the construction and operational phases.

During the construction phase the applicant anticipates the creation of 100 construction jobs, whilst once the development is operational 258 full time equivalent in-store jobs will be created, generating £4.37 million pounds in salaries and with at least a further 11 jobs supported in other local businesses.

It is indicated that the proposal will generate £11 million in gross value added per annum (to the Northern Ireland Gross Domestic Product) and £275,000 in business rates per annum equating to £5.8 million over a 20 year period. The applicant advises that the capital investment associated with the proposal is £17.5 million.

It is acknowledged that the redevelopment of this brown field site will afford positive long term socio-economic benefits to both Metropolitan Newtownabbey and the wider Council area and therefore this is a matter that weighs significantly in favour of the proposal.

Other Matters

A point of objection refers to the likely traffic disruption on the Doagh Road/Monkstown Road that would be associated with the carrying out of the development proposal. While it is accepted that roadworks associated with this development proposal will take some time to complete, DFI Roads has recommended a planning condition requiring the submission of a Traffic Management Plan from the developer to minimise the impact to traffic flows on the local road network during the construction phase. In a development of this type some disruption is to be expected for a temporary period and as a consequence, it is considered that determining weight should not be afforded to the point of objection as made.

An objection received from No. 11 Cherrylands states that a small area of garden at the front of that property will be required to widen the road for the roundabout proposed. Certificate C of the Planning Application Form has been completed with the requisite notice being served upon DfI Roads. Both DfI Roads and the applicant have confirmed that they are content that no third party lands beyond the public road system are required to facilitate this development proposal. The applicant has also confirmed that he is content that there is no need to update the list of persons for whom the requisite notice should be served upon. With reference to the Private Streets Determination drawing it is clear that no third party lands in the ownership of private individuals are shown as being required to facilitate this development proposal. As a consequence, determining weight in the decision making process is not being attributed to the point of objection as made.

The objection from No. 11 Cherrylands also comments that the development proposal will negatively impact property values. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application.

In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence, there is no certainty that this would occur as a direct consequence of the proposed development nor would there be any indication that such an effect in any case would be long lasting or disproportionate. Accordingly, no determining weight is being afforded to this point of objection.

With reference to the site layout drawing it is noted that an area of land located to the northwestern corner of the application site and adjacent to the Monkstown Road is indicated as a 'Potential future Dev Site'. The assessment of the current development proposal does not include consideration of the development of this land as any future development potential it may possess can only be assessed through the submission of a separate planning application to be determined on its individual merits.

The drawings detailing the elevation treatment of the proposed foodstore include the wording ASDA, which is considered to be an advertisement. The lawful display of advertisements is dealt with via a separate legislative consenting regime (the Advertisement Regulations) and cannot be considered or consented to in the context of a planning application. No determining weight in the decision making process is attributed to the presence of the wording 'ASDA' on the elevations of the proposed building. Where necessary a separate application for advertisement consent would be required.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- In relation to retail impact the relevant policy provisions of the SPPS with respect to the town centre first approach including tests associated with sequential site selection, retail impact and need have been broadly met and for this reason it is considered the foodstore development proposed is acceptable

- The proposal meets the relevant policy provisions of the SPPS and PPS4 and offers demonstrable benefits that it is considered outweigh the loss of the existing industrial/business use of the site.
- The design appearance of the foodstore and petrol filling station are acceptable and it is considered that the development layout will not have an adverse impact on the functioning or amenity of existing adjoining businesses in the industrial estate or nearby residents, including future residents of the approved residential development on lands to the immediate north of the application site.
- The design and layout of the developer funded highway infrastructure road improvements, vehicular and pedestrian access arrangements, provision of car parking are considered to be acceptable.
- The landscaping scheme will improve the quality of the overall development, help promote bio-diversity and assist in defining and separating out the proposed development from adjoining land uses.
- Flood risk measures are proposed that will effectively mitigate potential flood risk at the proposed development site and elsewhere.
- Noise impacts associated with the development will either not cause a significant adverse impact to the amenity of those living in identified sensitive receptor locations or can otherwise be successfully mitigated against.
- Odours generated by activities occurring within the foodstore will not cause an unacceptable adverse residential amenity impact to nearby sensitive receptors.
- The proposed external lighting scheme will not cause an unacceptable adverse residential amenity impact upon nearby sensitive receptors.
- Appropriate mitigation measures are proposed to deal with land contamination and water quality issues anticipated as a consequence of the redevelopment of the site.
- The proposal will not have an unacceptable adverse impact on, or cause damage to habitats, species or other features of natural heritage importance.
- The provision of the new storage pond SuDS technique and associated qualitative landscaping will compensate for the loss of the existing open space area.
- There are no objections from consultees.
- All letters of representation received have been considered throughout the assessment of this development proposal.
- In conclusion, the principle of the development has been established as the redevelopment of this area of existing employment/industrial land with a retail foodstore has been found to be acceptable for the reasons outlined above.

RECOMMENDATION	GRANT PLANNING PERMISSION
-----------------------	----------------------------------

RECOMMENDATION	GRANT PLANNING PERMISSION
-----------------------	----------------------------------

PROPOSED 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 gross external area of the foodstore building hereby permitted shall be 6,476 square metres and the gross internal area of the foodstore shall be 6,415 square metres, as identified in drawing 04/2, date stamped received 27th January 2020

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

3. The net retail floor space of the sales and display area associated with the foodstore building hereby permitted shall be 3,716 square metres and shall provide no more than;
 - (a) 2,601 square metres (70% of the net retail floorspace) for the sale of convenience goods.
 - (b) 1,115 square metres (30% of the net retail floorspace) for the sale of comparison goods.

Reason: To enable the Council to retain control over the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres and to ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. The floor space of the ancillary foodstore café hereby permitted shall measure 112 square metres when measured internally.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site.

5. No internal operations, including the construction of mezzanine floors, shall be carried out at the foodstore building hereby permitted to increase the gross floorspace available without the express grant of planning permission by the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of retailing activity and ancillary uses to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

6. The foodstore building hereby permitted shall not be sub-divided into independent or separate retail units without the express grant of planning permission from the Council.

Reason: To enable the Council to exercise control over the nature, range and scale of the retailing and ancillary uses to be carried out at the site and to ensure compliance with the objectives and policies for retailing and town centres.

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that Order) the buildings hereby permitted shall only be used for the purpose specified in the application and for no other purpose (including any other purpose in Class A2: Financial, Professional and Other Services) of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 without the express grant of planning permission from the Council.

Reason: To enable the Council to retain control over the use of the site so as not to prejudice the continued vitality and viability of existing retail centres and in the interests of the residential amenity of existing and future residents in the locality of the application site.

8. 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 number: 129/1 date stamped 27th January 2020.

Reason: To ensure there is a safe and convenient road system within the development.

9. No other development hereby permitted shall be commenced until a contract has been let for the roadworks indicated on drawing number: 129/1, date stamped received 27th January 2020 (including the works necessary for the improvement of a public road as edged blue on this drawing) and the foodstore and petrol filling station hereby permitted shall not become operational until the aforementioned road works have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time and to ensure there is a safe and convenient road system to serve the development.

10. No development hereby permitted shall become operational until detailed engineering drawings for the proposed road improvements at the Doagh Road, Station Road and O'Neill Road Junction have been submitted to and approved in writing by the Council, in consultation with the Department for Infrastructure Roads, and are fully completed in accordance with the plans as approved.

Reason: To ensure that the proposed development is properly coordinated and constructed in the interests of road safety and convenience of road users.

11. Prior to the commencement of any element of road works hereby permitted, a detailed programme of works and any required or otherwise associated traffic management proposals shall be submitted to and approved in writing by the Council, in consultation with the Department for Infrastructure Roads, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

12. No development hereby permitted shall become operational until full details of the Road Safety Audit process for the road improvements associated with the development has been completed in accordance with the requirements of the Design Manual for Roads and Bridges and submitted to and approved in writing by the Council in consultation with the Department for Infrastructure Roads.

Reason: To provide assurance that all necessary safety requirements will be adhered to.

13. The surface water drainage regime shall be maintained in accordance with the details identified within Appendix G "Surface Water Drainage Maintenance Plan" contained within the Drainage Assessment, Doc 07/1, date stamped received 23RD November 2018.

Reason: The effectiveness and function of the proposed attenuation method is reliant on the SuDS system being designed in accordance with the correct industry specifications and having a long term maintenance programme in place to ensure its ongoing function and reduce the risk of the development being flooded or exacerbating flooding elsewhere.

14. No fuel tanker deliveries shall be made to the Petrol Filling Station hereby permitted between the hours of 22:00 – 07:00 on any day.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

15. The operational hours of the Jet Wash and Vacuum Units associated with the Petrol Filling Station hereby permitted shall be limited to the following hours: 07:00 – 22:00 Monday to Saturday and 09:00 – 22:00 hours on a Sunday.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

16. Prior to the commencement of operations for the development hereby permitted an acoustic fence shall be erected in the position indicated edged red in "Site Plans" on page 5 of the "Addendum Report to Environmental Noise Survey Report and Noise Impact Assessment", Doc: 29, date stamped received 19th June 2019, or as otherwise agreed in writing with the Council.

The height of the fence will be 2.4m or as otherwise agreed in writing with the Council as being of a sufficient height to provide line of sight protection to the upper floor windows of the two storey properties at receptor position 'RPA' as identified on page 6 of Doc: 29.

The acoustic fence will be of timber construction comprising a minimum of 20mm thick interlocking 'Vee' boards and a minimum superficial mass of 12 kg/sqm with timber capping, counter rails and bottom board part buried as gravel board. The rear face will have an absorbent liner covered with a protective membrane as described in paragraph 6 on page 9 of that document.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

17. The cumulative noise levels of all noise generating sources associated with the development hereby permitted shall not exceed the target rating noise levels identified within the "Cumulative Noise Levels" table of the "Addendum Report to Environmental Noise Survey Report and Noise Impact Assessment", Doc: 29, date stamped received 19th June 2019.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

18. Within three months of the date of the development becoming operational, or at any other time as requested in writing by the Council, a Noise Impact Assessment shall be undertaken and submitted to the Council for its approval in writing.

This noise impact assessment shall measure and report the cumulative noise impact rating level of all noise generating sources associated with the development permitted at nearby noise sensitive dwellings when measured and assessed in accordance with British Standard 4142:2014.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

19. If, as a result of the findings of the Noise Impact Assessment required by condition 18, there is a requirement to provide noise mitigation measures to achieve the target rating noise levels required by condition 17, these measures shall be submitted to and approved in writing by the Council.

Any noise mitigation measures identified as being required following the development becoming operational shall be put in place within a timeframe to be agreed in writing with the Council and shall be maintained for the lifetime of the development.

Within one month of the completion of any mitigation measures as may be required, a noise impact assessment shall be undertaken and submitted to the Council for its approval in writing.

This Noise Impact Assessment shall measure and report the cumulative noise impact rating level of all noise generating sources associated with the development hereby permitted at nearby noise sensitive dwellings when measured and assessed in accordance with British Standard 4142:2014.

Reason: In order to protect the amenity of nearby noise sensitive receptor residential properties.

20. The development hereby permitted shall not become operational until the remedial works detailed within the "Remediation Strategy 229-233 Doagh Road, Newtownabbey", Doc: 20, date stamped received 13th December 2018, have been fully implemented and verified to the satisfaction of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

21. There shall be no amendments or deviations from the proposed remedial works and the validation and verification details contained within "Remediation Strategy 229-233 Doagh Road, Newtownabbey" Doc: 20, date stamped received 13th December 2018, without the prior written approval of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

22. Prior to the commencement of operations of the development hereby permitted, a 'Verification Report' describing all the remediation and monitoring works undertaken by the developer shall be submitted to and approved in writing by the Council.

The Verification Report shall demonstrate the effectiveness of the works undertaken by the developer in managing and remediating all the risks posed by contamination.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

23. If new contamination or risks are encountered during the development works, which have not previously been identified, all development shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council.

The Remediation Strategy shall be implemented and verified to the satisfaction of the Council.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

24. After the completion of any remediation works required under Condition 23 and prior to the commencement of operations of the development hereby permitted, a Verification Report shall be submitted to and approved in writing by the Council.

The Verification Report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The Verification Report shall present all the remediation and monitoring works undertaken by the developer and shall demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: In order to protect environmental receptors and to ensure the site is suitable for use.

25. The details of the landscape scheme indicated in drawing ref: 10/2 'Landscape Proposals', date stamped received 29th October 2019, shall be implemented no later than the first planting season after the development hereby permitted becomes operational and in accordance with a programme of works to be submitted to and approved in writing by the Council.

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

26. 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 approval to any variation.

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

27. Prior to the development hereby permitted becoming operational, a landscape management and maintenance plan shall be submitted to and approved in writing by the Council.

The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

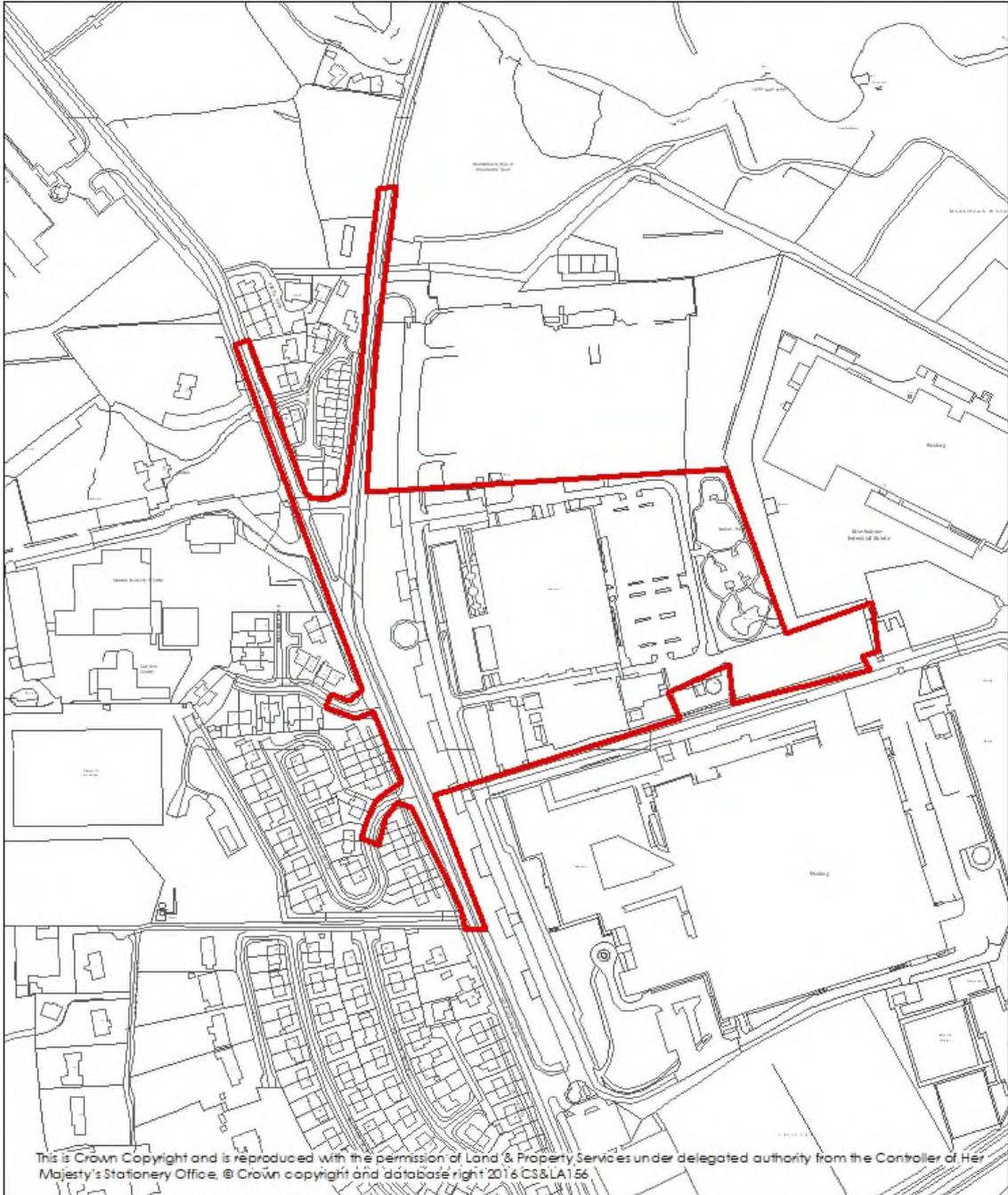
Reason: To ensure successful establishment and ongoing management and maintenance of all landscaped areas in the interests of the visual amenity of the development.

28. A final Construction Environmental Management Plan, agreed with the appointed contractor, and incorporating a Construction Method Statement, shall be submitted to and approved in writing by the Council at least eight weeks prior to any works commencing.

This must identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified.

The final Construction Environmental Management Plan shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the identified mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation during construction works in order that there are no adverse impacts on the integrity of the Belfast Lough Ramsar/SPA, Belfast Lough Open Water SPA and the East Coast marine Proposed SPA.



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2016 CS&LA156

Location Map

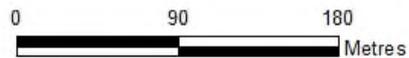
Application Reference: LA03/2018/0842/F

Location: 229-233 Doagh Road

Monkstown Industrial Estate, Newtownabbey

Proposal: Class A1 Foodstore and associated eight-bay Petrol Filling Station, Click-and-Collect facility, access from Doagh Road

facilitated by new roundabout to replace Doagh Road and Monkstown Road junction; and off-site road improvement works at Doagh Road/ Station Road/O'Neills Road junction



For Information Only



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2020/0656/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	2 no. new infill dwellings and garages
SITE/LOCATION	Between 63 and 67 Craigstown Road, Randalstown.
APPLICANT	Kevin & Dominica Byrne
AGENT	Ivan McClean
LAST SITE VISIT	23.11.2020
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located in the rural area and outside of any designated settlement limits identified within the Antrim Area Plan 1984-2001. The site is located on land between No's 63 and 68 Craigstown Road, Randalstown.</p> <p>The application site comprises a rectangular section of a larger agricultural field and is accessed off an existing laneway from the Craigstown Road. The northeastern boundary that abuts the existing laneway is defined by an approximately 1 metre high post and wire fence. The northwestern boundary that abuts No. 63 Craigstown Road is defined by hedging approximately 2 metres in height. There is an agricultural building to the southeast of the site which abuts the southern boundary whilst the remaining southeastern boundary is defined by a belt of mature trees. The southwestern boundary of the site is physically undefined.</p> <p>The laneway also provides access to two detached two-storey dwellings (Nos.67 and 69 Craigstown Road) and a group of farm buildings. The topography of the site is generally flat and is located on an elevated position due to the rising topography of the surrounding lands.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2012/0204/O Location: Between 63 and 67 Craigstown Road, Randalstown, Proposal: Site of (infill) dwelling and garage (site 2) Decision: Permission Refused 30 January 2013 Appeal Reference 2013/A0073: Allowed 21.10.13</p> <p>Planning Reference: T/2012/0205/O Location: Between 63 and 67 Craigstown Road, Randalstown, Proposal: Site of (infill) dwelling and garage (site 1) Decision: Permission Refused 30.01.2013 Appeal Reference 2013/A0072: Allowed 21.10.13</p>	

Planning Reference: LA03/2016/0338/RM
Location: Between 63 and 67 Craigstown Road, Randalstown,
Proposal: Site for a dwelling
Decision: Permission Granted 13.09.2016

Planning Reference: LA03/2016/0339/RM
Location: Between 63 and 67 Craigstown Road, Randalstown,
Proposal: Site for a dwelling
Decision: Permission Granted 13.09.2016

Planning Reference: LA03/2020/0851/LDP
Location: Between 63 and 67 Craigstown Road, Randalstown,
Proposal: Site for a dwelling
Decision: Lawful Development

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

REPRESENTATION

Three (3) neighbouring properties were notified and eight (8) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- The two proposed dwellings will detract from the character of the rural area.
- The development will create ribbon development.
- Concerns that further dwellings will be developed leading to overdevelopment.
- The proposed dwellings do not respect the existing pattern of development.
- Dwellings are not for an existing family in the area.
- Impact on neighbouring property by way of noise, light and air pollution.
- Concerns over additional traffic and access issues.
- Increased amount of bins left at the end of the laneway – Health and Safety concerns (COVID 19) and reduced visibility.
- Septic tank too close to the neighbouring property.
- Properties being built for profit.
- Impact on neighbouring dwellings privacy/overlooking.
- Maps not accurate – a dwelling and agricultural buildings have not been in existence since 2014 when they were replaced by a single dwelling.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Integration
- Character and Appearance of the Area
- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to determination of the proposal. The application site is located within the countryside outside any settlement limit defined

in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap site is within an otherwise substantial and continuously built-up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

From the outset it is important to note the planning history of the application site. Two planning applications (references: T/2012/0204/O and T/2012/0205/O) were initially refused by DOE Planning, however, the applicant successfully appealed to the Planning Appeals Commission (PAC) against these decisions under appeal references: 2013/A0072 and 2013/A0073 respectively. In doing so the PAC granted approval for the principle of two infill dwellings under Policy CTY 8. The Commissioner concluded that the application sites were located in part of a field adjacent and to the rear of No. 63 Craigstown Road on a laneway which serves No. 65 Craigstown Road (then vacant dwelling with outbuildings); and No.67 Craigstown Road (a recently constructed replacement dwelling). The Commissioner also noted that there is a substantial shed located in the northeast portion of the curtilage of No.63 which has a frontage to the laneway and concluded that all of these buildings contribute to the creation of a substantial and continuously built-up frontage for the purpose of policy CTY8.

In addition, it is noted that the outline and reserved matters approvals for this site have now expired, however, a Certificate of Lawful Use and Development (CLUD)

has recently been granted which certifies that the development had commenced within the specified time period in accordance with the relevant permissions creating a lawful fall-back position for the applicant.

Notwithstanding the planning history of the site objections have been received regarding the principle of development at this location. These objections state that if the proposed dwellings were to be approved, it would result in over development along the laneway, it would create ribbon development and would detract from the rural character of the area. Given that development has already commenced and the previous permissions remain extant the principle of development has been established.

Design and Integration

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

Paragraph 5.66 of PPS21 states the form and proportions of a new building are key elements in the design and strongly influence its visual impact on the landscape. It is noted that there are previous permissions on this site LA03/2016/0339/RM and LA03/2016/0338/RM which have since expired. The designs previously approved were two storey detached dwellings measuring 8.8 metres in height with single storey side annexes to both dwellings. The current application has amended the design of the dwellings to a storey and a half, measuring 6.6 metres above floor level with a 0.3 metre underbuild. The proposed dwelling takes the form of three rectangular sections that extend to the rear of the dwelling (measuring 17.2 metres in length). It is considered that the proposed design, size and scale is modest and appropriate for the rural location.

Paragraph 5.58 of PPS21 states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

The site benefits from mature vegetation to the northwest and along the existing laneway. The Craigstown Road also benefits from mature vegetation along the roadside therefore views of the site when travelling southwest will be limited. Views of the dwellings will be achievable when travelling northeast along the Craigstown Road, however, it is considered that due to the proposed ridge heights of 6.6 metres (above finished floor level of 0.3 metres) and a backdrop of the existing mature vegetation to the northeast that the dwellings on this site would integrate and blend with their surroundings. Additional planting has been proposed along the northeastern boundary of the site as indicated on Drawing 02, date stamped 24th September 2020 which will be conditioned to be retained at a minimum height for 2 metres for hedging and 4 metres for trees in the interest of visual and residential amenity.

The proposed external materials for the dwellings will be smooth render, wooden cladding was shown on Drawing 03, date stamped 24th September 2020 with white PVC windows and black roof tiles/guttering. The supplementary guidance within

Building on Tradition indicates these types of contemporary materials are appropriate within the rural area.

As the existing dwellings within the immediate surrounding area are a mix of designs and external materials, it is considered due to the mix of design elements that the proposed smooth render and white PVC windows and doors will not be out of character.

It is considered the proposed design of the dwellings is acceptable for this rural location and will integrate into the surrounding area to comply with the criteria set out under CTY13 of PPS21.

Character and Appearance of the Area

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As per PPS21 in order to maintain and protect the rural character of an area, a new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development.

As noted above, the objection letters received state that if the proposal for two dwellings were to be approved it would not respect the existing pattern of development existing within the area, would cause overdevelopment and detract from the character of the rural area.

Notwithstanding the concerns of the adjacent residents, it has already been established that an extant planning permission for this same form of development exists and therefore it is not possible to refuse permission on the principle of development.

Neighbour Amenity

Objection letters received from neighbouring residents Nos. 58, 63 and 67 Craigstown Road state that their privacy would be disrupted due to overlooking from the proposed dwellings.

No. 63 Craigstown Road, located to the northwest of the site will back on to the side elevation of the dwelling on site one. No. 63 raised the concern that the first floor gable window would overlook their dwelling and their private amenity space. Amended plans received (Drawing 03/1 date stamped 9th December 2020) show the first floor gable window relocated to the rear elevation of the dwelling. Drawing 02/1, date stamped 4th November 2020 indicates additional trees (a buffer of approximately 8 metres), and the relocation of the proposed garage by 4 metres to the northeast, directly to the north of the dwelling on site one. The windows on the northwestern elevation will serve the bedroom/playroom, WC, kitchen and family snug. The bedroom/playroom is considered to be a low occupancy room, therefore overlooking should not be to a significant extent. The proposed WC window will be opaque glazing and will not have a detrimental impact on the adjacent property. Ground floor kitchen and living areas are unlikely to cause a significant degree of overlooking. In addition, the applicant has proposed additional planting along the common boundary and has relocated the proposed garage to screen any potential views from the proposed dwelling. It is therefore considered that No. 63 will not be

significantly impacted by overlooking from the proposed dwelling on site one. There are no concerns regarding dominance or loss of light. It is considered that the changes made by the applicant have addressed the concerns expressed by No. 63 in terms of overlooking. It is also considered necessary to condition the proposed landscaping to be retained for the lifetime of the development at a minimum height of 2 metres for hedging and 4 metres for trees to ensure that No. 63 will not be significantly impacted by overlooking.

Both dwellings are exact replicas of one another and will be separated by some 36 metres. The second dwelling located in the southeastern section of the application site will be positioned some 3.5 metres further back from the rear building line of the dwelling on site one (located on the northwestern corner of the site).

There are windows located on both elevations of the dwellings, however, it is considered that due to the separation distance of some 36 metres, and the proposed landscaping that will define the common boundary of the site, overlooking from the dwelling will be minimal and there are no concerns with regards to dominance or loss of light.

No. 67 Craigstown Road and the application site are separated by an agricultural outbuilding and mature vegetation. The separation distance between the proposed dwelling on site two and No. 67 will be a minimum of 20 metres. Taking into consideration the existing boundary, outbuilding and separation distance, there are no significant concerns regarding overlooking, dominance or loss of light to No. 67 Craigstown Road. It is considered that neighbouring dwellings will not be significantly impacted by the proposal.

Other Matters

No. 63 Craigstown Road raised concerns over the location of the proposed septic tank belonging to dwelling No. 1. Amended Plan; Drawing 02/1 date stamped 9th December indicated the relocation of the septic tank from the northwestern corner to the northeastern corner, some 40 metres away. It is considered that this has addressed this concern.

Increased noise, light from cars and air pollution were a further concern raised in the objection letters. The Council's Environmental Health Section were consulted on this proposal and they responded with no objections.

Objections raised concerns with regards to the health and safety due to the access, visibility and width of the laneway to accommodate additional cars. DfI Roads were consulted as part of the application and have no concerns.

Further concerns related to bins that are left at the end of the lane by existing residents, which the objection letters claim reduces their visibility and poses a health and safety concern when they have to be moved due to the current COVID 19 pandemic. Given the previous extant permission for two dwellings on the application site, the proposed development will not lead to any intensification in the number of bins located at the junction of the laneway and the public road. Further concerns raised by the objectors claim that the proposed dwellings are to be developed for profit and will not host a family from the existing rural area. Whilst it is acknowledged this may cause some upset to the existing residents within the area, the concern does

not meet the tests of being a material consideration and therefore does not carry significant weight in the determination of this planning application.

There have been disputes over landownership between objectors and the applicant. All parties appear to be aware of the application and are not prejudiced in any way. It is noted that ownership disputes are considered to be a civil matter and are not material to the assessment of the planning application. An informative can be added to the grant of planning permission, should it be forthcoming to indicate that the grant of planning permission does not convey any rights over third party land.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development has previously been established and remains extant.
- It is considered that the proposed design of the dwelling is acceptable for this rural location and will integrate into the surrounding area.
- There will be no detriment caused to the rural character of the area.
- Neighbouring residential properties will not be significantly impacted by the proposal.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

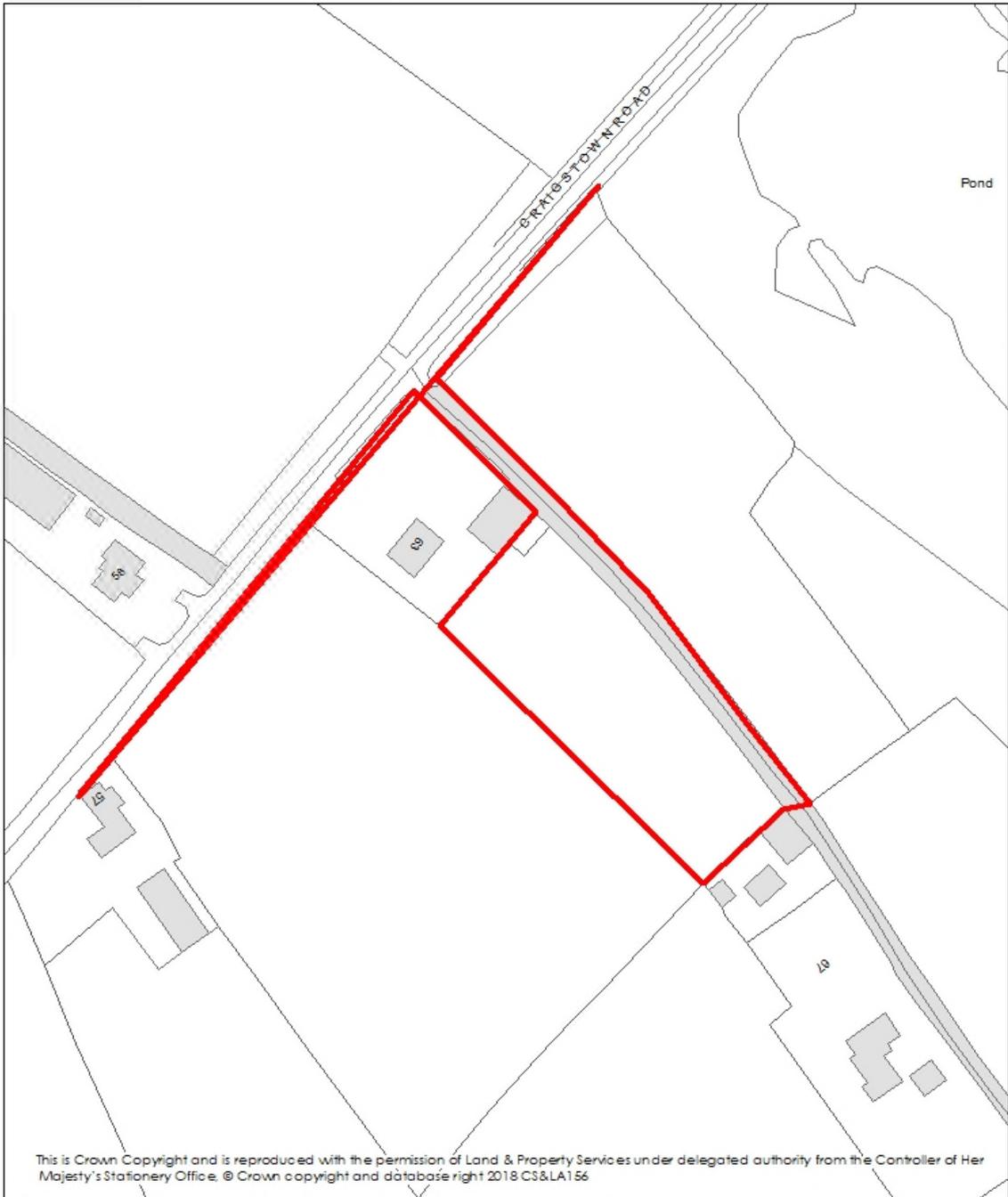
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The proposed landscaping indicated in drawing No. 02/1 date stamped 30th October 2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained at a minimum height of 2 metres of hedging and 4 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

3. If 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.



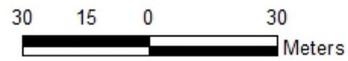
Location Map

Application Reference: LA03/2020/0656/F

Between 63 and 67 Craigstown Road, Randalstown

2 no. new infill dwellings and garages

 Site Boundary



For Information Only



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2019/0968/O
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for a dwelling, garage and associated siteworks
SITE/LOCATION	Land between 125 and 129 (30m south of 129) Ballymena Road Doagh Ballyclare
APPLICANT	Mr and Mrs Rainey
AGENT	Planning Services
LAST SITE VISIT	2 nd December 2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The site lies within the rural area and outside of any designated settlement limits identified within the Antrim Area Plan 1984-2001. The site is located on lands between No's 125 and 129 Ballymena Road, Doagh.</p> <p>The site is a rectangular plot cut out of the southern section of a larger agricultural field. The topography of the site is relatively flat, however, the land within the surrounding area falls gently from the northeast towards the southwest. The southwestern and the northwestern boundaries are defined by a post and rail fence approximately 1 metre in height. The remaining boundaries are physically undefined.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2003/1259/O Location: 200m N.E of 139 Ballymena Road, Doagh. Proposal: Site of two storey dwelling and garage. Decision: Permission Refused</p> <p>Planning Reference: T/2003/1261/O Location: 150m North East of 139 Ballymena Road, Doagh Proposal: Site of two storey dwelling and garage. Decision: Permission Refused</p> <p>Planning Reference: T/2009/0438/F Location: Lands approx. 100m South West of 127 Ballymena Road, Doagh Proposal: Erection of two detached dwellings and detached garages with associated landscaping (amended plan showing revised access with visibility splays of 2.4 metres by 160 metres). Decision: Permission Refused</p>	

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No Objection.

Northern Ireland Water – No Objection.

Department for Infrastructure Roads- No Objection.

Northern Ireland Environment Agency: Water Management Unit – No Objection.

Shared Environmental Services – No Objection.

Department for Infrastructure Rivers – No objection.

REPRESENTATION

Seven (7) neighbouring properties were notified and six (6) letters of objection have been received from four (4) properties and one (1) political representative. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- The development is ribbon development.
- Not a small gap site.
- Drainage issues with the site.
- Increased traffic.
- Pollution.
- Flooding.
- Loss of 'visual break'/'relief'.
- Suburban style build up/over development.
- Detrimental to the rural character of the countryside.
- Not essential development in the rural area.
- Loss of privacy.
- Loss of amenity.
- Loss of property valuation.
- Loss of agricultural land.
- Environmental issues.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the

Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

A number of objection letters have made reference to the fact that there is development located to the rear of the application site which, in the objector's opinion makes the proposed development contrary to Policy CTY 8 as the policy states "without accompanying development to the rear". However, for the purposes of clarification of the policy, it states – "includes a line of three or more buildings along a road frontage without accompanying development to the rear" is the assessment of a substantial and built up frontage. If a dwelling or building has an ancillary or in terms of the policy 'accompanying' building located to its rear, then the ancillary building should not be included in the assessment. "Without accompanying development to the rear" does not refer to dwellings located to the rear of the application site. The interpretation of the policy offered by the objectors would appear to disregard the broad thrust of the policy which would be to allow the infilling of existing road frontage gaps and would be inconsistent with the interpretation of the Policy adopted by the Council to date.

Further objection letters state that their understanding of an 'infill' site is a small gap site sufficient to accommodate one dwelling, and that approving two dwellings would create ribbon development and overdevelopment along this stretch of the Ballymena Road. Concerns were also raised that the gap is "not small as it measures approximately 90 metres".

Policy CTY8 states that planning permission will be refused for a building which creates or adds to ribbon development. It does however state that an exception will

be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations.

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

Drawing 02, date stamped 25th November 2019 indicates that the proposed gap to be infilled is located between No's 125 and 129 Ballymena Road. It notes that the frontage is made up of No 51 Holestone Road and No's 125, 129 and 131 Ballymena Road. An objection letter received states that No. 51 Holestone Road does not have a direct frontage to the Ballymena Road and therefore should not be considered within the assessment. Nevertheless, even without including No. 51 Holestone Road, there would still be a substantial and continuously built up frontage along the Ballymena Road which is made up of No.125 Ballymena Road located to the south of the application site, and No's 129 and 131 Ballymena Road located directly to the north of the application site.

Spatial NI identifies that No. 125 Ballymena Road and No. 51 Holestone Road share a plot. The plot frontage measures 58metres whilst No. 129 measures 24 metres and No. 131 measures 50 metres; making the average plot frontage 44 metres. The frontage of the application site measures 40 metres and it is acknowledged that this is smaller than the average plot width. It is considered that the proposed plot would not disrespect the existing linear development pattern or be out of character for the area and therefore is considered to be acceptable.

The gap site is measured building to building and in this case the gap measures 90 metres between No's 125 and 129 Ballymena Road. Taking into consideration the average plot size along the Ballymena Road, it is considered that this gap site is "sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage" as per Policy CTY8. The application site demonstrates a frontage to the road given it directly abuts the Ballymena Road which runs along the south western boundary of the site.

It is considered that the principle of development can be established as the proposal can meet the requirements of the policy criteria set out in Policy CTY 8 of PPS 21.

Impact on Character and Appearance of the Area and Integration

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

Policies CTY 13 and 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, is of an appropriate design and where it does not cause a detrimental change to, or further erode the rural character of an area.

Objection letters submitted raised concerns stating they felt if two dwellings were to be approved at this location it would impact upon the character and the visual

amenity of the rural area and would create excessive overdevelopment. The objection letters refer to paragraph 5.78 of PPS21 which states that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the vulnerability of the landscape and its capacity to absorb further development. Further objections state that the proposal would create a suburban effect and would be in breach of the Design Guide for Rural Northern Ireland.

As per PPS21 in order to maintain and protect the rural character of an area, a new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. There is approximately 12 dwellings located within the immediate area and the Council considers this area to be fairly built up already. It is considered that infilling the existing gap site to create an additional 2 dwellings would not be so significant that it would detract from the character and appearance of the already built-up appearance of the area.

Concerns were raised stating that the agricultural field in which the application site is located is a visual break in the landscape and if the proposal was approved it would impact the rural character of the area. Paragraph 5.34 indicates that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering the circumstances in which two dwellings might be approved it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.

In this case, as previously mentioned there is no definitive pattern of development along this stretch of the Ballymena Road other than that of being built up. Taking the character of the area into consideration the existing plot sizes/frontages (44 metres) and the size of the gap to be infilled (92 metres) it is considered that the proposal meets the existing development along the Ballymena Road. Furthermore, as this is an outline application there is no proposed design, however, it is considered that a dwelling would integrate and be read along with the other existing dwellings located along this road.

The existing dwellings along this stretch of the Ballymena Road vary in size and shape, there is no distinctive character of the design of dwellings. For example No's 125 and 129 Ballymena Road and No. 51 Holystone Road are single storey detached dwellings, whilst No. 127 is a two storey detached dwelling and No. 131 is a storey and a half detached dwelling. Given the character of the dwellings within the immediate surrounding area, it would be deemed appropriate to apply a 6.5 metre ridge height above finished floor level to the grant of any approval in order to maintain and protect the rural character of this area and to ensure a dwelling would blend sympathetically and unobtrusively with its surroundings.

Paragraph 5.58 states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the

extent to which the development of the proposed site will blend unobtrusively with its immediate and wider surroundings.

The assessment of integration is judged from critical views along stretches of the public road network. The application site is screened by the existing dwellings located directly to the north and south of the site when travelling along the Ballymena Road in both directions and the application site is not visible other than across its frontage.

The Holestone Road is located some 128 metres to the southeast of the site and there will be fleeting views for approximately 90 metres when travelling in a southwesterly direction. The application site however benefits from a line of trees that defines the wider agricultural field which would screen a dwelling from the critical view points along the Holestone Road. It is considered that due to the limited critical viewpoints, a dwelling on this site would integrate and blend into its surroundings. It is acknowledged that although there is a lack of critical viewpoints it does not preclude the need to ensure the proposed dwelling is of a high standard of design to ensure it further blends into the surrounding area which will be assessed within the supplementary Reserved Matters application.

The proposal has been identified as being an exception to the ribbon development policy laid out in Policy CTY 8 and it is considered that the proposal will not result in a detrimental change to the character of the rural area in terms of extending a ribbon of development, meaning it can also satisfy criteria (b) and (d) of the Policy CTY 14. Furthermore, it is considered that the development of a small gap site within an otherwise substantially built up frontage can also respect the existing development pattern displayed in the locality and overall there would be no detrimental impact caused to the character of the rural area.

It is considered a dwelling at this site would integrate into the surrounding area and would not be obtrusive in the landscape. Furthermore, it is considered an appropriately designed dwelling (with a maximum height of 6.5 metre above finished floor level) would not be out of character for this area.

Flooding and Drainage

Objections received indicate that there is inadequate drainage (soakaway) into an existing sheugh located along the southeastern boundary of the application site and that the existing infrastructure will not be able to cope with it. Concerns referred to previous planning applications on the site that were refused permission with reasons including flood risk. Further concerns relate to existing pollution issues associated with the sheugh (which objections state is a safety hazard and in contravention of Policy CTY16) and further state that a septic tank would add to pollution in the waterway.

A letter from the agent, dated 25th March 2020, states that the proposed dwellings will be served by a Sewage Treatment Plant which will discharge to a 40metre soakaway and then to the existing watercourse. It is noted that normal procedure is to submit a Consent to Discharge application to Water Management Unit within NIEA, however, this is not part of the planning process and requires a separate consent to issue.

Objectors referred to existing 'underground springs' and asked if a survey had been completed of these. The agent had detailed in their letter dated 25th March 2020 that the applicant has been in touch with Water Management Unit within NIEA who had confirmed that a well exists within the curtilage of No. 41a some 70-75 metres away from the application site. As indicated within Policy CTY16 any septic tank or proposed Water Treatment works should be at least 50 metres away and the development proposal complies with the policy. It is noted that this current application is an outline application, therefore, no specific details such as the above have been provided as these will be provided in the Reserved Matters application.

In relation to the pollution concerns raised, the relevant consultations have been issued as part of this application. The consultations include the Council's Environmental Health Section, DfI Rivers, NIEA (Water Management Unit) and Shared Environmental Services (SES). DfI Rivers requested that a Drainage Assessment (DA) and a Flood Risk Assessment (FRA) be carried out and submitted in order to determine the potential impact of the proposal and any mitigation measures needed.

The FRA was submitted on 31st July 2020 and DfI Rivers responded to their consultation offering no objections to the proposed development. Within their consultation response DfI Rivers stated that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973, within the bounds of the site. The site is bounded to the west by a drainage channel. The site may be affected by undesignated watercourses of which DfI Rivers have no record, however, whilst DfI Rivers were not responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

Mitigation measures within the FRA state that there should be no development or alteration of ground levels within the fluvial Q100 predicted floodplain. Finished floor levels are to be maintained 600mm above the adjacent predicted Q100 flood level (minimum FFL of 127.28mOD). The existing verges around the site are to be retained, with the proposed new site access rising from the Ballymena Road and kerbed as detailed previously. This will ensure that any surface water flooding on the Ballymena Road cannot flow into the site and on towards No. 125 Ballymena Road. Drainage culverts are to be installed beneath the shared site access road to prevent the backing up of any surface waters in the northern section of the site reaching the existing drainage ditch to the south.

Finished floor levels are to be located a minimum of 0.3metres above the adjacent Ballymena Road crest height and ground levels surrounding the house. In order to prevent the worsening of flooding downstream the site drainage should be constructed to NI Water standards (Adoption of Sewers). Site discharge will be limited to 2l/s (betterment) using a hydrobrake before being discharged to the adjacent river following the issuing of a Schedule 6 Consent. Attenuation space (oversized pipes) are to be installed to safely manage a Q100 storm event within the site boundary. On the basis of the mitigation measures being put in place, DfI Rivers have no objections in relation to drainage or flooding.

Environmental Health, NIEA and SES reviewed the information submitted and responded to their consultations with no objections. NIEA and SES stated that 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.

A further concern queried whether the development would be in compliance with the EU Water Framework Directive (WFD), however, there is no evidence presented on why the development would contravene the Directive. In any case, the relevant consultees (DfI Rivers, NIEA and SES) have been consulted and have raised no objections to the proposed development.

Neighbour Amenity

As this application seeks outline planning permission, there are no detailed plans provided which are normally the subject of a future Reserved Matters application.

Objections raise concerns that the proposal will result in a loss of amenity for nearby residents. The application site is located with an agricultural field and does not propose to use any of the neighbouring curtilages. However it is considered that a dwelling could be designed for the site to ensure that the privacy and amenity of neighbouring properties is retained.

Access

Objections state that there is a health and safety issue with regards to the proposed access and that previous applications on the site were refused, with one of the refusal reasons stating that the access could not be achieved and was not acceptable.

DfI Roads have been consulted as part of this application and have responded with no objections subject to conditions. As DfI Roads are the competent authority to assess road safety impacts, the Council has no reason to dispute their response. However, it is noted that the grant of planning permission does not confer title and if the visibility splays cannot be achieved due to issues with third party lands, it is a civil issue between the relevant parties and not a planning matter.

Other Matters

Further concerns raised within an objection letter related to the de-valuation of the objectors property if planning permission were to be granted. Section 45 (1) of the Planning Act (NI) 2011 requires that the Council in dealing with an application for planning permission must have regard to the Local Development Plan and to any other material considerations. There is no legal definition for a material consideration; however, they are held to include all the fundamental factors involved in land-use planning. Essentially, a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. There are two main tests in deciding whether a consideration is material and relevant; it should serve or be related to the purpose of planning; and it should fairly and reasonably relate to the particular application. Property value is not normally considered to be a material consideration and in this case there has been no evidence submitted to demonstrate that the impact on property values would exist or would be disproportionate to warrant the refusal of planning permission.

Objection letters also refer to a 'clachan' style development of up to 6 houses as identified under Policy CTY2 of PPS2, however as this proposal is for an infill, the relevant Policy is CTY 8 and therefore CTY 2 does not apply to this application.

Objections refer to the 'loss of agricultural land'. The loss of agricultural land is not material to the assessment of this planning application given that it complies with the tests for an infill site in accordance with Policy CTY8.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable.
- A dwelling could be integrated and will not be out of character with the surrounding area.
- There are no issues in relation to flood risk or drainage
- Neighbours will not be significantly impacted.
- DfI Roads have no objections

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED 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. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

3. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level and a low angle of roof pitch.

Reason: To ensure that the development is satisfactorily integrated with the adjacent residential dwellings in accordance with the requirements of PPS 21.

5. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

6. 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.

7. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

8. The development shall be designed in accordance with the mitigation set out in the Flood Risk Assessment, Document 01 date stamped 31st July 2020, full details of which shall be submitted at Reserved Matters stage and thereafter implemented.

Reason: To mitigate any potential drainage or flooding issues.



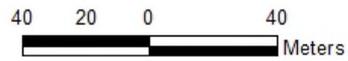
Location Map

Application Reference: LA03/2019/0068/O

Site for a dwelling, garage and associated siteworks

Land between 125 and 129 (30m south of 129)
Ballymena Road, Doagh, Ballyclare

 Site Boundary



For Information Only



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2019/0969/O
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for a dwelling, garage and associated siteworks
SITE/LOCATION	Lands between 125 and 129 (30m north of 125) Ballymena Road Doagh Ballyclare
APPLICANT	Mr and Mrs Rainey
AGENT	Planning Services
LAST SITE VISIT	2 nd December 2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The site lies within the rural area and outside of any designated settlement limits identified within the Antrim Area Plan 1984-2001. The application site is located on land between No's 125 and 129 Ballymena Road, Doagh.</p> <p>The site is a rectangular plot cut out of the southern section of a larger agricultural field. The topography of the site is relatively flat however, the land within the surrounding area falls gently from the northeast towards the southwest. The southwestern and the northwestern boundaries are defined by a post and rail fence approximately 1 metre in height. The remaining boundaries are physically undefined.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2003/1259/O Location: 200m N.E of 139 Ballymena Road, Doagh. Proposal: Site of two storey dwelling and garage. Decision: Permission Refused</p> <p>Planning Reference: T/2003/1261/O Location: 150m North East of 139 Ballymena Road, Doagh Proposal: Site of two storey dwelling and garage. Decision: Permission Refused</p> <p>Planning Reference: T/2009/0438/F Location: Lands approx. 100m South West of 127 Ballymena Road, Doagh Proposal: Erection of two detached dwellings and detached garages with associated landscaping (amended plan showing revised access with visibility splays of 2.4 metres by 160 metres). Decision: Permission Refused</p>	

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people, property and the environment.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No Objection.

Northern Ireland Water – No Objection.

Department for Infrastructure Roads- No Objection.

Northern Ireland Environment Agency: Water Management Unit – No Objection.

Shared Environmental Services – No Objection.

Department for Infrastructure Rivers – No objection.

REPRESENTATION

Seven (7) neighbouring properties were notified and six (6) letters of objection have been received from four (4) properties and one (1) political representative. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- The development is ribbon development.
- Not a small gap site.
- Drainage issues with the site.
- Increased traffic.
- Pollution.
- Flooding.
- Loss of 'visual break'/'relief'.
- Suburban style build up/over development.
- Detrimental to the rural character of the countryside.
- Not essential development in the rural area.
- Loss of privacy.
- Loss of amenity.
- Loss of property valuation.
- Loss of agricultural land.
- Environmental issues.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Flood Risk
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal. The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the

Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

- (a) The gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;
- (c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and
- (d) the proposal meets other planning and environmental requirements.

A number of objection letters have made reference to the fact that there is development located to the rear of the application site which, in the objector's opinion makes the proposed development contrary to Policy CTY 8 as the policy states "without accompanying development to the rear". However, for the purposes of clarification of the policy, it states – "includes a line of three or more buildings along a road frontage without accompanying development to the rear" is the assessment of a substantial and built up frontage. If a dwelling or building has an ancillary or in terms of the policy 'accompanying' building located to its rear, then the ancillary building should not be included in the assessment. "Without accompanying development to the rear" does not refer to dwellings located to the rear of the application site. The interpretation of the policy offered by the objectors would appear to disregard the broad thrust of the policy which would be to allow the infilling of existing road frontage gaps and would be inconsistent with the interpretation of the Policy adopted by the Council to date.

Further objection letters state that their understanding of an 'infill' site is a small gap site sufficient to accommodate one dwelling, and that approving two dwellings would create ribbon development and overdevelopment along this stretch of the Ballymena Road. Concerns were also raised that the gap is "not small as it measures approximately 90 metres".

Policy CTY8 states that planning permission will be refused for a building which creates or adds to ribbon development. It does however state that an exception will

be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations.

For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

Drawing 02, date stamped 25th November 2019 indicates the proposed gap to be infilled is located between No's 125 and 127 Ballymena Road. It notes that the frontage is made up of No 51 Holestone Road and No's 125, 127 and 131 Ballymena Road. An objection letter received states that No. 51 Holestone Road does not have a direct frontage to the Ballymena Road and therefore should not be considered within the assessment. Nevertheless, even without including No. 51 Holestone Road, there would still be a substantial and continuously built up frontage along the Ballymena Road which is made up of No.125 Ballymena Road located to the south of the application site, and No's 127 and 131 Ballymena Road located directly to the north of the application site.

Spatial NI identifies that No. 125 Ballymena Road and No. 51 Holestone Road share a plot. The plot frontage measures 58metres whilst No. 129 measures 24 metres and No. 131 measures 50 metres; making the average plot frontage 44 metres. The frontage of the application site measures 40 metres and it is acknowledged that this is smaller than the average plot width. It is considered that the proposed plot would not disrespect the existing linear development pattern or be out of character for the area and therefore is considered to be acceptable.

The gap site is measured building to building and in this case the gap measures 90 metres between No's 125 and 129 Ballymena Road. Taking into consideration the average plot size along the Ballymena Road, it is considered that this gap site is "sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage" as per Policy CTY8. The application site demonstrates a frontage to the road given it directly abuts the Ballymena Road which runs along the south western boundary of the site.

It is considered that the principle of development can be established as the proposal can meet the requirements of the policy criteria set out in Policy CTY 8 of PPS 21.

Impact on Character and Appearance of the Area and Integration

The SPPS paragraph 6.70 states that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

Policies CTY 13 and 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, is of an appropriate design and where it does not cause a detrimental change to, or further erode the rural character of an area.

Objection letters submitted raised concerns stating they felt if two dwellings were to be approved at this location it would impact upon the character and the visual

amenity of the rural area and would create excessive overdevelopment. The objection letters refer to paragraph 5.78 of PPS21 which states that in assessing the cumulative impact of a building on rural character the matters taken into consideration include the vulnerability of the landscape and its capacity to absorb further development. Further objections state that the proposal would create a suburban effect and would be in breach of the Design Guide for Rural Northern Ireland.

As per PPS21 in order to maintain and protect the rural character of an area, a new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. There is approximately 12 dwellings located within the immediate area and it is considered that there is a significant level of build-up already. It is considered that infilling the existing gap site to create an additional 2 dwellings would not be so significant that it would detract from the character and appearance of the already built-up appearance of the area.

Concerns were raised stating that the agricultural field in which the application site is located is a visual break in the landscape and if the proposal was approved it would impact the rural character of the area. Paragraph 5.34 indicates that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering the circumstances in which two dwellings might be approved it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.

In this case, as previously mentioned there is no definitive pattern of development along this stretch of the Ballymena Road other than that of being built up. Taking the character of the area into consideration the existing plot sizes/frontages (44 metres) and the size of the gap to be infilled (92 metres) it is considered that the proposal meets the existing development along the Ballymena Road. Furthermore, as this is an outline application there is no proposed design, however, it is considered that a dwelling would integrate and be read along with the other existing dwellings located along this road.

The existing dwellings along this stretch of the Ballymena Road vary in size and shape, there is no distinctive character of the design of dwellings. For example No's 125 and 129 Ballymena Road and No. 51 Holystone Road are single storey detached dwellings, whilst No. 127 is a two storey detached dwelling and No. 131 is a storey and a half detached dwelling. Given the character of the dwellings within the immediate surrounding area, it would be deemed appropriate to apply a 6.5 metre ridge height above finished floor level to the grant of any approval in order to maintain and protect the rural character of this area and to ensure a dwelling would blend sympathetically and unobtrusively with its surroundings.

Paragraph 5.58 states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the

extent to which the development of the proposed site will blend unobtrusively with its immediate and wider surroundings.

The assessment of integration is judged from critical views along stretches of the public road network. The application site is screened by the existing dwellings located directly to the north and south of the site when travelling along the Ballymena Road in both directions and the application site is not visible other than across its frontage.

The Holestone Road is located some 128 metres to the southeast of the site and there will be fleeting views for approximately 90 metres when travelling in a southwesterly direction. The application site however benefits from a line of trees that defines the wider agricultural field which would screen a dwelling from the critical view points along the Holestone Road. It is considered that due to the limited critical viewpoints, a dwelling on this site would integrate and blend into its surroundings. It is acknowledged that although there is a lack of critical viewpoints it does not preclude the need to ensure the proposed dwelling is of a high standard of design to ensure it further blends into the surrounding area which will be assessed within the supplementary Reserved Matters application.

The proposal has been identified as being an exception to the ribbon development policy laid out in Policy CTY 8 and it is considered that the proposal will not result in a detrimental change to the character of the rural area in terms of extending a ribbon of development, meaning it can also satisfy criteria (b) and (d) of the Policy CTY 14. Furthermore, it is considered that the development of a small gap site within an otherwise substantially built up frontage can also respect the existing development pattern displayed in the locality and overall there would be no detrimental impact caused to the character of the rural area.

It is considered a dwelling at this site would integrate into the surrounding area and would not be obtrusive in the landscape. Furthermore, it is considered an appropriately designed dwelling (with a maximum height of 6.5 metre above finished floor level) would not be out of character for this area.

Flooding and Drainage

Objections received indicate that there is inadequate drainage (soakaway) into an existing sheugh located along the southeastern boundary of the application site and that the existing infrastructure will not be able to cope with it. Concerns referred to previous planning applications on the site that were refused permission with reasons including flood risk. Further concerns relate to existing pollution issues associated with the sheugh (which objections state is a safety hazard and in contravention of Policy CTY16) and further state that a septic tank would add to pollution in the waterway.

A letter from the agent, dated 25th March 2020, states that the proposed dwellings will be served by a Sewage Treatment Plant which will discharge to a 40metre soakaway and then to the existing watercourse. It is noted that normal procedure is to submit a Consent to Discharge application to Water Management Unit within NIEA, however, this is not part of the planning process and requires a separate consent to issue.

Objectors referred to existing 'underground springs' and asked if a survey had been completed of these. The agent had detailed in their letter dated 25th March 2020 that the applicant has been in touch with Water Management Unit within NIEA who had confirmed that a well exists within the curtilage of No. 41a some 70-75 metres away from the application site. As indicated within Policy CTY16 any septic tank or proposed Water Treatment works should be at least 50 metres away from a well and the proposed development complies with the policy. It is noted that this current application is an outline application, no specific details such as the above have been provided as these will be provided in the Reserved Matters application.

In relation to the pollution concerns raised, the relevant consultations have been issued as part of this application. The consultations include the Council's Environmental Health Section, DfI Rivers, NIEA (Water Management Unit) and Shared Environmental Services (SES). DfI Rivers requested that a Drainage Assessment (DA) and a Flood Risk Assessment (FRA) be carried out and submitted in order to determine the potential impact of the proposal and any mitigation measures needed.

The FRA was submitted on 31st July 2020 and DfI Rivers responded to their consultation offering no objections to the proposed development. Within their consultation response DfI Rivers stated that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973, within the bounds of the site. The site is bounded to the west by a drainage channel. The site may be affected by undesignated watercourses of which DfI Rivers have no record, however, whilst DfI Rivers were not responsible for the preparation of the Flood Risk Assessment, they accept its logic and have no reason to disagree with its conclusions.

Mitigation measures within the FRA state that there should be no development or alteration of ground levels within the fluvial Q100 predicted floodplain. Finished floor levels are to be maintained 600mm above the adjacent predicted Q100 flood level (minimum FFL of 127.28mOD). The existing verges around the site are to be retained, with the proposed new site access rising from the Ballymena Road and kerbed as detailed previously. This will ensure that any surface water flooding on the Ballymena Road cannot flow into the site and on towards No. 125 Ballymena Road. Drainage culverts are to be installed beneath the shared site access road to prevent the backing up of any surface waters in the northern section of the site reaching the existing drainage ditch to the south.

Finished floor levels are to be located a minimum of 0.3metres above the adjacent Ballymena Road crest height and ground levels surrounding the house. In order to prevent the worsening of flooding downstream the site drainage should be constructed to NI Water standards (Adoption of Sewers). Site discharge will be limited to 2l/s (betterment) using a hydrobrake before being discharged to the adjacent river following the issuing of a Schedule 6 Consent. Attenuation space (oversized pipes) are to be installed to safely manage a Q100 storm event within the site boundary. On the basis of the mitigation measures being put in place, DfI Rivers have no objections in relation to drainage or flooding.

Environmental Health, NIEA and SES reviewed the information submitted and responded to their consultations with no objections. NIEA and SES stated that 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.

A further concern queried whether the development would be in compliance with the EU Water Framework Directive (WFD), however, there is no evidence presented on why the development would contravene the Directive. In any case, the relevant consultees (DfI Rivers, NIEA and SES) have been consulted and have raised no objections to the proposed development.

Neighbour Amenity

As this application seeks outline planning permission, there are no detailed plans provided which are normally the subject of a future Reserved Matters application.

Objections raise concerns that the proposal will result in a loss of amenity for nearby residents. The application site is located with an agricultural field and does not proposed to use any of the neighbouring curtilages. However it is considered that a dwelling could be designed for the site to ensure that the privacy and amenity of neighbouring properties is retained.

Access

Objections state that there is a health and safety issue with regards to the proposed access and that previous applications on the site were refused, with one of the refusal reasons stating that the access could not be achieved and was not acceptable.

DfI Roads have been consulted as part of this application and have responded with no objections subject to conditions. As DfI Roads are the competent authority to assess road safety impacts, the Council has no reason to dispute their response. However, it is noted that the grant of planning permission does not confer title and if the visibility splays cannot be achieved due to issues with third party lands, it is a civil issue between the relevant parties and not a planning matter.

Other Matters

Further concerns raised within an objection letter related to the de-valuation of the objectors property if planning permission were to be granted. Section 45 (1) of the Planning Act (NI) 2011 requires that the Council in dealing with an application for planning permission must have regard to the Local Development Plan and to any other material considerations. There is no legal definition for a material consideration; however, they are held to include all the fundamental factors involved in land-use planning. Essentially, a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. There are two main tests in deciding whether a consideration is material and relevant; it should serve or be related to the purpose of planning; and it should fairly and reasonably relate to the particular application. Property value is not normally considered to be a material consideration and in this case there has been no evidence submitted to demonstrate that the impact on property values would exist or would be disproportionate to warrant the refusal of planning permission.

Objection letters also refer to a 'clachan' style development of up to 6 houses as identified under Policy CTY2 of PPS21. However, as this proposal is for an infill, the relevant Policy is CTY 8 and therefore CTY 2 does not apply to this application.

Objections refer to the 'loss of agricultural land'. The loss of agricultural land is not material to the assessment of this planning application given that it complies with the tests for an infill site in accordance with Policy CTY8.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development has been established.
- A dwelling could be integrated and will not be out of character for the area.
- There are no issues in relation to Flood Risk or Drainage
- Neighbours will not be significantly impacted.
- DFI Roads have no objections

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED 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. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

3. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

4. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level and a low angle of roof pitch.

Reason: To ensure that the development is satisfactorily integrated with the adjacent residential dwellings in accordance with the requirements of PPS 21.

5. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been approved by the Council and

all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

6. 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.

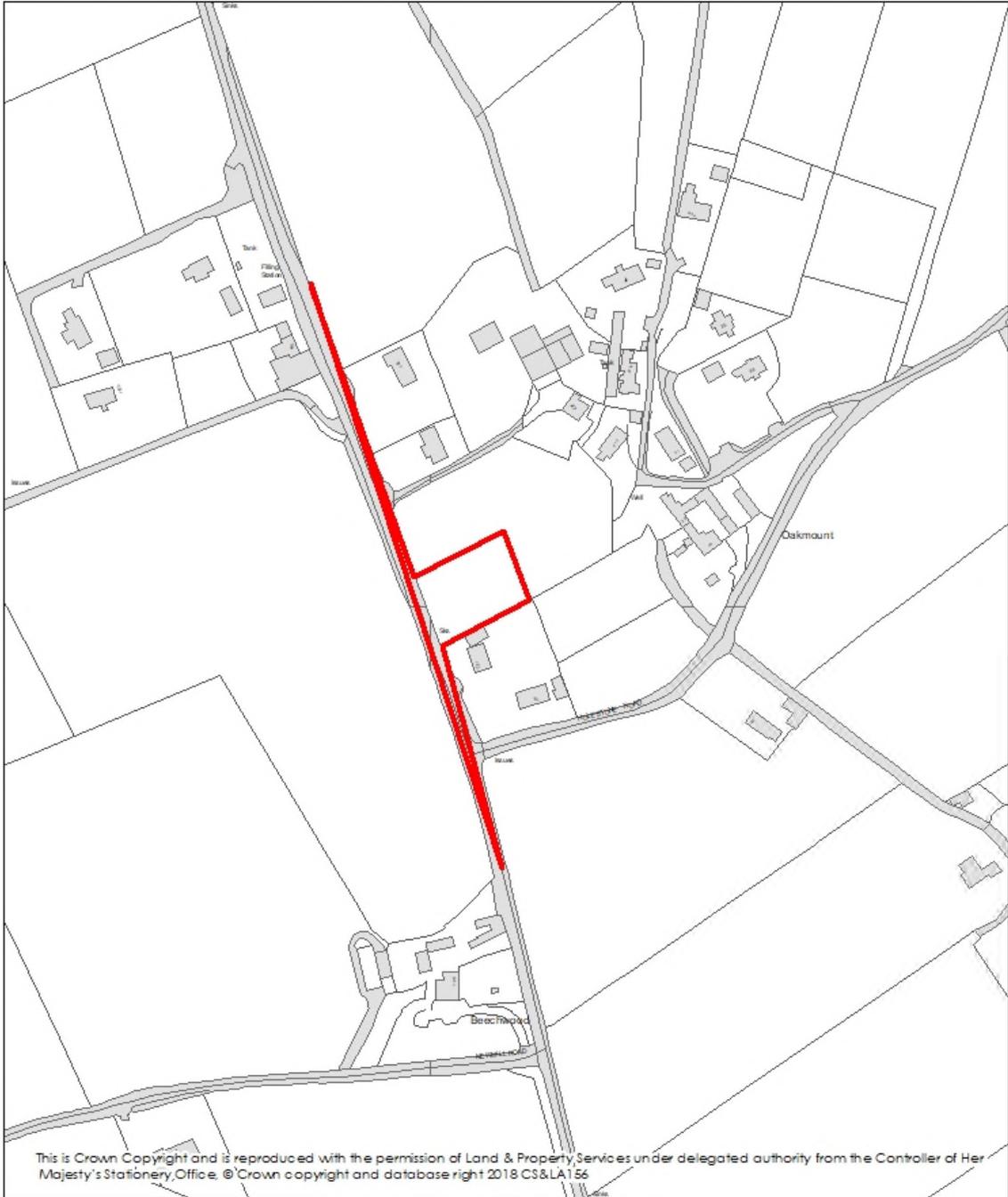
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

7. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

8. The development shall be designed in accordance with the mitigation set out in the Flood Risk Assessment, Document 01 date stamped 31st July 2020, full details of which shall be submitted at Reserved Matters stage and thereafter implemented.

Reason: To mitigate any potential drainage or flooding issues.



Location Map

Application Reference: LA03/2019/0069/O

Site for a dwelling, garage and associated siteworks

Land between 125 and 129 (30m south of 129)
Ballymena Road, Doagh, Ballyclare

 Site Boundary



For Information Only



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2020/0030/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Two detached dwellings
SITE/LOCATION	Adjacent to 740 Antrim Road, Templepatrick
APPLICANT	The Reid Family c/o Reid Black Solicitors
AGENT	Robert Gilmour Architects
LAST SITE VISIT	11 th March 2020
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of the small settlement of Millbank, as indicated in both versions of the draft Belfast Metropolitan Area Plan (BMAP published 2004 and 2014). It is not however included in the settlement limit for Millbank as identified in the draft Newtownabbey Area Plan.</p> <p>The site is located to the west and southwest of No. 740 Antrim Road and due north of No. 1 Carnbank. The site comprises the majority of an area of informal open space that rises from the Antrim Road in a southerly direction towards the Carnbank development. The eastern boundary of the site is open to the public footpath and internal estate road, as is the northern boundary that adjoins an area containing an existing small waste water facility serving the Carnbank development.</p> <p>The southern boundary abutting No.1 Carnbank is defined by a red brick wall of less than 1 metre in height, while along the western boundary is a row of hedging, approximately 3 metres in height.</p> <p>The surrounding area is residential in character, defined by detached, single storey dwellings on individual plots along the Antrim Road, and large detached, two storey brick dwellings with some stonework detailing to the rear of the application site in Carnbank.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2001/0581/F Location: Land adjoining 740 Antrim Road, including land between 740-734 Antrim Road and land to rear of No.11 Millbank Road, Newtownabbey Proposal: Residential development comprising 9 No. dwellings. Decision: Permission Granted (16.10.2002)</p> <p>Planning Reference: U/2012/0194/F Location: 740 Antrim Road, Templepatrick,</p>	

Proposal: Proposed replacement dwelling
Decision: Permission Granted (07.11.2012)

Planning Reference: U/2014/0220/F
Location: Between 736 - 738 Antrim Road, Templepatrick
Proposal: 2 No. new dwellings and access there to
Decision: Permission granted (16.01.2015)

Planning Reference: LA03/2018/0318/F
Location: 740 Antrim Road, Templepatrick
Proposal: 8 semi-detached dwellings
Decision: Permission Refused (22.08.2018)

Planning Reference: LA03/2019/680/F
Location: Carnbank Waste Water Treatment Works, 40m Northwest of 740 Antrim Road, Templepatrick
Proposal: Replacement rotating biological contractor (RBC) plant and associated ancillary works
Decision: Permission Granted (16.03.2020)

Planning Reference: LA03/2019/0387/F
Location: 740 Antrim Road, Templepatrick,
Proposal: 6 detached dwellings
Decision: Permission Granted (20.08.2020)

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located in the countryside directly adjacent to the settlement limit of the hamlet of Millbank.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Millbank.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Millbank.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 7: Quality Residential Environments: sets out planning policies for achieving quality in new residential development. This PPS is supplemented by the Creating Places Design Guide.

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas: sets out planning policy and guidance on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. It also sets out policy on the conversion of existing buildings to flats or apartments and contains policy to promote greater use of permeable paving within new residential developments.

PPS 8: Open Space, Sport and Recreation: sets out the planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

CONSULTATION

Council Environmental Health Section – No objection

Northern Ireland Water – No Objection

Department for Infrastructure Roads- No objection subject to conditions

REPRESENTATION

Two (2) neighbouring properties were notified with (3) three letters of objection and three (3) letters of support received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

The key point of objection raised is summarised below:

- The application site was designated as amenity land in the approved Carnbank development and should therefore not be built on.
- The development will lead to cramming/overdevelopment.
- The development will impact upon the amenity of existing residents.
- Cars will park along the internal estate road.

The key point of support raised is summarised below:

- The development will complete the existing Carnbank development.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Private Amenity
- Parking Provision
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never formally adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

As the application site is deemed to fall within the settlement limits of Millbank, it is considered that the principle of residential development is acceptable subject to the proposal creating a quality residential environment in accordance with Policy QD1 of PPS 7 and the Creating Places design guide as well as meeting other relevant policies. The site appears as an area of existing amenity space associated with the existing Carnbank estates and therefore Policy OS 1 of Planning Policy Statement 8 'Open Space, Sport and Recreation' is a key policy consideration as the application site impacts on land previously identified in the aforementioned approval to be laid out as open space.

Policy OS 1 does not permit development that would result in the loss of existing open space or land zoned for the provision of open space with limited exceptions. The policy indicates that the presumption against the loss of existing open space applies irrespective of its physical condition and appearance.

As indicated above the application site is located on an area of informal open space to the north and northwest of the existing Carnbank residential development. This area was indicated as an area of open space to accompany the residential

development approved under U/2001/0581/F. Stamped approved Drawing No. 12 shows this open space to be an area of maintained grass, with informal shrubs and a mix of trees with some small areas of seating. Condition 9 of the approval for U/2001/0581/F required all landscaping proposals as shown on Drawing No. 12 to be implemented prior to the occupation of any of the dwellings approved. Whilst it appears that this condition has not been fully complied with, as there are no seating areas and much of the planting approved has not taken place, this grassed area has for the most part been maintained in reasonably good condition over recent years.

The application proposes the construction of two detached dwellings on this area of open space. As per the above Policy, an exception to the loss of existing open space may be permitted where it is clearly shown that its redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

Part of this area of open space has recently been granted planning permission for development. Planning application reference LA03/2019/0580/F, for a replacement Rotating Biological Contractor (RBC) plant and associated ancillary works, was approved in March 2020. It was demonstrated that this development would bring substantial benefits to the community of Carnbank that would outweigh the loss of part of the open space (namely the replacement of the existing substandard private sewage treatment facility with a new sewage treatment facility to be adopted by NIW to serve adjacent properties) and as a consequence the proposal was granted as an exception to Policy OS 1.

In the current case, it has not been demonstrated that the loss of the remaining part of open space would be outweighed by substantial community benefits associated with the proposed development of two, privately owned, detached dwellings.

Policy OS 1 also includes an exception to the general policy presumption to the loss of an area of open space where it is demonstrated that (a) alternative provision is to be made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; and (b) that the development of the area would have no significant detrimental impact on the amenity, character or biodiversity of the locality.

As highlighted above, the amount of open space has already been reduced by the grant of planning permission for a new RBC plant and associated ancillary works. This proposal seeks to develop the remaining part of the open space, which is considered would have a significant detrimental impact on the amenity, character and biodiversity of the area, and it has not been demonstrated by the applicant that this would not be the case. The developer has retained an area of the existing open space for use by the residents of Carnbank, however, this is a considerably smaller area of space than exists at present.

The applicant has submitted a legal opinion prepared by David Dunlop QC which argues that the previous grant of planning permission (U/2001/0581/F) is **void ab initio**, which means to be treated as invalid from the outset. This is argued on the basis that; Osborne Homes the applicant for application U/2001/0581/F allegedly declared that they were the sole owners of all land within their application, that this contained the lands which are the subject of the current application, that this declaration was false, that the former DOE Planning Service failed to notify the correct land owner and that

the Council cannot impose the restrictions of a '...false application...' on any current planning proposal.

It is stated that the ownership of the application site, supposedly at the time when the planning application (U/2001/0581/F) was submitted is undisputable. The only evidence provided by Mr Dunlop of the ownership of the site has been a folio map dated 6th January 2020, with no accompanying deeds or other indication of ownership at the time that the original application was made. In reference to the second point that there was a failure by DOE Planning Service to correctly neighbour notify the correct land owners, there is no current or previous legal requirement on the planning authority to notify the owner(s) of land, rather the requirement is to notify the occupants of adjoining lands subject to certain technical provisions.

Irrespective of whether deeds are provided or not, the essential outcome that is argued is that the Council is using the previous grant of planning permission as a mechanism to thwart the current application due to the drawings which showed the current site as amenity space and secondly the conditions which required the setting out of that area as open space. Policy OS1 refers to both existing open space and land zoned as open space. Whether land should benefit from the protection of Policy OS1 can be based solely on the use of the land. Annex A of PPS 8 defines open space as all open space of public value and can include amenity green space and can provide public amenities even if the public does not have access to it. The application site is open to the public road and represents an area of maintained grassland. It is to all intents and purposes an amenity area set on the fringe of an estate of which the residents derive a benefit irrespective of whether that was the intention of the owner or not.

It is considered that the site is an existing open space amenity area where there is a presumption against development in accordance with Policy OS1 of PPS8.

Design, Layout and Appearance

Both Planning Policy Statement 7: Quality Residential Environments and the Regional Development Strategy encourage the reuse of urban land however, this is caveated by stating that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the area and to local character. PPS7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

Paragraph 6.137 of the SPPS refers to the need to deliver increased housing without town cramming and that, within established residential areas, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality, as well as safeguarding the amenity of existing residents.

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposed development will create a quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to all of a number of criteria.

The first criterion (a) requires that the proposed 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.

As noted above, the application site is located on an area of open space to the north and northwest of an existing residential development. This area has roughly been split into three plots and it is proposed to construct a detached dwelling on two of these plots, with the third plot designated as an area of amenity space.

Site A is located in the northern most section and is closest to the Antrim Road. The dwelling here is L-shaped, with a dual frontage to both the public road and the internal estate road, and has an overall ridge height of 6.4 metres to finished floor level. Design elements of the proposed dwelling include an apex roof projection and dormer window to the front, a square bay window on the northern elevation, a small lean-to on the southern elevation and external finishes of blue/black non-profiled slate roof tiles, off white painted smooth render and pvc windows.

Site B is positioned in the middle portion of the application site, bounded to the north by Site A and to the south by an area of amenity space. The dwelling proposed for this site is a direct replica of that shown on Site A in terms of size, scale, massing, use of materials and orientation.

In terms of the proposed external finishes, the existing development to the south of the application site in Carnbank is characterised by brown brick and stone cladding, however, there is a mix of finishes along the Antrim Road and within the development limit of Millbank itself. Given the varying external materials in the surrounding area, it is considered that render on this application site is acceptable and would not harm the character of the area.

It is noted that the design of the proposed dwellings is largely similar to those recently approved by the Council in the application for six dwellings on land adjacent to this site under planning application reference LA03/2019/0387/F. As a consequence, the design and finish of the proposed dwellings are considered acceptable individually.

Each dwelling has its own access point off the internal Carnbank estate road with two in-curtilage parking spaces per dwelling being provided. In terms of soft landscaping, the northern, western and southern boundaries will be planted out with a mix of hedging and trees, with some small areas of planting proposed along the eastern boundary that abuts the internal estate road. It is considered that the scale and massing of the dwellings, and the amount of hard and soft landscaped areas are appropriate to the character and topography of the site.

Private Amenity

Criterion (c) of Policy QD 1 requires adequate provision for private open space as an integral part of the development. Supplementary planning guidance on amenity space is provided within 'Creating Places: Achieving Quality in Residential Developments'. This states that the appropriate level of provision should be determined by having regard to the particular context of the development; provision should be calculated as an average space standard for the development as a whole, and should be around 70sqm per house, or greater. For this proposed

development, the average private amenity space has been calculated at over 500sqm, which is well above the minimum level.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. The proposal is open plan with small landscaped areas to the front of each dwelling, which are considered sufficient in size and scale to assist in the integration of the development and to soften its visual impact.

Criterion (e) of Policy QD 1 requires the provision of a movement pattern that supports walking, cycling, meets the needs of people whose mobility is impaired and provides adequate and convenient access to public transport. A public footpath runs along the eastern boundary of the application site, giving pedestrian access to the rest of the Carnbank development, the Antrim Road and Millbank. There are bus stops within two minutes walking distance of the application site. The movement pattern of the proposed development is acceptable and meets this criterion. DfI Roads are satisfied with the proposed access and movement pattern.

Parking Provision

Criterion (f) of Policy QD1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total number of parking spaces to be provided for residents, visitors and other callers. Each dwelling is provided with two in-curtilage parking spaces, with sufficient space along the internal estate road to allow for occasional parking by visitors and other callers. For these reasons therefore, the development can provide adequate and appropriate parking provision and meet with criterion (f).

Neighbour Amenity

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

A well designed layout should seek to minimise overlooking between proposed and existing dwellings and provide adequate space for privacy. Creating Places advises that a sufficient separation distance and an appropriate boundary treatment should be provided to ensure privacy.

The application site is bounded to the south by the detached dwelling at No. 1 Carnbank with its main aspect fronting towards the Antrim Road. This existing dwelling is L-shaped and is positioned, at its closest point, 5 metres from the boundary with the proposed area of amenity space and 22 metres to the boundary of Site B. The existing dwelling is two and a half storeys high along the front elevation, and sits on a plot considerably higher than the adjoining application site. The gable abutting the common boundary has two ground floor windows to serve a living room. The front elevation of No. 1 Carnbank is separated from the boundary with Site B by a distance of 30 metres and has two bedroom windows on both the ground and first floors and a further window on the second floor. There are additional windows on the tower feature that adjoins the gable and front elevation of this dwelling.

It is considered that the separation distance between No 1 Carnbank and the proposed dwellings is sufficient to ensure that no unacceptable overlooking from this existing dwelling to the private amenity area of the dwelling on Site B will arise.

All proposed and existing dwellings are detached, and the transmission of noise between units is not therefore a concern. Noise disturbance may be an issue, but this will be during the construction period only and on completion of the development, should cease to be a concern.

Criterion (i) of Policy QD1 of PPS 7 states that proposed residential development should be designed to deter crime and promote personal safety. It is considered that the proposed development meets this objective, by positioning the dwellings fronting onto the access road and having private amenity space to the rear.

Impact on the Character and Appearance of the Area

The small settlement of Millbank is defined by detached properties, a mix of single storey and two-storey, sitting on quite substantial sized plots. Development along the Antrim Road is characterised by single storey dwellings, while Carnbank to the rear of the application site, is a development of two storey and two and half storey dwellings. External finishes within the settlement limit include brown/red brick, pebble dash and render. It is considered that the overall layout, form and external materials of the proposed development will reflect the character of the locality and that this aspect of the scheme will not result in a significant impact on the character and appearance of the area.

However, it is clear that the property at No. 1 was designed with its main frontage towards the Antrim Road and to have an outlook over the aforementioned planned area of open space thereby providing informal surveillance of this area. The positioning of a dwelling on Site B, despite being at a lower level, and designed to be a relatively low elevation property, would have a significant impact on the main aspect and outlook of No. 1 Carnbank. Given the separation distances which exist between the existing and proposed dwellings it is considered that while the outlook from No1 Carnbank may be affected and it may be different, it is not necessarily unacceptable.

Other Matters

DfI Roads was consulted in relation to the application and has raised no concerns with the proposed access arrangements. It is considered appropriate to include conditions and informatives, as suggested by DfI Roads, which primarily relate to the provision of a safe and convenient road system within the development.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development will result in the loss of open space and therefore is not acceptable;
- The design, layout and appearance of the dwellings proposed are considered appropriate to the character and topography of the site and surrounding area;
- Sufficient amenity space is provided;
- A safe and appropriate access arrangement has been demonstrated with adequate parking provision;
- There are no significant concerns in relation to neighbour amenity.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy OS 1 of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' in that the proposed development will result in the unacceptable loss of open space and therefore adversely affect the environmental quality and character of the existing housing development at this location.



Location Map

Application Reference: LA03/2020/0030/F.
 Location: 40m N of 1 Carnbank, Antrim Road, Millbank.
 Proposal: 2 detached dwellings.



 Site Boundary



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2020/0602/F
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Two storey side extension, second floor study and conversion of garage to lounge
SITE/LOCATION	14 Greenvale Park, Antrim.
APPLICANT	Roisin Hanna, 14 Greenvale Park, Antrim
AGENT	N/A
LAST SITE VISIT	7.10.2020
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Antrim Town as identified within the Antrim Area Plan 1984-2001. The site is located within an existing residential estate at No.14 Greenvale Park, Antrim.</p> <p>The site comprises a two storey semi-detached dwelling and detached garage externally finished in red brick, white PVC windows and black roof tiles. The boundaries to the north of the site that enclose the front garden, are physically undefined. The boundaries to the south of the site that enclose the rear garden, are defined by an approximately 2 metre high close boarded wooden fence.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim. The Plan offers no specific guidance on this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

CONSULTATION

Department for Infrastructure Roads- Refuse

REPRESENTATION

Seven (7) neighbouring properties were notified and five (5) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Development will be overbearing/crowding/bulky.
- Out of character to the area and will be detrimental to the streetscape.
- Loss of light.
- Overshadowing will occur.
- Inadequate parking.
- Fire escape/safety.
- Impact on neighbouring amenity.
- Visual impact on neighbouring dwellings.
- Bin storage not provided.
- Access for building.
- Inaccurate depiction of neighbouring dwelling on plan.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context
- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring

Policy Context

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and regional planning policy is also material to determination of the proposal.

The application site is located within the settlement limit of Antrim as identified within the Antrim Area Plan 1984-2001. There are no specific operational policies relevant to the determination of the application in the plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS 7). Taking into account the transitional arrangements of the SPPS, retained APPS 7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

Scale, Massing, Design and Appearance

Paragraph 2.2 of the addendum to PPS7 states a proposal to extend or alter a residential property can have a significant impact on the character and appearance of the local environment. The main causes of harm arise where an extension is poorly designed, oversized or badly sited or where inappropriate alterations are proposed. An extension or alteration can also affect the privacy and amenities enjoyed by neighbouring households, with issues such as dominance, privacy and loss of light often arising.

From representations received, objectors state that they feel the development would be out of character for the area and would have a detrimental impact on the streetscape.

The proposal is for a two storey side and rear extension to provide a garage, dining and lounge area on the ground floor and two additional bedrooms on the first floor. There is an existing single storey detached garage located to the southeast of the existing dwelling. The proposed extension will incorporate the existing garage, turning the use into a lounge. A garage will be incorporated into the northern section of the extension (front).

Proposals in an urban context should not overdevelop the site in terms of massing, plot size and proximity to boundaries thereby, for example, creating a visual 'terrace' effect. This is one of a number of problems associated with side extensions, where they can alter the character of the area by filling the visual gaps between residential properties. The proposal will measure 2.9 metres from the existing gable wall to the boundary, and will measure a total of 16.4 metres in length (including the existing garage). The existing garage section of the proposal will remain as single storey (3.3metres in height) whilst the proposed two storey aspect of the extension will measure 7.9 metres above existing ground level.

The proposal will infill an existing gap that is located between the dwelling (No. 14 Greenvale Park) and No. 2 Greenvale Park Wood. Infilling this existing gap will create a visual 'terrace' affect and is considered to be overdevelopment of the site. A supporting statement received from the applicant – Document 02, date stamped 23rd November 2020 indicates that there are a number of existing extensions in the area that have filled similar gaps in the area. Whilst the case officer acknowledges this may be the case, applications for house extensions and alterations raise site specific issues and each case will be assessed on its individual merits. The acceptability of proposals will depend on the particular circumstances on the site and its surroundings and decisions will be informed by the policy set out in the Addendum to PPS7. In this case, the application site is located close to a corner, making the gable of the dwelling quite prominent on approach from the east. When viewed from this angle, it is considered that the massing of the proposal will be unsympathetic with the built form and appearance of the existing property and is considered to be overdevelopment. The external materials of the proposal will be red brick to match the existing dwelling.

An objector raised the issue of bins/storage and fire safety for the residents living in the dwelling. The need for adequate space alongside boundaries is important to provide ease of access to the rear of the property and to allow for maintenance. This will also serve to eliminate the possibility of any part of the extension, including rainwater goods, overhanging neighbouring properties. It is clear from analysing the submitted plans, that the proposed extension will go up to the eastern boundary of the site leaving no room for ease of access to, or from the rear of the dwelling, which is considered to be unacceptable.

It is considered the proposal fails criterion (a) of EXT 1 in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and if approved would detract from the appearance and character of the surrounding area.

Neighbour Amenity

The Council considers it important that the amenity of all residents is protected from 'unneighbourly' extensions as these can cause problems through overshadowing/loss of light, dominance and loss of privacy. The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass and location of an extension and window positions.

There have been five (5) objection letters received from two (2) neighbouring properties. The main points within the objections refer to overdevelopment, loss of light, over shadowing and visual intrusion.

Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Neighbouring dwellings should not be adversely affected by a sense of being 'hemmed in' by an extension. This can often result from the construction of a large blank wall. No's 2 and 4 Greenvale Park Dale's rear elevations back on to the gable of the proposed extension which is a two storey blank wall. The proposed extension will be located some 10metres from the rear elevation of No's 2 and 4 which, given the massing of the proposal and the separation distance it is considered that the proposed extension will give the neighbouring dwellings a sense of enclosure and impinge on the immediate outlook from their kitchen windows.

Loss of light is usually a consequence of dominance. Sunlight and daylight are valued elements in a good quality living environment. Where an extension is poorly sited or badly designed it can cast a shadow that may reduce a neighbour's daylight and adversely affect their amenity to an unacceptable level. No's 2 and 4 Greenvale Park Dale are located some 10 metres to the west of the application site. Whilst the neighbouring dwellings may not be overshadowed in the mornings, due to the movement of the sun it is likely that the dwelling's kitchen windows/patio doors will be unduly impacted by a loss of light from late afternoon onwards. Paragraph A34 states where an extension would be likely to reduce the amount of light entering the window of a room to an unreasonable degree, planning permission is likely to be refused.

There are no windows proposed on the eastern gable that would cause overlooking to No's 2 and 4 Greenvale Park Dale. No. 8 Greenvale Park Dale is located to the south of the site, some 15metres away, it is considered that the separation distance will ensure that there is no significant impact with regards to overlooking, dominance or loss of light.

It is noted that a point was raised in an objection letter stating that the proposed plans show an inaccurate depiction of a neighbouring dwelling (No. 2 Greenvale Park Wood) on Drawing 04/1, date stamped 23rd November 2020. The plan indicates incorrect locations of the patio doors and a window on the floorplan, as well as their garden being shown to be larger than it is on the ground. The case officer acknowledges that the floorplan of the neighbouring dwelling is incorrect, however, on the basis of assessing the impact of the proposal on the neighbouring dwelling (no. 2 Greenvale Park Wood), the conclusion will still be the same. Furthermore, measurements of separation distances have been taken from Spatial NI in order to ensure there are no discrepancies.

It is considered that the proposal would have an unacceptable impact on Nos. 2 and 4 Greenvale Park Dale in terms of dominance and loss of light. The proposal therefore fails criterion (b) of EXT1.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as there are no trees or other landscape features present where the proposal will be located.

Amenity Space, Parking and Manoeuvring

All residential properties require some in-curtilage private open space, usually to the rear, compatible with the overall size of the plot, for normal domestic activities, such as, bin storage, clothes drying, sitting out and playspace. This space should enjoy a high degree of privacy from the public street and from any other public places.

There will be over 40sqm of amenity space remaining. It is considered that sufficient space will remain within the curtilage of the property for recreational and domestic purposes. Creating Places states for any individual house, an area of less than 40sqm will generally be unacceptable. It is considered that the proposal has provided the minimum amenity required, and it is considered to be acceptable.

Objection letters received make reference to the loss of car parking that will occur if the development were to be approved. DfI Roads were consulted on the proposal and responded stating that a garage with no storage capacity should have a minimum width of 3metres (internal dimensions). The proposed width is 2.5 metres therefore fails to meet the specifications to be counted as a parking space. Secondly, 'Creating Places' states the minimum length of an in-curtilage driveway for a single space set is 6metres. The proposal can only accommodate 5.1m however this may be acceptable as a space for a car which measures approximately 4.8m in length, however, the space will not accommodate any other vehicles.

Furthermore, the proposal is removing an existing in-curtilage space provided by the existing garage. Parking Standards guidance states a minimum of 2.5 car parking spaces are to be provided for a 4 bedroom dwelling. It is noted the proposed extension will increase the number of bedrooms within the dwelling to 5 therefore the minimum car parking spaces to be required may be higher. The proposed parking provided will be 1 space which significantly fails to meet the required number of car parking spaces.

The proposal therefore fails to meet the parking requirements of policies EXT 1 of Addendum to PPS7 and Policy AMP 7; Planning Policy Statement 3, Access, Movement and Parking - in that adequate parking for the dwelling as extended cannot be made clear of the highway.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

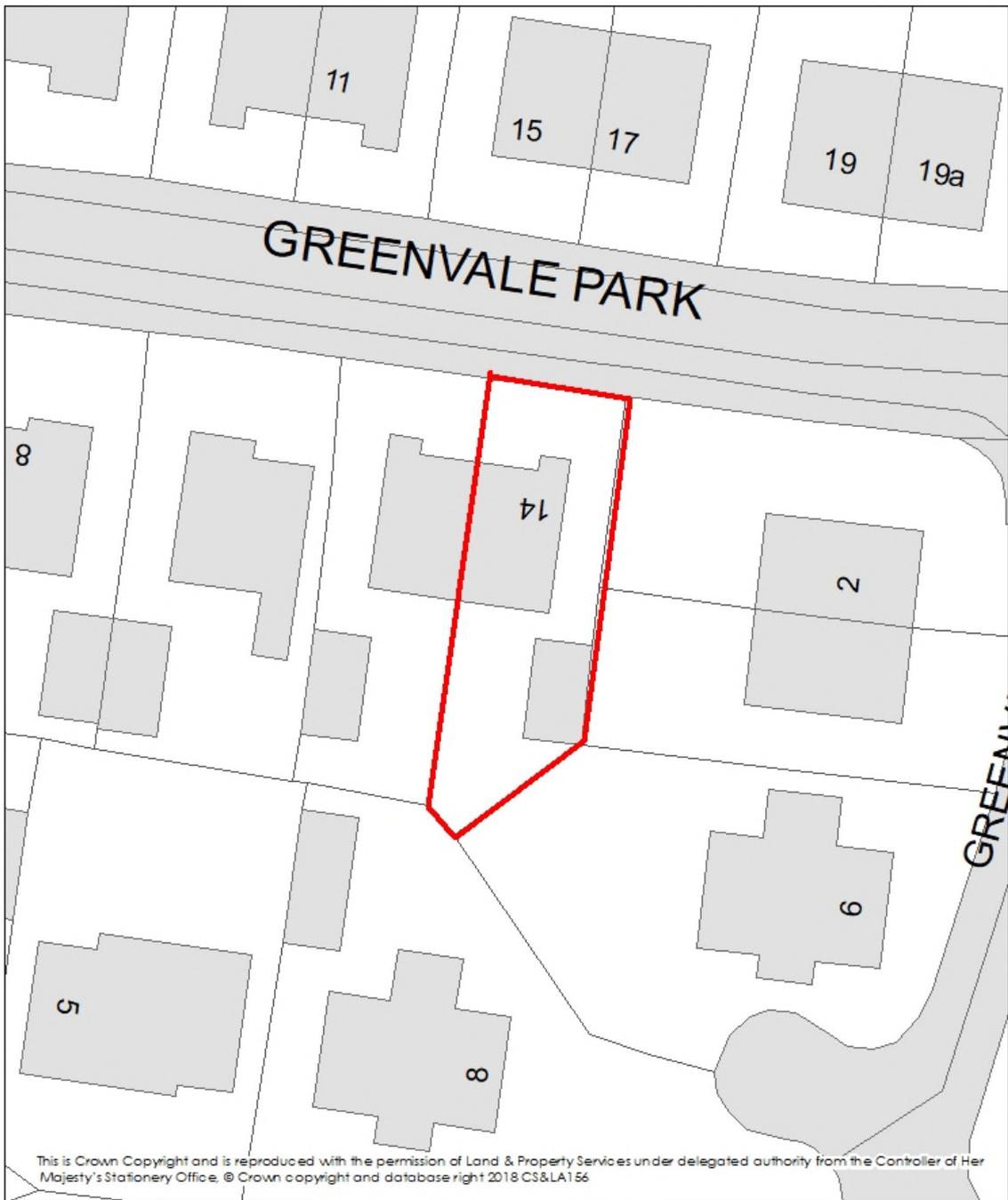
- The principle of the development has been established.
- The proposal is unacceptable in terms of size, scale and massing.
- The proposal would have a detrimental impact upon the character of the area.
- Neighbours will be impacted with regards to loss of light and overshadowing.

- Parking provision on the site is inadequate.

RECOMMENDATION	REFUSE PLANNING PERMISSION
-----------------------	-----------------------------------

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations, in that the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area, will unduly impact neighbours and will have inadequate parking.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 7; Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, not provide sufficient parking clear of the highway.



Location Map

Application Reference: LA03/2020/0602/F

14 Greenvale Park, Antrim, BT41 1SG

Two storey side extension, second floor study and conversion of garage to lounge

 Site Boundary



For Information Only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2020/0380/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retrospective permission sought for change of use from retail to coffee shop
SITE/LOCATION	1 – 3a Main Street, Straid
APPLICANT	The Hub Coffee Shop
AGENT	Robert Logan Chartered Architect
LAST SITE VISIT	August 2020
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located at 1 – 3a Main Street, Straid which is located within the village of Straid as defined in the draft Belfast Metropolitan Area Plan.</p> <p>The application site relates to "The Hub" coffee shop, which occupies two 'own-door' ground floor units within a larger two/two and a half (2/2.5) storey block with residential apartments above. The building is known as Ellisfield Terrace and occupies a prominent position along Main Street within the heart of the village. Although 'The Hub' occupies two units, these units are internally interconnected. A pedestrian access ramp runs east to west across the frontage of this part of Ellisfield Terrace and terminates at a set of steps down to the footpath at the western side of the frontage of the units.</p> <p>To the rear of Ellisfield Terrace is Ellisfield Mews, a residential development of eight (8) townhouses and an apartment block. The vehicular access to Ellisfield Mews is located immediately west of Ellisfield Terrace and separates out these two axis of development. A communal parking area associated with this residential development is located immediately to the rear of the coffee shop.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2001/0423/F Location: Site adjacent to No.1 Main Street, Straid, Newtownabbey. Proposal: Erection of 14 No. apartments, 8 No. town houses and two shop units. Decision: Permission Granted: 07.10.2002</p> <p>Planning Reference: U/2002/0729/F Location: Site at No.1 Main Street, Straid, Newtownabbey.</p>	

Proposal: Erection of 14 No. apartments, 8 No. town houses and two shop units approved under U/2001/0423/F. Proposed amendments to north east elevation to Main Street.

Decision: Permission Granted: 25.07.2003

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Straid. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Straid and its draft Area of Village Character (Designation SD03). Planning Policy UE3: Areas of Townscape Character and Areas of Village Character states that within designated Areas of Townscape Character and Areas of Village Character planning permission will only be granted to development proposals which protect or enhance the key features of the designated area, including those set out in the District Proposals and which meet the relevant key design criteria.

Belfast Metropolitan Area Plan (Published 2014) (BMAP 2015): The application site is located within the settlement limit of Straid and its Area of Village Character (Designation SD03). The plan defers to regional planning policy contained within the Addendum to PPS6: Areas of Townscape Character for the assessment of development proposals in Areas of Village Character.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

Addendum to PPS 6: Areas of Townscape Character: sets out planning policy and guidance relating to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements.

Supplementary Planning Guidance relevant to the assessment of this development proposal is located within 'Parking Standards', Annex A of the SPPS: Managing Noise and Improving Air Quality, the 'Noise Policy Statement for Northern Ireland' and Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets.

CONSULTATION

Council Environmental Health Section – Request that a suitable noise and odour impact assessment is provided for assessment and which identifies the necessary mitigation measures required to prevent residential amenity being adversely impacted.

Department for Infrastructure Roads – No objection.

REPRESENTATION

Fifteen (15) neighbouring properties were notified and one (1) letter of objection has been received. The letter of objection has been received from a resident of Ellisfield Terrace who states that he is acting on behalf of all the residents of Ellisfield Terrace.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

A summary of the key points of objection raised is provided below:

- Problems with litter and bins overflowing.
- Cooking odours are problematic as the ventilation system discharges into a covered walkway between the café and apartment complex.
- Staff and business vehicles are parking in the communal parking area associated with Ellisfield Terrace impacting the ability of residents to park their own vehicles.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Impact on Area Character and Neighbour Amenity
- Access, Movement and Parking
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material

considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

With reference to the draft Newtownabbey Area Plan the application site is located within the settlement limit of Straid. With reference to both versions of BMAP the application site lies within the settlement development limit of the village of Straid and also within its Area of Townscape Character. As the application is an existing retail unit and the proposal seeks a change of use from retail to a coffee shop it is considered that issues with Townscape Character are not relevant to the determination of this application.

The application stands to be assessed in the context of the applicable Regional Strategic Objectives of the Strategic Planning Policy Statement for Northern Ireland, its supplementary planning guidance set out at Annex A: Managing Noise and Improving Air Quality and also the 'Noise Policy Statement for Northern Ireland' and Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and those contained in PPS 3: Access, Movement and Parking, which provides the relevant regional policy context for consideration of the proposal.

The SPPS states that there are a wide range of environmental and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. The SPPS cites the example of the planning system having a role to play in minimising potential adverse impacts, such as noise on sensitive receptors by means of its influence on the location, layout or design of new development.

Annex A of the SPPS is entitled 'Managing Noise and Improving Air Quality' and states that noise is an inevitable consequence of human activity and cannot be avoided entirely. The SPPS goes on to state that the planning system has a role to play in minimising the potential for adverse impact upon health and well-being through noise, by means of its influence on the location, layout and design of new development and consideration of amenity impacts. The SPPS also states that in managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise. Additionally, the SPPS states that planning authorities should pay due regard to the Noise Policy Statement for Northern Ireland (NPSNI) as it seeks to set clear policy aims to enable decisions to be made and will ensure appropriate inter-relationships between the planning system and what is an acceptable noise burden to place on society. The Noise Policy Statement for Northern Ireland reiterates the position of the SPPS that noise can be treated as a material consideration in the determination of planning applications for proposals likely to give rise to noise that would impact adversely upon residential amenity.

With reference to 'Improving Air Quality' the SPPS states that the planning system can also positively contribute to the improvement of air quality and in minimising its harmful impacts on health and well-being. It advises that planning authorities should consider the location of development which may give rise to air pollution in exercising its planning functions and that in managing development, planning authorities should recognise that air quality can be a material consideration in the determination of planning applications.

Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets (DCAN4) provides general guidance relevant to the assessment of the development proposal. Paragraph 5.1 of DCAN4 states that applications for restaurants, cafes and fast food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. It goes on to state that in assessing this impact, a number of factors need to be taken into account, including noise disturbance and smells and fumes. Paragraph 5.2 states that the use of planning conditions is often paramount to the control of restaurants, cafes and hot food outlets, particularly in relation to the above considerations. The impact of many proposals which would otherwise be rejected, may be mitigated by the imposition of such conditions.

Within this planning policy and supplementary planning guidance context, it is considered the principle of a change of use of the existing building from a shop to a café on the application site would be acceptable subject to meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

Impact on Character and Appearance of the Area.

The development proposal seeks retrospective planning permission for the change of use from a shop to a café. There are no alterations to the physical form, scale, massing or appearance of the building due to this development proposal. It is therefore considered that the general appearance of the café is acceptable in the

context of the receiving environment at the heart of the village of Straid and does not unacceptably impact on the character and appearance of the area.

Neighbour Amenity

Given the nature of this development proposal that seeks retrospective planning permission for the change of use from a shop to a café, issues of noise and odours are relevant material considerations in the assessment of this planning application.

In its consultation response of 6th July 2020 the Council's Environmental Health Section has requested that given the residential accommodation above the coffee shop a suitable noise and odour impact assessment, identifying the necessary mitigation measures required to prevent residential amenity being adversely impacted, are provided to the Council's Planning Section for assessment.

On the 18th August the agent made aware of the need for these assessments with a further reminder sent on the 6th October 2020. At that time the agent advised that given the difficult circumstances faced by the applicant in this business start-up that he (the agent) was unable provide the information. Further reminders were sent on 3rd November 2020, 11th November 2020 and the 11th December 2020. However, the agent advised that the applicant, whilst aware of the need for these reports, had not instructed him to commission these.

In the absence of the necessary supporting information it has not been demonstrated that the existing unauthorised business (coffee shop) will not have an adverse impact upon existing residents of Ellisfield Terrace (and as referred to in the letter of objection received), Ellisfield Mews, and other nearby sensitive receptors on Main Street, Straid. In addition, it has not been demonstrated that appropriate mitigation techniques can be utilised to offset any impacts associated with noise and odour being generated from the café. For these reasons it is considered that the proposal has failed to demonstrate compliance with one of the Core Planning Principles of the SPPS: Safeguarding Residential and Work Environs, further guidance set out at Annex A of the SPPS: Managing Noise and Improving Air Quality and supplementary guidance set out in the Noise Policy Statement for Northern Ireland and DCAN 4 – Restaurants, Cafes and Fast Food Outlets. Given this conclusion it is also considered that the proposal is contrary to the provisions of the SPPS with respect to the guiding principle of the SPPS set out at paragraph 3.8 as it has not been demonstrated that the proposal will not cause demonstrable harm to interests of acknowledged importance (residential amenity).

Access, Movement and Parking

Policy AMP7: Car Parking and Servicing Arrangements of Planning Policy Statement 3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It states that the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department for Infrastructure's published standards (Parking Standards) or any reduction provided for in an area of parking restraint designated in a development plan.

With reference to the Planning (Use Classes) Order (NI) 2015 it is noted that a 'shop' falls within Class A1: Shops and that no 'Class' is attributable to the use of the premises as a café within the Order. A 'café' is referred to as a 'Sui-Generis' use.

Taking into account the floor space of each of the units and utilising the parking standards calculation methodology for a Class A1: Shop set out in 'Parking Standards' (1 space per 20 square metres gross floor space) it is considered that the shop would have required 5.5 car parking spaces. With reference to the floor space of each unit assessed against the stated parking standard for a restaurant inside development limits (1 space per 5 square metres of net retail floor space) as set out in 'Parking Standards' it is considered that the café would require 10 car parking spaces.

In support of this development proposal the agent has provided a plan indicating that there are 16 'on street' car parking spaces available to serve the development located both to the immediate front of the café and also on the opposite side of Main Street. Notwithstanding the point of objection received from the resident of Ellisfield Terrace that the café business is occupying car parking spaces dedicated to residents of Ellisfield Terrace and Ellisfield Mews, it is considered that the agent has demonstrated that there is sufficient available on street car parking to serve the development and customers attracted to it. The issue of the café occupying car parking spaces associated with the adjacent residential development is a matter which it is considered to be could be resolved through good neighbourliness and dialogue. As such, determining weight in the decision making process is not being attributed to this matter in this instance.

Other Matters

The letter of objection has indicated that Council litter bins are overflowing. This is not considered to be a matter relevant to the assessment of the planning application rather a matter for the Council's Cleansing Section. For this reason, determining weight in the decision making process is again not being attributed to this aspect of the objection as made. The Planning Section has however notified the Cleansing Section of this matter.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

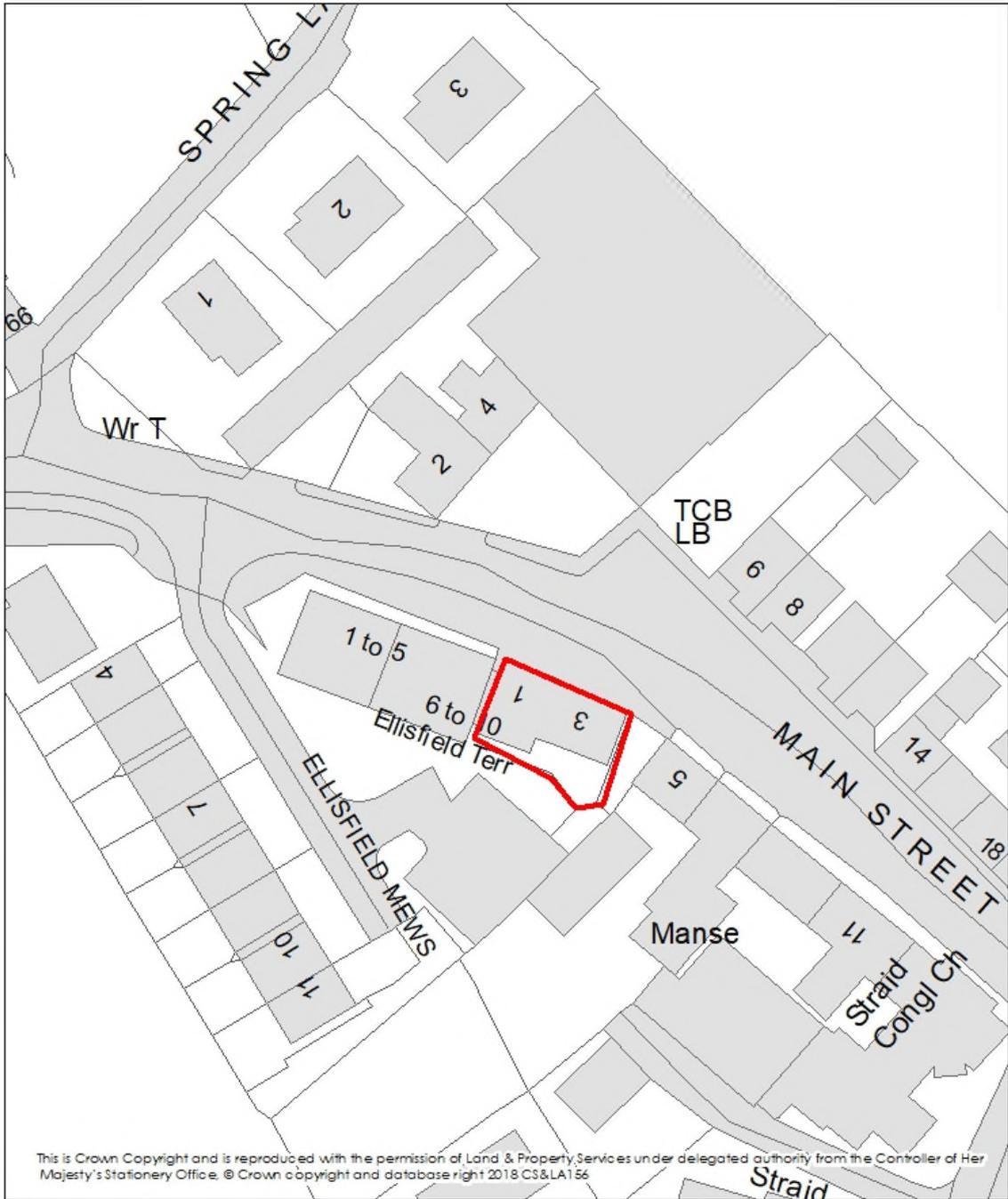
- The principle of the development has not been established as the necessary noise and odour reports have not been provided to demonstrate that the proposal will not have an adverse impact on the residential amenity of adjacent residential properties.
- Sufficient parking is available to serve the development.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (paragraphs 3.8 and 4.11), Development Control Advice Note 4 – Restaurants, Cafes and Fast Food Outlets and the Noise Policy Statement for Northern Ireland as it has not been demonstrated that the proposal will not cause a detrimental impact to the residential amenity of existing residents at Ellisfield Terrace, Ellisfield Mews and other nearby sensitive receptors on Main Street, by way of noise and odour.

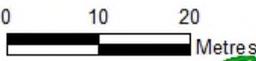


Location Map

Application Reference: LA03/2020/0380/F
 Retrospective permission sought for
 change of use from retail to coffee shop

1-3a Main Street,
 Straid, Ballyclare

 Site Boundary
 





COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2020/0464/RM
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE RESERVED MATTERS
PROPOSAL	Two storey farm dwelling and detached garage
SITE/LOCATION	Lands to the rear of 15 Templepatrick Road, Ballynure, BT39 9TX
APPLICANT	Mr Mark Boyd
AGENT	N/A
LAST SITE VISIT	30 th October 2020
CASE OFFICER	Steven McQuillan Tel: 028 903 Ext40421 Email: steven.mcquillan@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located on lands to the rear of No. 15 Templepatrick Road, Ballynure. The site is located outside of any settlement limit as defined in the draft Belfast Metropolitan Area Plan, and therefore falls within the rural area.</p> <p>The site is set back some 40 metres from the main Templepatrick Road and is currently an agricultural field with mature hedging and trees along the southwestern boundary with sporadic planting and post and wire fencing defining the northeastern boundary. The land falls steadily from the Templepatrick Road to the rear of the site.</p> <p>The proposed point of access is currently an agricultural access with a laneway that will run along the northeastern side of an existing shed directly adjacent to the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2017/1115/O Location: Lands to the rear of 15 Templepatrick Road, Ballynure, BT39 9TX Proposal: Farm dwelling and garage Decision: Permission Granted 13.06.2018</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which remains at the Draft Plan stage) together with</p>	

relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Department for Infrastructure Roads - No objection subject to conditions

REPRESENTATION

Two (2) neighbouring properties notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Preliminary Matter
- Policy Context and Principle of Development
- Design and Appearance
- Character and Appearance of the Area
- Neighbour Amenity

Preliminary Matter

Following an initial assessment of this application, the applicant was advised on 13th November 2020 that the Council had concerns regarding the design of the dwelling, in particular, the low angle roof pitch, scale, massing and fenestration. This information was reiterated to the architect following contact with the Council. Amended plans were received on 24th November 2020 (although the block plan was not updated) in an attempt to address the Council's concerns, however, the amendments fail to adequately satisfy all concerns.

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process.

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The application site benefits from the previous grant of outline planning permission LA03/2017/1115/O which was granted on 13th June 2018 for a farm dwelling and garage. The time limit for the submission of a Reserved Matters application is 13th June 2021 and thus the permission is still live and valid. Accordingly, the principle of development on the site has been established through this outline planning approval.

Design, Scale and Appearance

The proposed dwelling is a two storey dwelling with a low angle roof pitch of just over 20 degrees. Condition 6 of LA03/2017/1115/O states that the proposed dwelling shall have a ridge height of less than 6.5m above finished floor level and whilst the proposal complies with this condition, the two storey element has resulted in a low angle roof pitch that is not typical of rural design, nor characteristic of the immediate area. In planning terms, a 6.5m ridge would be characteristic of a 'storey and half' dwelling, which would allow for a more traditional roof pitch. The roof is gabled at one end and hipped at the opposite whereas traditionally roofs were either hipped or gabled and this was usually dependent on which roof style was prevalent in the area.

Para 5.67 of PPS 21 states that successful rural designs are based upon simple shapes and forms of traditional buildings and simplicity of design will enhance the

appearance of a new building. Whilst the design is simple, it is not traditional or reflective of rural design.

The front elevation is 22.5m in total, with a two storey element comprising 19m which gives the elevation quite a dominant impact. There is a high solid to void ratio, however, there is a variety in window openings with a number of small windows and 3 larger windows, 2 of which are horizontal with the other being quite large and out of character with all the other window arrangements. The complexity of different window designs, shapes and sizes adds to the complexity of the front elevation. As an updated block plan has not been received, it is difficult to ascertain if the door element is a design feature or an actual porch that would assist in breaking up the front elevation.

The finishes include grey concrete tiles and a smooth plaster finish which are considered acceptable. The finishes of the garage are not noted, however this could be conditioned to be finished as per the main dwelling. The garage has a proposed ridge height of 6m and whilst it is lower than the main dwelling, it would not be considered subordinate. The design of the garage would not be considered detrimental to the proposal on its own. There is more than adequate amenity space within the curtilage of the site to serve the dwelling.

Whilst it is acknowledged that the site is not a roadside plot, one of the core principles of the SPPS is good design. This principle goes beyond the design of the individual building and seeks a design which is characteristic of the area. It is considered that the design of the dwelling is not reflective of traditional rural dwellings located within the area.

Character and Appearance of the Area

The dwelling is positioned 'side on' to the public road with the garage located to the front of the site. Whilst this is not a typical approach to rural sites, it is acknowledged this is not a roadside site and it is located over 60m from the public road on a lower gradient with some existing landscaping.

Para 5.79 of PPS21 states that in order to maintain and protect the rural character of an area, the new building should reflect the traditional settlement pattern of the area. The area is characteristic of single and two storey dwellings with roof pitches in the region of 40-45 degrees. Whilst the height was a matter for consideration under the outline approval, as outlined above the design is not reflective of the character of this area. As per Para. 5.81 of PPS21, the assessment and impact of a new building on rural character will be judged from public viewpoints. The key views of the site are from the Ballynure Roundabout towards the site entrance. There are transient views when travelling towards Ballyclare. Views from the roundabout are quite open and exposed and it is from this point where the full impact of the wide frontage (with garage) will be seen and will be a prominent feature in the landscape.

Neighbour Amenity

The nearest neighbouring property, No. 15 Templepatrick Road, is located between the site and the public road. Whilst this dwelling is not occupied, nor is it nearing occupation, it has been given consideration as if it was occupied as it is a lawful dwelling under construction. Given the separation distance and intervening buildings/landscaping there will be no impact on this dwelling. The rear of the

proposed dwelling will face onto an expansive area to the rear of No. 15 that appears to be waste ground used for storage. It is noted there is a dense boundary of trees that separate this area.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

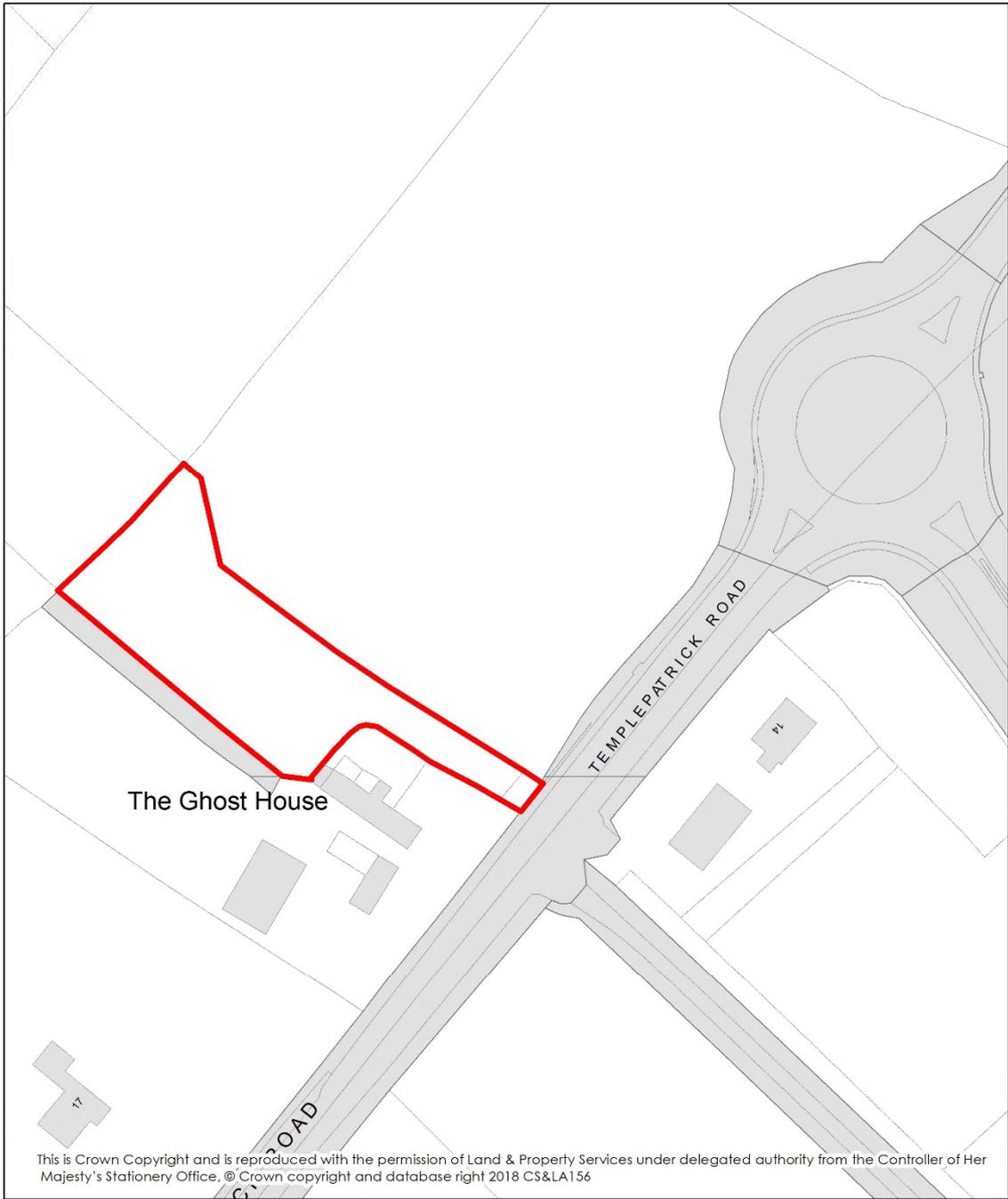
- The principle for the development is considered acceptable;
- The design of the dwelling is considered unacceptable;
- There is not considered to be any detrimental impact on neighbouring amenity;
- There is considered to be a detrimental impact on the rural character of the area.

RECOMMENDATION

REFUSE RESERVED MATTERS

PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling would not be appropriate for the site or the locality.



Location Map

Application Reference: LA03/2020/0464/RM

Proposed 2 storey farm dwelling and garage

Land to the rear of 15 Templepatrick Road
Ballynure

 Site Boundary


Scale 1:1250



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2020/0740/O
DEA	DUNSILLY
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	2 no. Detached 2 Storey dwellings and double garages
SITE/LOCATION	43 Castle Road, Kilbegs, Randalstown, BT41 4NA
APPLICANT	Antrim & Newtownabbey Borough Council
AGENT	N/A
LAST SITE VISIT	23.11.2020
CASE OFFICER	Barry Diamond Tel: 028 903 40408 Email: barry.diamond@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located in the rural area and outside of any designated settlement limits identified within the Antrim Area Plan 1984-2001. The site is a road frontage site and comprises the former rugby club which is a red brick single storey building with a varying ridge line and style.</p> <p>The application site is accessed via the same access to Allen Park and is defined along the southern (roadside) boundary by a d rail fence approx. 1 metre in height, along the eastern boundary by a deciduous hedge approximately 1.5 metres in height and the remaining boundaries are undefined.</p> <p>The site is relatively flat with a large area of hardcore between the front of the existing building and the Castle Road which was the car park to the former Ruby & Hockey Club building.</p> <p>Beyond the site to the north there are playing fields associated with Allen Park, to the east is a two dwelling, to the west are two dwellings, a storage and distribution yard and the Chimney Corner Football Club.</p>	
RELEVANT PLANNING HISTORY	
Not Applicable	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which</p>	

contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located outside any settlement limit and lies in the countryside as designated by the Plan which offers no specific policy or guidance pertinent to this proposal.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

REPRESENTATION

Seven (7) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Integration
- Character and Appearance of the Area
- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations.

Section 6 (4) of the Act then states that, where, in making any determination under

the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

The application is an outline planning application for two dwellings and associated garages which are located in the countryside. Policy CTY 1 of PPS 21 provides for a number of types of development which are acceptable in principle in the countryside. In relation to this proposal Policy CTY 1 states that planning permission will be granted for an individual dwelling in the countryside where a dwelling is sited within an existing cluster of buildings in accordance with Policy CTY 2a New dwellings in Existing Clusters. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met.

The first criterion states that the cluster should lie outside of a farm and consists of four or more buildings (excluding ancillary buildings) of which three are dwellings. It is considered that in this instance this criterion can be met as there is a dwelling to the east (No. 41) and two dwellings to the west (Nos 47 & 53). The remaining buildings which make the cluster constitute a furniture store (No. 47a), The Allen Park Facility and the Chimney Corner Football Club to the west.

The second criterion of Policy CTY 2a states that the cluster must appear as a visual entity in the local landscape. It is considered that the proposal also meets the policy in this regard with all of the development being located to the northern side of the Castle Road. Given the number of buildings and their positions in relation to each other, means that the cluster is clearly recognisable when travelling in both directions (east and west) along the Castle Road. It is considered that the cluster appears clearly as a visual entity in the landscape and that the site is intervisible with the existing buildings surrounding it.

The third criterion of the policy states that the cluster should be associated with a focal point (such as a community building or facility) or be located at a crossroads. In

this case the cluster includes community facilities such as the Chimney Corner Football club or Allen Park both of which can be considered as a focal point. It is considered that the proposal can therefore meet the policy in this regard.

In relation to the fourth criterion of the policy it is also considered that the site can provide a suitable degree of enclosure and is bound on at least two sides with other development in the cluster. The eastern boundary is defined by an existing dwelling No. 43 and its associated outbuildings while the western boundary has the entrance to Allen Park and a dwelling No. 47.

The fifth criterion of Policy CTY 2a requires that the development can be absorbed into the existing cluster, through rounding off or consolidation and will not significantly alter the character or visually intrude into the open countryside. It is accepted that there is an existing cluster in the area, the application site bounded on two sides by other development within the cluster and will help consolidate the existing cluster.

In relation to the final criterion whereby development should not adversely impact on residential amenity, it is considered that appropriately designed dwellings could be erected on site that would have no significant adverse impact on the residential amenity experienced at existing properties.

Design and Integration

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Paragraph 5.58 of PPS21 states that the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

When approaching the site from the east, the views of the site are restricted due to a number of mature deciduous trees to the front of No. 41 Castle Road and by mature trees along its western boundary. When approaching the site from the east the site is screened by mature trees defining the entrance road to Allen Park. The site is exposed along the short frontage to the site, with some backdrop afforded by vegetation towards the eastern and western boundaries. Given the other buildings in the area and the existing large building on site it is considered that two dwellings on the site would integrate into the landscape. The site would benefit from landscaping to both the southern (roadside) and northern boundaries to aid integration of the dwellings.

Character and Appearance of the Area

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As per PPS21 in order to maintain and protect the rural character of an area, a new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development.

There is little doubt that the area already suffers from a loss in rural character given the number of buildings located in the area including the existing building on the

application site. The proposed dwellings will lie between a number of existing building to the east and to the west and it is considered that the proposed buildings will help consolidate the existing build up of development and not further erode the character through an extension or sprawl from the built form.

Neighbour Amenity

As the application seeks outline permission, no details have been provided regarding the proposed design of the dwelling. However, it is considered that appropriately designed dwellings could be erected on site that would have no significant adverse impact on the residential amenity experienced at existing residential properties given the separation distances that will exist.

Other Matters

The Castle Road is a protected route, however, the consequential amendment to Policy AMP 3 contained within the first Annex to PPS21 states that, where possible an access should be taken from an adjacent minor road and if this is not possible, the development will be required to be accessed via an existing access. In this case there is no adjacent minor road, the application site is proposed to be accessed via the same access as the Allen Park facility and the site was previously accessed via this same access and has established use rights. Given the previous use of the site as a rugby club it is considered that an intensification of the use of the access would not occur given the proposed use is for two dwellings. DfI Roads have been consulted on the proposal and have no objections although they have indicated that the access to Allen Park would benefit from being upgraded, however, given that there is no intensification of the access this is not a requirement.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The principle of the development is acceptable.
- It is considered that the dwellings will integrate into the surrounding area.
- There will be no detriment caused to the rural character of the area.
- Neighbouring residential properties will not be significantly impacted by the proposal.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED 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. Approval of the details of the design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any

development is commenced.

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

3. The proposed dwellings shall be sited in the hatched area on Drawing No. 03 date stamped 22nd October 2020.

Reason: To ensure that the development conforms with the existing pattern of development in the cluster.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point and the ridge height shall not exceed 8 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

5. The southern boundaries shall be defined by a post and wire fence with a hawthorn hedge planted in double staggered rows 200mm apart, at 450mm spacing and the northern boundary shall be augmented with deciduous native tree planting. The works shall be carried out in the first available planting season after the occupation of any part of the dwelling.

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

6. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

7. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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



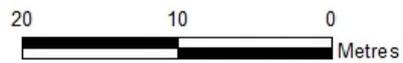
Location Map

Application Reference: LA03/2020/0740/O

2 no. detached 2 storey dwellings with associated car parking, double garage and external stores

43 Castle Road, Kilbegs
Randalstown, BT41 4NA

 Site Boundary



For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2020/0769/F
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Ground-mounted uplighters to illuminate existing sculpture
SITE/LOCATION	30m east of the mouth of the Six Mile Water River Loughshore Park Antrim
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	N/A
LAST SITE VISIT	09.12.2020
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>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</p>	
SITE DESCRIPTION	
<p>The application site is located within Antrim's Loughshore Park which is within the development limits of Antrim as designated within the Antrim Area Plan 1984-2001.</p> <p>The site lies to the southwest of an existing public car park and is presently laid out in concrete. A wall approximately 1.5metres in height defines the southwestern boundary dividing the site from Lough Neagh. A low wall some 0.5metres in height with metal railings on top defines the eastern boundary, enclosing it from the adjacent car park. There is a telescope and tourist signage presently erected on the site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0973/F Location: 30 metres south east of the mouth of the Sixmilewater River, Loughshore Park, Antrim Proposal: Erection of a sculpture approx. 6m high of steel lattice construction Decision: Permission Granted 18.02.2020</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning polices for the consideration of development proposals.</p>	

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 2: Natural Heritage: sets out planning policies for the conservation, protection and enhancement of our natural heritage.

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Natural Heritage

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs).

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPSs which provide the relevant regional policy context for consideration of the proposal;

- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. It is noted that in this particular case the development plan does not make any specific reference to the application site or to the type of development proposed.

The planning history of the site shows that a sculpture approximately 6metres in height was granted on 18th Feb 2020 on the application site. The proposed ground mounted uplighters are to illuminate the approved sculpture. It is considered that the lighting will enhance the visual impact of the sculpture helping it to perform its function as a piece of public and cultural art as well as assisting local tourism which can be considered as contributing to sustainable development.

Within this policy context, it is considered that the principle of 5no. proposed ground level up-lighters on the site would be acceptable subject to the development complying with other requirements in accordance with regional policy and guidance which are addressed in detail below.

Design and Appearance

As noted above the application is for the erection of 5no. ground-level uplighters to illuminate a previously approved sculpture, 6 metres in height of steel lattice construction.

The lights will be located on the existing hard surface and angled upwards towards the structure. 3no. lights will be located along the western boundary and 2no lights will be located to the eastern boundary. It is considered the lights will enhance the previously approved sculpture.

It is considered that the illumination of the proposed sculpture is acceptable and would have a beneficial impact on the character or appearance of the area.

Neighbour Amenity

The closest neighbouring property to the application site is the Council's recently constructed Gateway Centre. This is a new and modern community visitor centre. The sculpture is located approximately 100 metres from this building.

Given the distance of the sculpture from any nearby properties, it is considered that there would be no detrimental impact on the amenities of neighbouring properties.

Natural Heritage

Lough Neagh has a number of environmental designations including being classified as an Area of Special Scientific Interest, a Ramsar Site and Special Protection Area. Given the location of the application site immediately adjacent to the Lough a Habitats Regulations Assessment has been undertaken by the Council.

This indicates that the proposed works are small in nature and scale and that there will be no likely significant effects on any European site from the proposed project either alone or in combination with any other project.

It is therefore concluded that there will be no significant detrimental impacts on any European Protected Site or other natural heritage interests arising from the proposal.

CONCLUSION

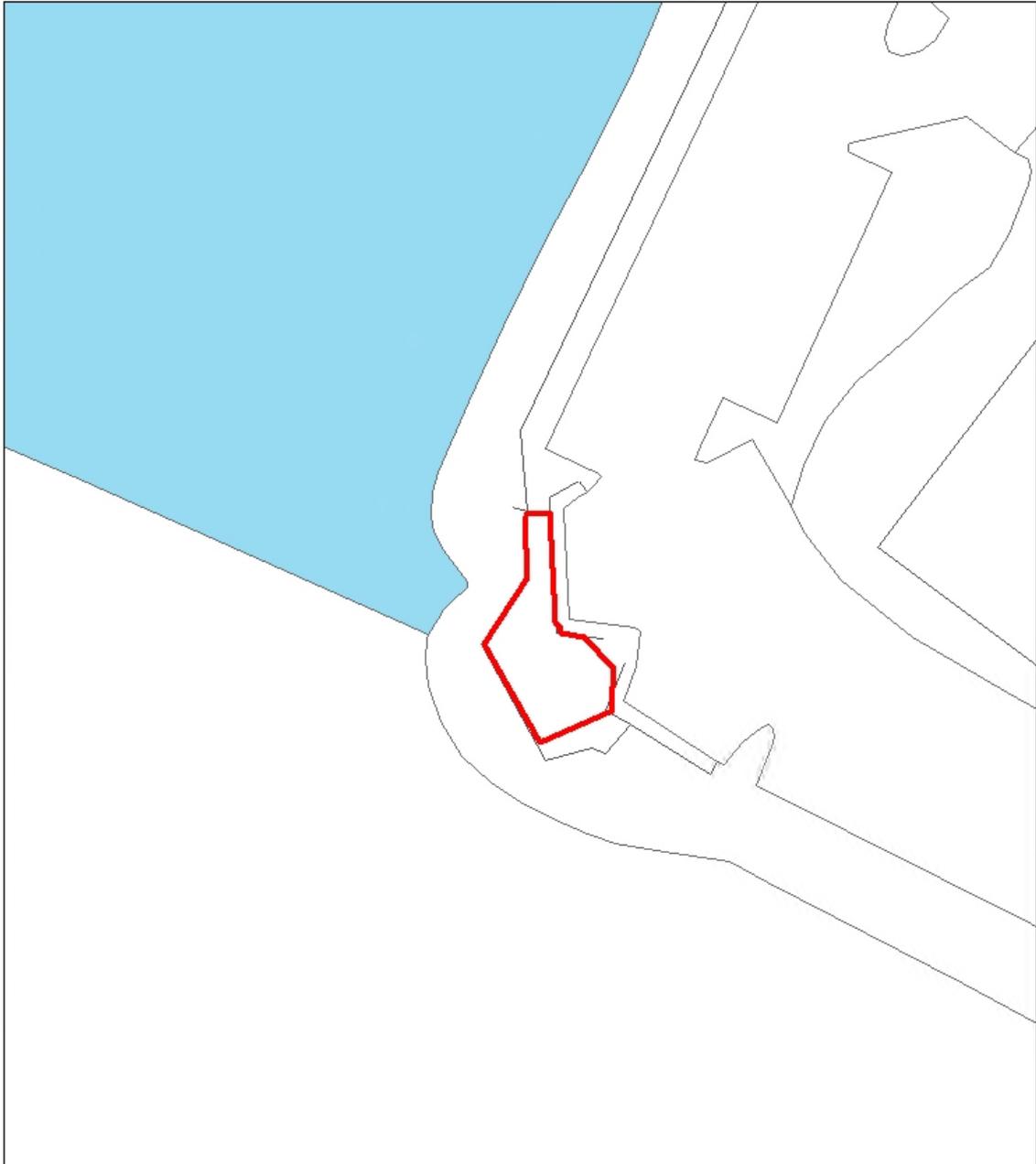
The following is a summary of the main reasons for the recommendation:

- The principle of the development is considered acceptable.
- The design and appearance of the proposal is considered acceptable.
- There will be no impact on neighbour amenity.
- There will be no significant detrimental impacts on natural heritage or on any European Protected Site.

RECOMMENDATION**GRANT PLANNING PERMISSION****PROPOSED CONDITON**

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.



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2018 CS&LA156

Location Map

Application Reference: LA03/2020/0769/F



30m east of the mouth of the Six Mile Water River Loughshore Park Antrim

Ground-mounted uplighters to illuminate existing sculpture

 Site Boundary
For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2020/0610/F
DEA	ANTRIM
COMMITTEE INTEREST	COUNCILLOR INTEREST
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use of part of premises from Class D2 (Assembly and leisure) to place of worship (Church). East portion of building to be retained by Royal British Legion as Class D2 premises, with minor alterations and new DDA compliant front and entrance lobby. New party wall to separate west portion of building with minor alterations to form DDA compliant access and new window to south elevation, to suit new use as church premises
SITE/LOCATION	2 Lough Road, Antrim, BT41 4DG
APPLICANT	Trustees Royal British Legion, 2 Lough Road, Antrim, BT41 4DG
AGENT	Hall Black Douglas, 152 Albertbridge Road, Belfast, BT5 4GS
LAST SITE VISIT	23.11.2020
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
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	
SITE DESCRIPTION	
<p>The application site is located within the settlement limits of Antrim Town, is within the Town Centre and within the Antrim Town Centre Conservation Area as defined within the Antrim Area Plan 1984-2001. The site is located at No. 2 Lough Road, Antrim.</p> <p>The site comprises a large red brick building that hosts the Royal British Legion. The building varies in height and is an irregular shape with the roof of the building being finished in a mix of designs - pitched, mono-pitched and flat. The boundary to the north of the site that abuts a row of Terrace dwellings on Clarke Court, is defined by an approximately 1 metre high wall, with a 1.5metre mesh wire fence located on top. The boundary to the west, that abuts a row of terrace dwellings also belonging to Clarke Court, is defined by an approximately 2 metre high concrete wall. The remaining boundaries are defined by a blue metal railing approximately 1.5metres in height.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/1976/0273 Location: 2 Lough Road, Antrim, BT41 4DG, Proposal: Site of extension to premises Decision: Permission Granted</p> <p>Planning Reference: T/1983/0783 Location: 2 Lough Road, Antrim, BT41 4DG, Proposal: Housing Development Decision: Permission Granted</p>	

Planning Reference: T/1987/0348

Location: 2 Lough Road, Antrim, BT41 4DG,

Proposal: Site of extension over existing flat roof to provide extension to games room

Decision: Permission Granted

PLANNING POLICY AND GUIDANCE

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Antrim. The plan designates the application site within a Conversation Area.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

CONSULTATION

Council Environmental Health Section – No Objections

Department for Infrastructure Roads- No Objections

REPRESENTATION

Twenty Seven (27) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Impact on Conservation Area

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

The application site is located within the Town Centre of Antrim as designated in the Antrim Area Plan, in addition the site also lies within the Antrim Town Conservation Area. The Antrim Area Plan identifies the application site as being within the 'Central Area'. Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities, and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses. Our towns high streets also play an important role in bringing people together and can foster a sense of community and place.

The SPPS regional objective for town centres is to protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business. The building has been used by the Royal British Legion (RBL) (D2 use, assembly and leisure) since the 1960's. The agent confirms via email on 10th December 2020 that the premises have been continuously Licensed since the 1960's, and a prerequisite of licensing is that the other statutory approvals are in place. The planning application seeks permission to change the use of part of the RBL to a church which is defined within the Planning Use Classes Order (NI) 2015 as a 'sui-generis' use not falling within 'Community and Cultural' Uses.

The area is generally mixed use, including residential, public parking, an existing church hall, a public house and various services and retail units. It is considered the partial change of use to a church would not alter the mixed use character to the area.

It is considered that the proposed partial change of use offers community, cultural and religious benefits to the wider community. The church is available for use by members of the community and does not conflict with the assembly and leisure use class that will remain within the western section of the building. There has been no objections to the proposal.

It is therefore considered that the principle of development is acceptable in this instance.

Impact on Conservation Area

Policy BH12 of Planning Policy Statement 6 states that development will only be permitted where it maintains or enhances the overall character of the area. The proposal is for a partial change of use and includes the provision of a small porch area located to the southwest of the site to incorporate a new access to the RBL section of the building. Other alterations include the provision of a disability ramp and access door to the proposed church and two no. windows located on the southern elevation to serve the proposed church.

The form and scale of the building will remain generally unchanged as a consequence of the proposal. Furthermore, the addition of windows will improve the solid to void ratio of the blank southern (roadside) elevation.

The Council's Conservation Officer was consulted on the proposal and had no objections to the proposal. It is considered that the proposed alterations and additions are sympathetic to the building and will enhance the existing appearance of the area and is therefore considered to be acceptable.

Design and Appearance

The area of the building to be changed to the church hall is shaded in purple on Drawing No.'s 02 and 03, date stamped 12th August 2020. The areas shaded in green will remain as the RBL. The change of use will occur on two floors and will include a number of internal alterations to include a foyer, worship hall, kitchen, toilets, welcome area/hub, food bank, storage rooms, meeting rooms and two no. crèche/prayer rooms.

The internal floorplan of the RBL hall will remain unchanged with the exception of the proposed porch area located to the southwest of the building. The porch will measure 2.4metres by 2.8metres and will be finished with a pitched roof measuring 4.1 metres at its highest point. The external materials will be red brick and slate roof tiles to match the existing building.

It is considered there will be no detrimental visual impact resulting from this proposal, and the design and appearance of the proposal is considered acceptable.

Neighbour Amenity

The application site is located in a mixed use area. There are residential dwellings located to the north and west of the site, and mixed uses to the south and east. As previously mentioned there is an existing Church located to the south of the site.

Due to the current use of the building (Royal British Legions Hall) it is considered that the proposed partial change of use to a church will not significantly differ from the activity that has been taking place at this building since the 1960's.

It is considered that there will be no intensification of the building in terms of noise that would impact nearby neighbouring residents. The Council's Environmental Health Section has been consulted on the proposal and responded with no objections.

There are no windows proposed on the elevations that front on to the existing dwellings, so there are no concerns with regards to overlooking.

It is considered neighbouring residents will not be significantly impacted by the change of use.

Access, Movement and Parking

Policy AMP 7 of Planning Policy Statement 3 'Access, Movement and Parking requires that development proposals provide parking and servicing appropriate to the specific characteristics of the development and its location having regard to standards.

'Parking Standards' advises that 'the precise amount of car parking will be determined according to the specific characteristics of the development or its location'. The standards require that the church provides 1 parking space per 3 seats provided within the church. The auditorium has 167 seats and therefore normal provision should be 56 spaces.

Whilst it is noted there is no car parking available on the application site, there is however a large public carpark located some 80 metres to the southeast of the application site along with other town centre carparks within easy walking distance. DfI Roads has been consulted and has no objection to the proposal.

CONCLUSION

The following is a summary of the main reasons for the recommendation:

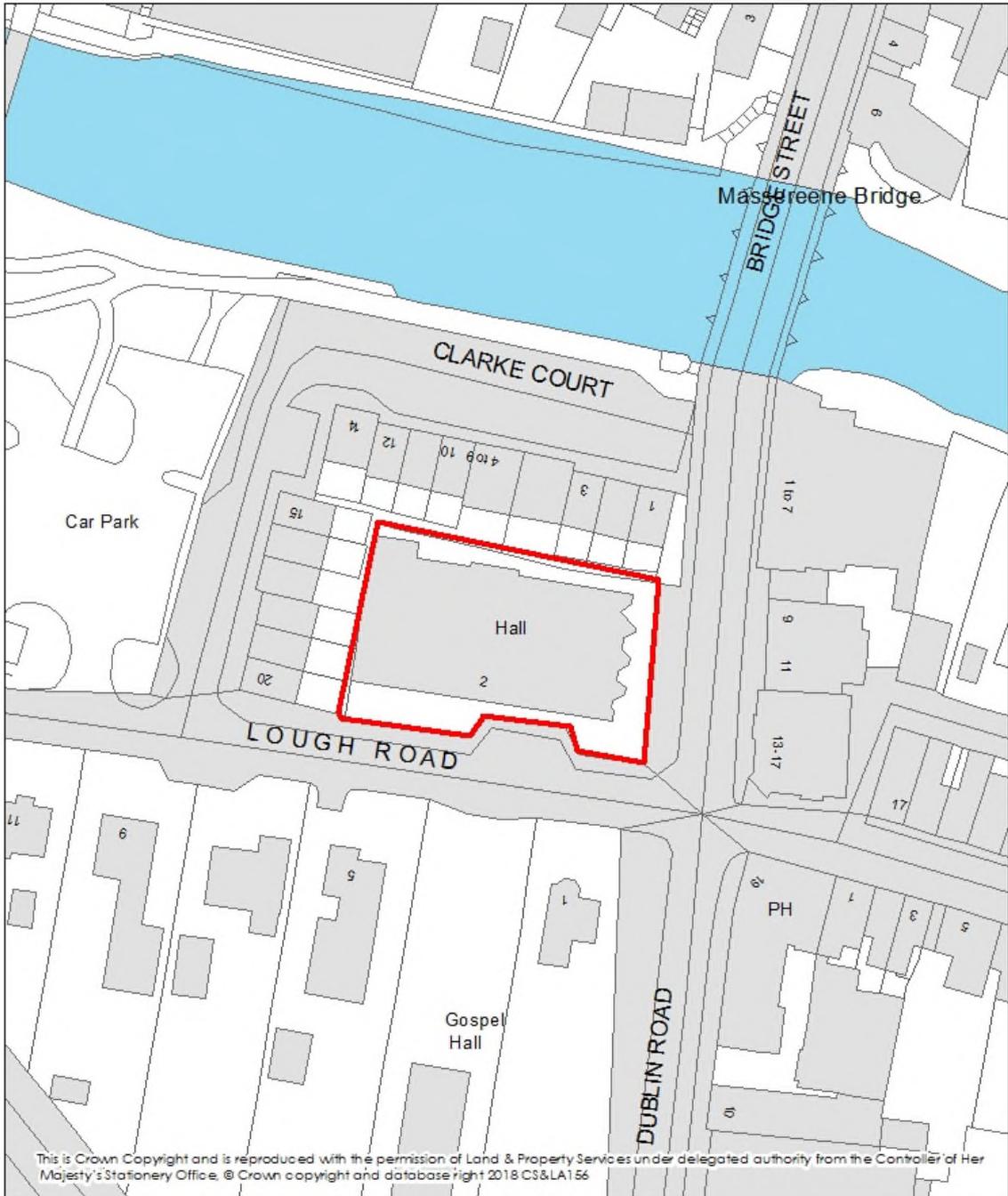
- The principle of the change of use to a church is considered acceptable;
- There is no detrimental impact on the character and appearance of the area;
- The proposal will not have an adverse impact on neighbour amenity nor will it conflict with adjoining land uses; and
- The proposed access, movement and parking arrangements are acceptable

RECOMMENDATION : GRANT PLANNING PERMISSION

PROPOSED CONDITION

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.



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2018 CS&LA156

Location Map

Application Reference: LA03/2020/0610/F

2 Lough Road, Antrim, BT41 4DG

Change of use of part of premises from Class D2 (Assembly and leisure) to place of worship (Church). East portion of building to be retained by Royal British Legion as Class D2 premises, with minor alterations and new DDA compliant front and entrance lobby. New party wall to separate west portion of building with minor alterations to form DDA compliant access and new window to south elevation, to suit new use as church premises



 Site Boundary
For Information Only



PART TWO

OTHER PLANNING MATTERS

ITEM 3.12

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during January 2021 under delegated powers together with information relating to planning appeals is **enclosed** for Members information.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.13

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). Two PANs were registered during January 2021 the details of which are set out below.

PAN Reference:	LA03/2021/0029/PAN
Proposal:	Proposed residential development comprising circa 50-60 dwellings, open space, landscaping, internal road network and all associated site and access works
Location:	Lands zoned for housing (MNY 04/32) located to the west of Hydepark Lane SW of 23 Hydepark Road and circa 195m SE of 12A Grange Lane, Mallusk Newtownabbey, BT36 4QB
Applicant:	Hydepark Developments Ltd
Date Received:	21 January 2021
12 week expiry:	15 April 2021

PAN Reference:	LA03/2021/0039/PAN
Proposal:	Housing development (approx. 45 dwellings) of part of Housing Land Use Policy Area to provide a range of house types with access from Mill Road, landscaping, amenity space and associated operational development
Location:	Land fronting Mill Road to the NE of the Mill Green housing development and SE of 1-7 Carson Terrace, Mil Road, Doagh
Applicant:	Kenny Homes
Date Received:	15 January 2021
12 week expiry:	09 April 2021

Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12 week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation earlier this year to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). Whilst the initial Departmental Regulations applied for five months, the Infrastructure Minister, Nichola Mallon, announced on 1 October 2020 that the temporary suspension of the PACC requirement was being extended in light

of the current uncertainty surrounding current and future incidences and spread of coronavirus.

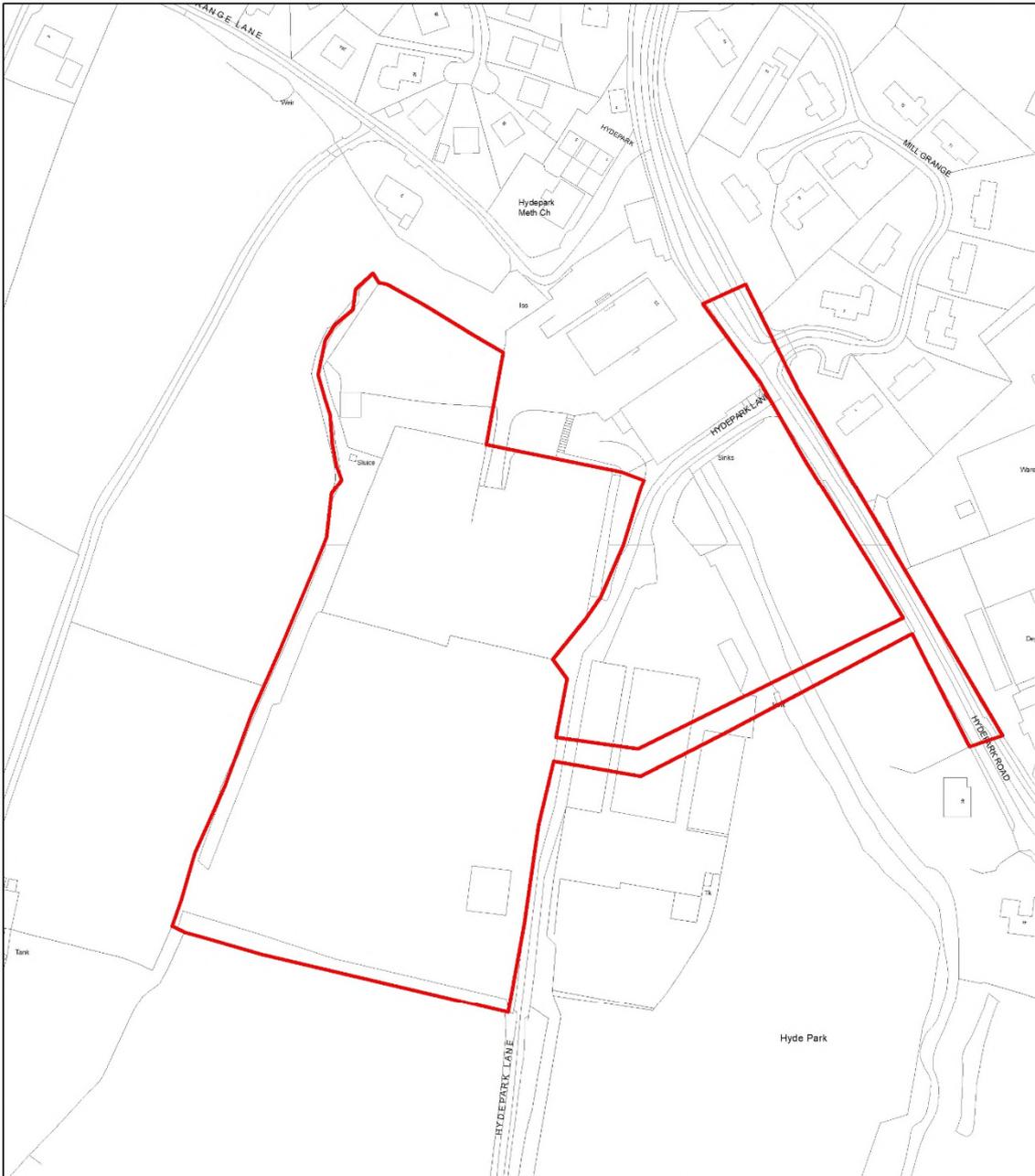
The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 31 March 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

RECOMMENDATION: that the report be noted

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right 2018 CS&LA156

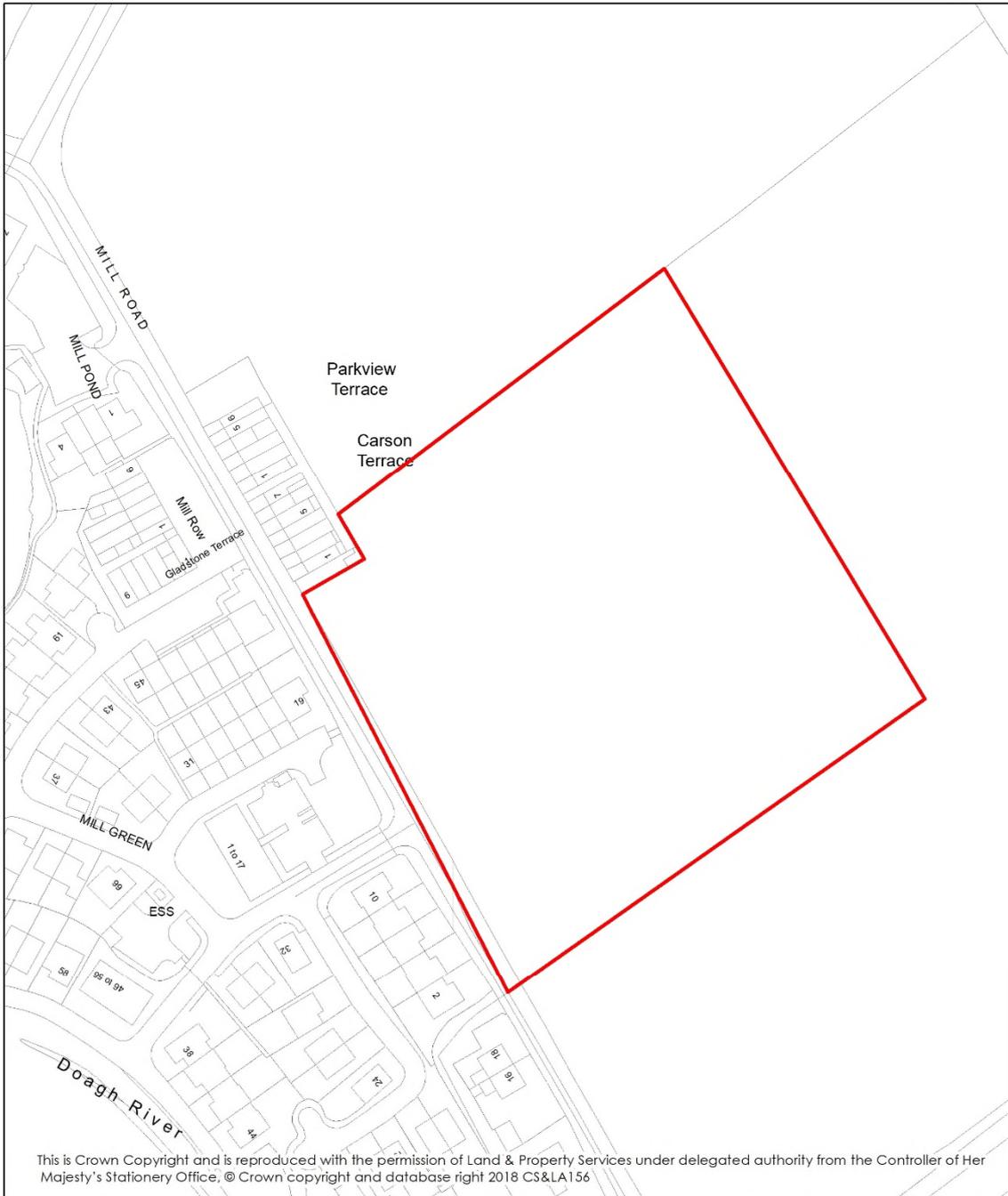
Location Map

PAN Reference: LA03/2021/0029/PAN
 Location: West of Hydepark Lane, Newtownabbey.
 Proposal: Proposed Residential Development comprising c. 50 -60 dwellings.



Site Boundary

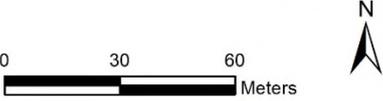




This is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2018 CS&LA156

Location Map

PAN Reference: LA03/2021/0039/PAN
 Location: Land fronting Mill Road, Doagh.
 Proposal: Housing Development



 Site Boundary



ITEM 3.14

TPO/2020/0021/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS BETWEEN SHORE ROAD AND ABBEYDALE CLOSE, NEWTOWNABBEY

Section 122 of the Planning Act (Northern Ireland) 2011 empowers the Council to make provision for the preservation of trees or woodlands where it appears that it is expedient in the interests of amenity through a Tree Preservation Order (TPO). The purpose of such an Order is to preserve the trees on a particular site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Members will recall that at the October 2020 Planning Committee meeting Officers reported the service of a Provisional TPO on lands between Shore Road and Abbeydale Close, Newtownabbey on 2 October 2020 in accordance with Section 123 of the Planning Act (Northern Ireland) 2011.

In accordance with Section 123 of the Planning Act (Northern Ireland) 2011 the TPO must be confirmed on or before 2 April 2020, being 6 months from the date of service of the Provisional TPO, should the Council wish to do so.

In making a TPO, The Planning (Trees) Regulations (Northern Ireland) 2015 requires the Council to identify the trees, group of trees or woodland which are subject to the Order. In this instance the Council will seek to protect the trees by a 'woodland' TPO designation, which protects all trees including natural regeneration saplings.

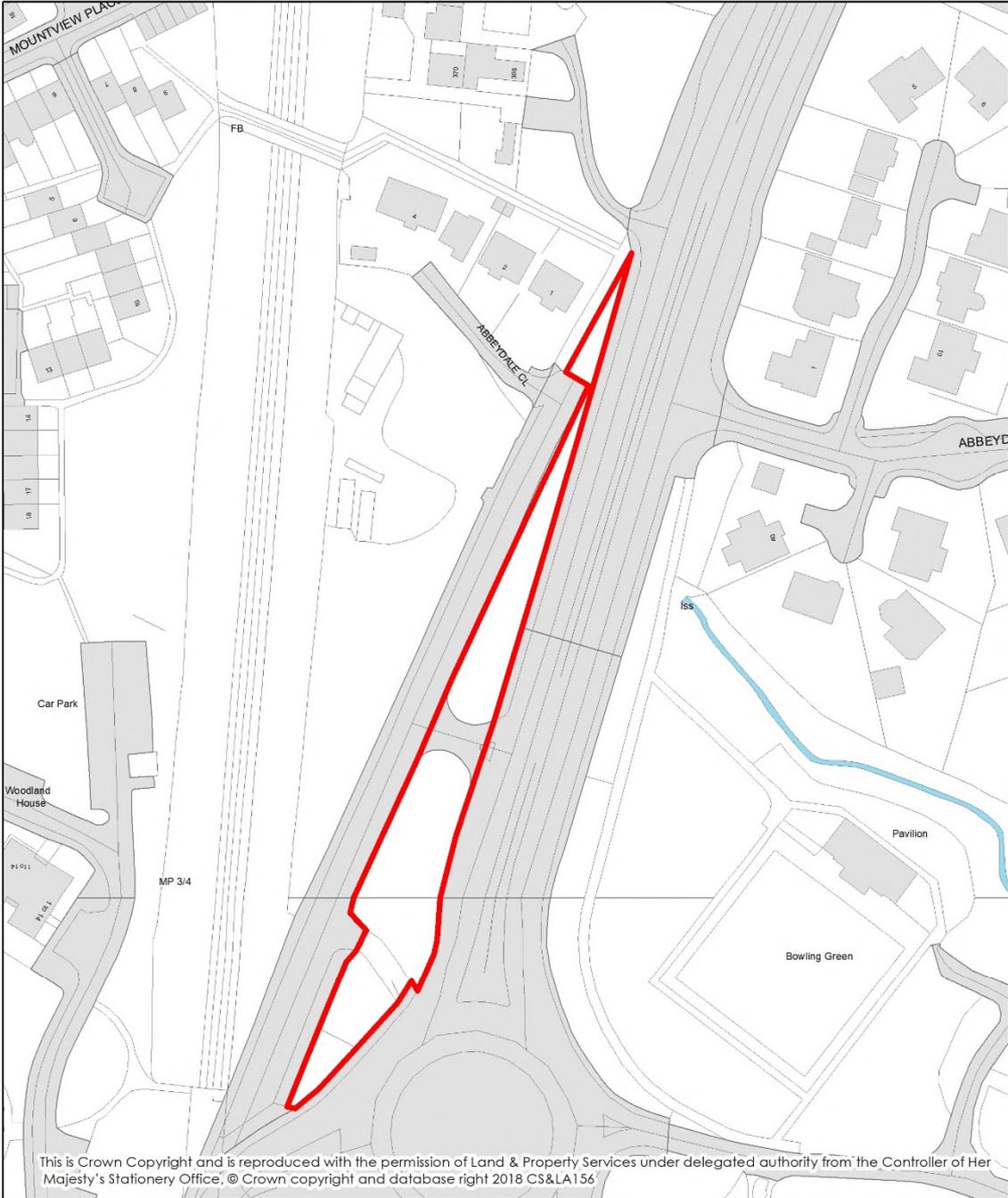
The Council invited representations from those with an interest in the land and impacted properties adjoining the land, which were to be received within 28 days of the date of the Order. No representations were received.

Officers consider all the trees encompassed within the provisional TPO have significant local amenity value and Members are therefore requested to confirm the TPO as a woodland designation.

RECOMMENDATION: that the Tree Preservation Order be confirmed.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



Map A

TPO Reference: TPO/2020/0021/LA03

Scale: 1:1250 

Lands between Shore Road and Abbeydale Close Newtownabbey

 TPO Site Boundary



ITEM 3.15

TPO/2020/0020/LA03 – TREE PRESERVATION ORDER ON LANDS AT GLEN PARK, NORTH OF GLENVILLE PARK, WHITEABBAY, NEWTOWNABBAY

Section 122 of the Planning Act (Northern Ireland) 2011 empowers the Council to make provision for the preservation of trees or woodlands where it appears that it is expedient in the interests of amenity through a Tree Preservation Order (TPO). The purpose of such an Order is to preserve the trees on a particular site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Members will recall that at the October 2020 Planning Committee meeting Officers reported the service of a Provisional TPO on lands at Glen Park, North of Glenville Park, Whiteabbey, Newtownabbey on 2 October 2020 in accordance with Section 123 of the Planning Act (Northern Ireland) 2011.

In accordance with Section 123 of the Planning Act (Northern Ireland) 2011 the TPO must be confirmed on or before 2 April 2020, being 6 months from the date of service of the Provisional TPO, should the Council wish to do so.

In making a TPO, The Planning (Trees) Regulations (Northern Ireland) 2015 requires the Council to identify the trees, group of trees or woodland which are subject to the Order. In this instance the Council will seek to protect the trees by a 'woodland' TPO designation, which protects all trees including natural regeneration saplings.

The Council invited representations from those with an interest in the land and impacted properties adjoining the land, which were to be received within 28 days of the date of the Order. Seven representations in support and two representations in objection were received.

The representations in support highlight the importance of the Glen for leisure activities and the vital natural amenity/greenspace it provides to the community, which aids in combating some of the negative impacts on their mental health. There is an objection to the further building of houses which will impact on the beauty and tranquillity of the Glen. A reference was made to an online petition which (at the time of submission) had 1943 signatures to preserving greenspace for the community of Whiteabbey and a Facebook page for 'Save Our Glen' with comments of support on this Facebook page included. The health benefits of trees were also noted and their benefit to wildlife, citing the area as an 'oasis' in an urban area.

The representations in objection refer to an existing TPO on the lands that protect trees and consider that the Council's decision to extend this without consultation is unreasonable.

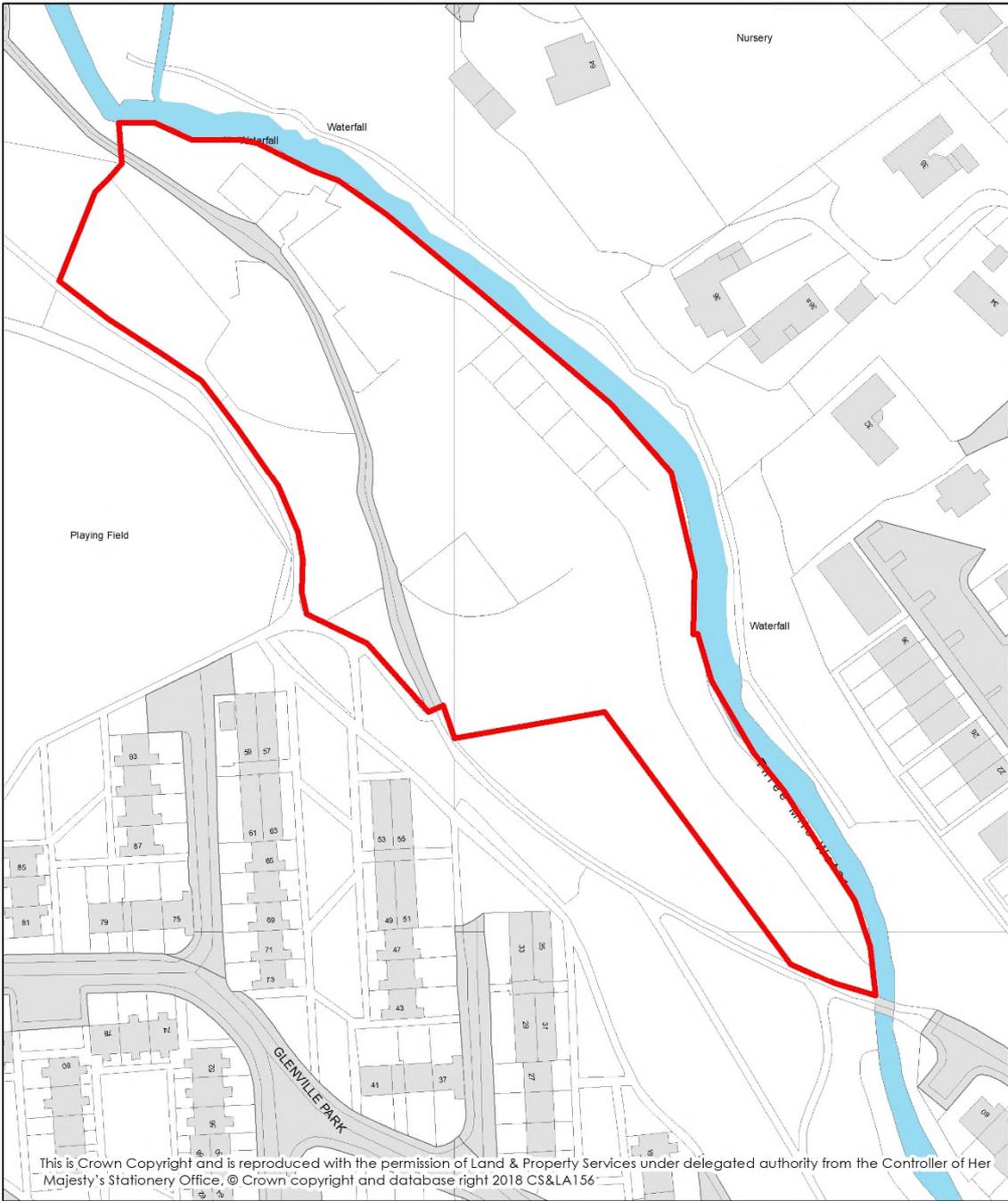
Officers have considered these representations and would comment that a TPO does not, in itself, prevent development, however it will be a material consideration in the determination of any future planning application. Whilst it is acknowledged there is an existing TPO on some trees along the river bank at this location, the provisional TPO encompasses a wider area of existing trees.

Officers consider all the trees encompassed within the provisional TPO have significant local amenity value and Members are therefore requested to confirm the TPO as a woodland designation.

RECOMMENDATION: that the Tree Preservation Order be confirmed.

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



Map A

TPO Reference: TPO/2020/0020/LA03

Scale: 1:1250 

Lands at Glen Park, North of Glenville Park, Newtownabbey

 TPO Site Boundary



ITEM 3.16

P/FP/LDP/114 – COASTAL FORUM WORKING GROUP

Members are advised that the most recent meeting of the Coastal Forum Working Group took place virtually on 26 January 2021 hosted by the Department for Infrastructure. Items for discussion included updates on the draft Coastal Forum Programme, the Coastal Management Baseline (LIDAR Project & Coastal Observatory), the Peace Plus Programme Application and a draft educational training package for educational awareness of coastal management issues.

Meeting minutes from the previous working group meeting on 6 October 2020 were approved at this meeting (copy **enclosed**).

It was agreed that the next meeting of the Group would take place in late April/early May 2021 with the date and venue to be confirmed.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.17

CROSS BOUNDARY ENGAGEMENT: LOCAL DEVELOPMENT PLAN UPDATE

P/FP/LD/53 - LISBURN AND CASTLEREAGH CITY COUNCIL (LCCC): LOCAL DEVELOPMENT PLAN 2032 DRAFT PLAN STRATEGY - CONSULTATION ON FOCUSED CHANGES ADDENDUM (INCLUDING MINOR CHANGES)

P/FP/LD/54 – MID & EAST ANTRIM BOROUGH COUNCIL: LOCAL DEVELOPMENT PLAN 2030 – CONSULTATION ON PROPOSED MODIFICATIONS TO THE DRAFT PLAN STRATEGY

Lisburn and Castlereagh City Council

Correspondence was recently received from Lisburn and Castlereagh City Council (LCCC) notifying the Council that having regard to Section 4 of the Department's Development Plan Practice Note 10 'Submitting Development Plan Documents for Independent Examination' December 2019, and having considered the issues raised through the public consultation on its Draft Plan Strategy (DPS) LCCC has identified and proposed a number of focussed and minor changes to the previously published DPS which it has now published for the purposes of public consultation.

In doing so, LCCC has acknowledged that the minor changes proposed do not require public consultation, and indicated that these are being published for information. In support of these changes a number of addendum documents have also been published relating to the DPS. These include: (1) Sustainability Appraisal Report, (2) Draft Habitats Regulations Assessment Report, (3) Draft Equality (Section 75) Screening Report, and (4) Rural Needs Impact Assessment.

In summary, Appendix A of the consultation sets out details of the proposed focussed changes which range from a reduction in the total affordable housing requirement over the plan period (2017-2032) from 6,240 to 4,320 units, to policy wording changes for example relating to policy on town centres and retailing, renewable development and waste management.

The LCCC documents can be viewed online at:

<https://www.lisburncastlereagh.gov.uk/resident/planning/local-development-plan/focussed-changes-consultation-to-draft-plan-strategy>

The 8-week consultation period runs from 14 January 2021 to 12 March 2021.

Mid and East Antrim Borough Council

Similarly, correspondence has also been received from Mid and East Antrim Borough Council (MEABC) notifying the Council that MEABC is undertaking a consultation on proposed modifications to its Draft Plan Strategy document. Referred to as a 'Schedule of Proposed Modifications', it is accompanied by a series of reports (similar to those issued by LCCC).

In summary, examples of changes include, clarity on the Plan's response to the Department's published revised Housing Growth Indicators, the management/phasing of housing supply, development of high structures in areas of constraint, Retail Impact Assessments in centres, and reference to a range of

updated statutory partner guidance documents; for example, 'Encroachment – Odour Assessment' NI Water.

The MEABC documents can be viewed online at:

<https://www.midandeantrim.gov.uk/business/planning/local-development-plan>

The 8-week consultation period runs from 8 January 2021 to 5 March 2021.

Summary

The Planning Section has responded to both of these focussed changes /modification publications advising that the proposed changes have been noted, and to indicate that the Council has no comment to make at this time (copy of responses **enclosed**). Members are advised that all comments received to these further consultations by LCCC and MEABC will form part of each of these Councils submissions to the Department for Infrastructure when seeking an independent Examination into their respective Plan documents.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

ITEM 3.18

P/FP/LDP 1 LOCAL DEVELOPMENT PLAN: QUARTERLY UPDATE OCTOBER TO DECEMBER 2020

The Council's Local Development Plan LDP Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the third quarter of the 2020-21 business year (October to December 2020).

During the ongoing COVID-19 period, the Council's Forward Planning team continued to work on the preparation of the Council's Local Development Plan.

Preparation for Independent Examination

Following the public consultation of the Draft Plan Strategy (DPS), the next stage of the Local Development Plan process is the formal submission of the DPS and relevant documentation by the Council to the DfI seeking it to cause an Independent Examination (IE) of the Plan before the Planning Appeals Commission (PAC). The Council is required to submit a number of documents including all documentation already published in relation to the Preferred Options Paper and the DPS.

In preparation of this, the working-draft documentation was presented to Members at a LDP Engagement Event which took place on 28 October 2020 (in person) and 29 October (virtual conference). Following this engagement all Draft Plan Submission documentation was presented to Elected Members at the Council meeting held on 30 November 2020 where it was agreed that the approach to representations be approved and that all Draft Plan documentation be approved for submission (subject to legal advice) to the Department for Infrastructure with a request to initiate an Independent Examination.

Following receipt of legal opinion, Officers have continued to refine and enhance all documentation (and the more detailed associated spreadsheets accompanying it) with a view to submission to DfI in the near future.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning