



10 March 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 March 2021 at 6.00pm.**

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

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

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](mailto:memberservices@antrimandnewtownabbey.gov.uk)

## **AGENDA FOR PLANNING COMMITTEE – March 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: LA03/2020/0349/F  
Proposed erection of 5no. detached and 2no. semi-detached dwellings, landscaping, associated site works and access arrangements from Lenamore Drive on lands 30m north and north east of 21 Lenamore Drive, Newtownabbey
- 3.2 Planning Application No: LA03/2020/0828/F  
Erection of 2no detached dwellings (& retention of existing dwelling) at 34 Glebecoole Park, Newtownabbey
- 3.3 Planning Application No: LA03/2020/0322/F  
Proposed erection of 4no dwellings, sunrooms, garages, parking, landscaping and access via shared surface turning head (amendment to previous approval LA03/2018/0987/F) with all other associated site works on lands situated between Fountain Hill and Stiles Way adjacent and south of former Antrim Cineplex, 1 Fountain Hill and immediately north of Crossreagh Drive, Antrim
- 3.4 Planning Application No: LA03/2020/0469/F  
Proposed new dwelling 17 metres South of 20 Church Road, Randalstown

### **PART TWO – Other Planning Matters**

- 3.5 Delegated Planning Decisions and Appeals February 2021
- 3.6 Proposal of Application Notification
- 3.7 Revised Planning Scheme of Delegation
- 3.8 Regional Property Certificate Fee
- 3.9 Service of Provisional Tree Preservation Order - TPO/2021/0002/LA03
- 3.10 Service of Provisional Tree Preservation Order - TPO/2021/0006/LA03
- 3.11 Application LA03/2020/0881/RM at Ballyclare - Consultation by Dfl

4. Any Other Business

**PART ONE – Decisions on Enforcement Cases - In Confidence**

3.12 Enforcement Case: LA03/2017/0052/CA

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

**PART ONE**

**PLANNING APPLICATIONS**

|                           |   |
|---------------------------|---|
| <b>COMMITTEE ITEM</b>     | <b>3.1</b>  |
| <b>APPLICATION NO</b>     | <b>LA03/2020/0349/F</b>   |
| <b>DEA</b>                | <b>THREEMILEWATER</b>   |
| <b>COMMITTEE INTEREST</b> | <b>LEVEL OF OBJECTION</b>   |
| <b>RECOMMENDATION</b>     | <b>GRANT PLANNING PERMISSION</b>  |
| <b>PROPOSAL</b>           | Proposed erection of 5no. detached and 2no. semi-detached dwellings, landscaping, associated site works and access arrangements from Lenamore Drive                   |
| <b>SITE/LOCATION</b>      | Lands 30m north and north east of 21 Lenamore Drive, Newtownabbey   |
| <b>APPLICANT</b>          | Viewpoint Developments Ltd  |
| <b>AGENT</b>              | Turley  |
| <b>LAST SITE VISIT</b>    | 6 November 2020   |
| <b>CASE OFFICER</b>       | Johanne McKendry<br>Tel: 028 903 Ext 40430<br>Email: <a href="mailto:johanne.mckendry@antrimandnewtownabbey.gov.uk">johanne.mckendry@antrimandnewtownabbey.gov.uk</a> |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

#### **SITE DESCRIPTION**

The application site is located within the settlement limit of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan (BUAP). Within the draft Newtownabbey Area Plan 2005 (NAP) the application site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character (Zoning ATC2). Within the draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP) the site is located within the settlement limit of Metropolitan Newtownabbey within an Area of Townscape Character Lenamore (Zoning MNY 33).

The site is generally rectangular in shape with a northwestern to southeastern orientation. The land within the boundaries of the site incurs a level change of approximately 2.3 metres over a length of approximately 120 metres resulting in a very gentle gradient throughout the site. There is an approximately seven (7) metre high pitched roof outbuilding along the mid-point of the northeastern boundary, which backs onto No. 27 Woodfield and foundations of a dwelling approved under planning application reference U/2013/0180/F have been constructed on the site.

The southeastern boundary is defined by an approximately 2 metre high beech hedge. The southwestern shared boundary with No. 44 Glenkeen Avenue comprises a 3-4 metre high mature evergreen hedge and the southwestern shared boundary with No. 17 and No. 19 Lenamore Drive is defined by a 1.5 metre high wooden fence and 1.5 metre high wall. The northwestern site boundary is defined by a 2 metre high close boarded wooden fence to the rear of No. 11 and No. 15 Woodfield. Mature trees within the application site also align this boundary. Sections of the northeastern site boundary are undefined and mainly includes boundary treatments from the adjacent residential properties, which comprises post and wire fencing, sections of close boarded fencing and walls, shrubs and mature trees 6 -10 metres in height. A

number of mature trees along the northeastern boundary are located within the neighbouring properties at Woodfield and Woodfield Grove.

The site is located within a residential area and is bound by residential dwellings on all sides. To the northeast and northwest are detached two storey dwellings within Woodfield. Adjacent and to the southwest are dwellings fronting Lenamore Drive and Glenkeen Avenue, which are generally single or 1.5 storey dwellings and two storey dwellings at Woodfield Grove to the southeast back onto the application site. Access to the site along Glenkeen Avenue or Lenamore Drive is via a single width roadway.

#### **RELEVANT PLANNING HISTORY**

Planning Reference: LA03/2019/0966/PAD

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Proposed erection of 7no detached dwellings, car parking, landscaping, associated site works and access arrangements from Lenamore Drive

Decision: PAD Concluded 03.03.2020

Planning Reference: LA03/2019/0274/LDP

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Completion of 5no. detached dwellings, 2 with detached garages and the retention and conversion of existing building into 2 garages and the demolition of the existing partially constructed dwelling in accordance with planning permission

U/2013/0180/F

Decision: Consent Granted (15.04.2019)

Planning Reference: LA03/2019/0082/DC

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Erection of 5 no detached dwellings (Discharge of Condition 6 from planning approval U/2013/0180/F relating to submission of scaled cross section of the land)

Decision: Condition Discharged (19.02.2019)

Planning Reference: U/2013/0180/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Erection of 5 no detached dwellings, 2 with detached garages and the retention and conversion of existing building into 2 garages and the demolition of existing partially constructed dwelling

Decision: Permission Granted (01.04.2014)

Planning Reference: U/2011/0132/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Erection of 9 detached dwellings

Decision: Application Withdrawn 19.07.2011

Planning Reference: U/2005/0420/O

Location: Adjacent to 48 Glenkeen Avenue, Jordanstown, Newtownabbey

Proposal: Erection of two storey dwelling

Decision: Permission granted (07.12.2005)

Planning Reference: U/2005/0272/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Demolition of outbuilding to allow redevelopment of site for 3 detached dwellings (see current planning application U/2005/0107)

Decision: Application Withdrawn (14.06.2005)

Planning Reference: U/2005/0107/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Erection of two detached dwellings and refurbishment and conversion of existing barn to dwelling

Decision: Permission Granted (10.08.2005)

Planning Reference: U/2004/0623/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Conversion of existing outbuildings to dwelling

Decision: Permission Granted (17.01.2005)

Planning Reference: U/2001/0332/F

Location: 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Replacement outbuilding to be used as garage, games room/gym, playroom and study

Decision: Permission Granted (13.11.2001)

Planning Reference: U/1994/0192/F

Location: Adjacent to 21 Lenamore Drive, Jordanstown, Newtownabbey

Proposal: Erection of dwelling and domestic garage

Decision: Permission Granted (09.07.1994)

#### **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 within the Belfast Urban Area settlement limit and within Lenamore Area of Townscape Character (ATC).

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey, within the Lenamore Area of Townscape Character (Zoning ATC 2). NAP states that the Lenamore area contains a mixture of dwellings ranging from large detached Victorian properties to small, terraced houses together with some modern properties. The character is derived from the inter-relationship that exists between the spacious layout of houses, the network of narrow roads and the generous distribution of mature trees and hedges. This character will be retained.

NAP also states that within the urban part of Newtownabbey Borough there are a number of 'urban villages', which includes Jordanstown. These are previous rural settlements which have been engulfed by the growth of the Belfast Urban Area. A majority of the people living in the urban area think of themselves as residents of one or other of these former villages rather than of Belfast or Newtownabbey. Within each urban village public awareness has tended to focus on the identity of each place, environmental improvement, design and use of external materials, external colour schemes in street frontages, the use and positioning of signs and general landscaping to upgrade areas of poor visual quality. Proposals which heighten public awareness and improve the sense of identity of these urban villages will be encouraged.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey within an Area of Townscape Character Lenamore (Zoning MNY 33).

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.

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.

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

## **CONSULTATION**

**Council Environmental Health Section** – No objection.

**Northern Ireland Water** – No objection.

**Department for Infrastructure Roads** - No objection subject to conditions and informatives.

**Department for Infrastructure Rivers** – No objection subject to informatives.

**Department of Agriculture, Environment and Rural Affairs - Natural Environment Division** – Requested amendments following concerns of boundary tree removal. No tree removal is proposed and a condition to ensure there is no tree removal is proposed.

**Department of Agriculture, Environment and Rural Affairs - Water Management Unit** - No objection subject to informatives.

**Belfast City Airport** – No objection.

**Shared Environmental Services** – No objection.

## **REPRESENTATION**

Twenty-one (21) neighbouring properties were notified, and eighteen (18) letters of objection have been received from eleven (11) properties. Following neighbour notification on receipt of revised plans on 8th January 2021, only one further objection from No. 29 Woodfield was received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Requirement to retain hedgerow along northeastern site boundary as required by previous planning approval on the site has been ignored;
- Previous removal of mature hedges and the proposed removal of mature trees along the site boundaries;
- Insufficient details provided for the 'proposed' fence along the northeastern site boundary;
- Request that access through the application site from No. 27 Woodfield (arrangement agreed with previous owner) and from No. 7 Woodfield Grove could be maintained and incorporated into the plans;
- Plants and shrubbery intertwined with the existing hedgerow at No. 29 Woodfield requires protection, replanting or compensation;

- Requirement for No. 29 Woodfield to be advised of the timing for boundary treatment works taking place in order to satisfy rights to security and privacy;
- The proposed fence between shared boundary with No. 29 Woodfield is not aesthetically pleasing and the proposed feathered trees are not sufficient to prevent overlooking;
- The brick wall at the shared boundary with No. 29 Woodfield are not referred to on the plans;
- Loss of residential amenity of surrounding properties and overlooking of No. 29 Woodfield and other neighbouring properties abutting the site boundaries from first floor windows of some proposed dwellings;
- No. 7 Woodfield Grove has concerns that connections to utilities created by running a trench through No. 9 Woodfield Grove will cause damage to the root system of boundary vegetation and fencing;
- Concerns regarding the demolition of the existing barn to the rear of No. 25 and No. 27 Woodfield, which forms part of the character of the ATC and is a natural habitat for bats;
- Negative impact on residential amenity of No. 44 Glenkeen Avenue including noise, overlooking, loss of light, overshadowing and other general disturbance;
- The removal of mature trees and hedges along shared boundary between No. 15 Woodfield and the proposed dwellings on Sites 3 and 4 will result in overlooking of No. 15 Woodfield;
- The dwelling on Site 4 is proposed too close to the boundary for the vegetation to be retained and it will overshadow its own rear garden, resulting in the proposed householder feeling hemmed in;
- Inadequate private amenity space to the rear of Sites 3 and 4 and they have not been afforded the protection and enhancement of the existing boundary;
- U/2013/0180/F provided a separation distance of 26 metres between the proposed dwelling on Site 4 and No. 15 Woodfield which has reduced to 22 metres;
- The rear elevation of the previous dwelling on Site 4 was designed to have no windows overlooking No. 15 Woodfield;
- The 10.9 metre rear garden of the proposed dwelling on Site 4 will be overshadowed by the existing vegetation which will limit the useable amenity space to around 3.3 metres;
- The dwelling on Site 4 is proposed too close to the boundary for the vegetation to be retained for any length of time;
- The proposal will double the current traffic volume in the area and the existing narrow one-way-traffic road network cannot sustain increase in traffic volumes either pre-construction or post-construction;
- A lack of footpath and street lighting provision along the surrounding road network, raising road safety concerns;
- The developer should be subject to a binding commitment to upgrade the private road and the owners of private roads at Lenamore Drive, Lenamore Avenue, Church Avenue and Glenkeen Avenue should be contacted for their opinion;
- The existing Lenamore Drive residents will be disadvantaged by having to pay for post-construction road reparations;
- There is no provision for visitor parking;
- There is limited provision for delivery vehicles and bin lorries will be unable to get up the internal road;

- It is not clear where the bin collection area is proposed to be located, and a bin collection area could have health and safety implications;
- The proposal does not respect the local context, in particular Glenkeen Avenue;
- The Planning Statement makes reference to the site not being within the Lenamore Area of Townscape Character (ATC), which is disputed;
- The proposal does not maintain or enhance the overall character of the area and does not respect the existing built form;
- The development within the application site should not be compared to Woodfield as Woodfield it is located outside the ATC;
- The housing density is out of character with the ATC and represents town cramming and over-development;
- The proposal is contrary to PPS 7 due to intensification of the site uses;
- The proposal is contrary to Policy LC 1 of the Addendum to PPS 7 with regards to density, pattern of development, lack of a Concept Statement to demonstrate a design led approach to the proposed layout;
- The proposal is contrary to PPS 12 'Housing in Settlements'- Planning Control Principle 1 with regards to density and over development;
- The proposal is contrary to DCAN 8 'Housing in Existing Residential Areas' in respect of context and local character;
- Failure to neighbour notify No. 17 Lenamore Drive of the previous and current planning application on the site;
- Adequate drainage and sewage systems should be in place and not put further burden on existing system at Lenamore Drive;
- The existing vegetation along the northwestern boundary is proposed to be removed and will have a negative impact on the residential amenity of No. 15 Woodfield;
- The loss of a densely landscaped natural boundary between the ATC and an adjacent housing development (Woodfield) would adversely affect the ATC insofar as the new development opens up this boundary to public view;
- The proposal is contrary to Policy QD 1 (b), which states that landscape features are identified and where appropriate protected and integrated in a suitable manner into the overall design and layout of the development;
- The significant landscape boundary on the boundary of the ATC should be protected, retained and integrated into the overall design of the development, which the proposal has failed to do; and
- The proposal is contrary to Policy QD1 (c) as no provision has been made for the provision of private open space.

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

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

- Preliminary Matters
- Policy Context and Principle of Development
- Density
- Design and Impact on the Character and Appearance of the Area
- Landscape Proposals
- Neighbour Amenity
- Flood Risk
- Natural Heritage
- Access, Movement and Parking
- Other Matters

### **Preliminary Matters**

A Design and Access Statement, Document 06 date stamped 28th July 2020 has been submitted in accordance with Section 40 (3A and 3B) of the Planning Act (Northern Ireland) 2011 and Article 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015. The Statement demonstrates how the proposed development responds to its surrounding context and how local and regional policy has been taken into consideration as part of the evolution of the detail of the design.

The application site benefits from a live history of planning permission for the erection of five (5) detached dwellings, two with detached garages and the retention and conversion of an existing building into two garages and the demolition of an existing partially constructed dwelling at No. 21 Lenamore Drive, Jordanstown, Newtownabbey, under planning approval reference U/2013/0180/F and LA03/2019/0274/LDP. As a consequence there remains a lawful fallback position for the completion of five (5) large, detached dwellings within the application site and the principle of developing the land for residential use is therefore accepted.

### **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 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 draft NAP and the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. The application site is located within the urban settlement limit of Metropolitan Newtownabbey within the Belfast Urban Area Plan (BUAP).

The application site lies within the Lenamore Area of Townscape Character (ATC), originally designated in BUAP. Development Guidance Note 3K Lenamore (DGN 3K) addresses the specific characteristics of the existing ATC within which the application site sits. DGN 3K recognises that 'the narrow unadopted roads with no footpaths bordered by mature trees and hedges together with the spacious layout gives this area its unique character' and that 'the retention of existing mature vegetation will help to ensure the setting of existing buildings is maintained'. It also acknowledges that the character of the area could be threatened by design changes, inappropriate infill developments, and loss of mature landscaping. It places significant emphasis on the protection of mature trees and hedges along the narrow roads, which contributes to its particular character.

The application site is located within the settlement limit of Metropolitan Newtownabbey and within the Lenamore Area of Townscape Character (Zoning

ATC 2) of the draft Newtownabbey Area Plan 2005 (NAP). NAP states that the Lenamore area contains a mixture of dwellings ranging from large detached Victorian properties to small, terraced houses together with some modern properties and identifies that the character is derived from the inter-relationship that exists between the spacious layout of houses, the network of narrow roads and the generous distribution of mature trees and hedges. It seeks for this character to be retained. NAP also states that within the urban part of Newtownabbey Borough there are a number of 'urban villages', which includes Jordanstown; previous rural settlements which have been engulfed by the growth of the Belfast Urban Area. NAP states that within each urban village public awareness has tended to focus on the identity of each place, environmental improvement, design and use of external materials, external colour schemes in street frontages, the use and positioning of signs and general landscaping to upgrade areas of poor visual quality. It states that proposals which heighten public awareness and improve the sense of identity of these urban villages will be encouraged.

The application site is located within the settlement limit of Metropolitan Newtownabbey and within an Area of Townscape Character Lenamore (ATC) under Zoning MNY 33 as designated within the draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP); Designation MNY 33 states that the key features of the area which will be taken into account when assessing development proposals include:

- The late Victorian and Edwardian dwellings, which include large, two storey detached villas, set within mature gardens;
- The inter-war 1920s/30s dwellings, post war 1950s/60s properties and 1980s/90s housing, which fit comfortably with a gently sloping topography;
- The informal and secluded layout of narrow roads, set within a dense mature landscape and bordered by tall boundary hedges;
- St. Patrick's Church (1866) and building;
- The late Victorian 'Old Rectory' (No. 122 Circular Road) listed building;
- The Edwardian Arts and Crafts 'Eden Lodge' (No. 129 Circular Road) listed building;
- The detached dwellings on Circular Road from the late nineteenth and early twentieth century and from the inter-war 1920s/30s; and
- The 1950s row of closely fitted detached houses along the southern side of Circular Road.

Designation MNY 33 also states that all development proposals will be assessed against the following key design criteria:

- Density/Building Footprint: New dwellings shall be detached or semi-detached. Terraced, town house or apartment developments will not normally be permitted; and the size, plot ratio and ratio of footprint to open space in new developments shall be compatible with those of the historic character and appearance in the immediate neighbourhood;
- Landscape Quality: Development shall not include the removal of trees and areas of soft landscaping between the building line and the boundary of the road or footway; and Townscape Quality/Detailing: New dormer windows shall be located on the rear roof elevation. In exceptional cases where a dormer is required on the front elevation, it shall be of pitched design and in scale with the existing building and its fenestration.

The relevant policy context is also provided by the Addendum to Planning Policy Statement 6 'Areas of Townscape Character' (APPS6), Planning Policy Statement 7 'Quality Residential Environment', the Creating Places Design Guide and the Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas (APPS7), PPS 3 'Access Movement and Parking' and PPS 13 'Transportation and Land Use' and the policies retained in the SPPS, which will be considered below.

### **Density**

A number of objection letters raised concerns with regards to the density of the proposed scheme and overdevelopment of the site and its subsequent impact on the Lenamore Area of Townscape Character (ATC).

Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Generally, density is considered to be a calculation of dwellings per hectare. Based on this calculation, the density of the proposed site is approximately 12.5 residential units per hectare, which is considered to be low density and is comparable to the neighbouring Woodfield development which also has a density of 12.5 dwellings per hectare. The density of the site is of a higher density than the neighbouring Woodfield Grove development which has an average of 8 dwellings per hectare and is of a higher density than the neighbouring dwellings on Glenkeen Avenue, which are single dwellings on substantial plots and have a lower density of 5 dwellings per hectare. However, given the context of the layout and density of the immediate neighbouring residential development at Woodfield and Woodfield Grove, it is not considered that the density and layout of the proposed development will result in an adverse impact on the character and appearance of this area.

Additionally, the footprint of the extant planning permission U/2013/0180/F including dwellings, garages and outbuildings equates to 912 square metres and the built footprint of the proposed scheme is approximately 745 square metres. Whilst there are two additional dwellings in the proposed scheme, due to the size of the approved house types, the proposed scheme does not propose any additional built form but instead comprises a reduction in the overall footprint.

Given the context of the layout of the immediate neighbouring residential development it is considered that the density and the layout of the proposed development will not result in an adverse impact on the character and appearance of the Lenamore ATC or the surrounding area.

### **Design and Impact on the Character and Appearance of the Area**

PPS 6 'Planning Archaeology and the Built Heritage' sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage. The Addendum to PPS 6 'Areas of Townscape Character' (APPS6) sets out planning policy and guidance relating to Areas of Townscape Character (ATC), for demolition of buildings and new development.

Policy ATC 1 'Demolition Control in an Area of Townscape Character' of APPS6 states that there will be a presumption in favour of retaining any building which makes a

positive contribution to the character of an ATC and the demolition of an unlisted building in the ATC will normally only being permitted where the building makes no material contribution to the distinctive character of the area. Following planning approval of the residential development proposal for five (5) detached dwellings, two (2) with detached garages and the retention and conversion of an existing building into two (2) garages and the demolition of the existing partially constructed dwelling under planning approval reference U/2013/0180/F in April 2014, the only building remaining on the site is a two-storey agricultural shed which abuts the northeastern application site boundary.

ATCs exhibit a distinct character normally based on their historic built form or layout. For the most part this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features. The justification and amplification section of Policy ATC 1 states that demolition of a building or buildings in an ATC can significantly erode the character, appearance and integrity of such areas and can be particularly damaging in cases where there are no proposals for the redevelopment of the site and for that reason, there is a presumption in favour of retaining any building which makes a positive contribution to the character of the area.

In this case there remains a live planning approval for the completion of the aforementioned residential development in accordance with planning permission U/2013/0180/F, following an application for a Certificate of Lawful Development under planning reference LA03/2019/0274/LDP, which remains the lawful fallback position. The current planning application seeks amendments to this permission, which includes the demolition of the existing building on the site, which previously was to be retained.

The justification and amplification section of Policy ATC 1 also states that where the demolition of an unlisted building in an ATC is proposed the key considerations that will be taken into account are the contribution of the building to the ATC and the effect of its demolition on the distinctive character of the area; and whether the quality of proposals for the redevelopment of the site will maintain or enhance the distinctive character of the area.

Concerns were raised by objectors regarding the demolition of the existing barn to the rear of No. 25 and No. 27 Woodfield which forms part of the character of the Lenamore ATC. As previously mentioned, the Lenamore ATC was originally designated in BUAP and the particular design guidance relating to this particular ATC outlined in DGN 3K must be given determining weight in consideration of the current development proposal. DGN 3K recognises that 'the narrow unadopted roads with no footpaths bordered by mature trees and hedges together with the spacious layout gives this area its unique character'. It is noteworthy that it places significant emphasis on the protection of mature trees and hedges along the narrow roads, such as Lenamore Drive and Glenkeen Avenue, which contributes to its particular character and the mature trees along the application site frontage would be unaffected by the development proposal. Additionally, the mature hedge and tree lined avenues along Lenamore Drive and Glenkeen Avenue, the road alignment and the existing neighbouring dwellings on Lenamore Drive restrict critical views into the application site. Additionally, the previously approved two-storey dwelling (House Type 4) under U/2013/0180/F would have screened the existing building from public

view, as will the two dwellings on Sites 5 and 6 under the current development proposal. As such, the existing agricultural building within the application site is not considered to make a material contribution to the distinctive character of the area and there is no objection to its demolition as part of the overall re-development of the site.

Policy ATC 2 'New Development in an Area of Townscape Character' of APPS 6 states that only development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area, will be permitted; and any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. This will be considered in more detail below alongside PPS 7 'Quality Residential Environments' (PPS 7), the 'Creating Places Design Guide' and the Addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' (APPS 7).

PPS 7 deals with quality residential environments and sets out the criteria against which to assess a residential development should the principle of development be found acceptable. PPS 7 emphasises that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.' Although Policy QD 1 refers to 9 criteria to which developments are expected to conform, the issues in this case relate mainly to the impact on the character and quality of the area, retention and provision of landscaping, parking provision and whether the design and layout will create conflict with adjacent properties and their amenity.

The current policy direction is to make more efficient use of urban land but cautions 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 existing neighbourhood and to local character. Paragraph 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity.' Policy LC 1 'Protecting Local Character, Environmental Quality and Residential Amenity' of APPS 7 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced.

A detailed site layout plan has been submitted for consideration with respect to the proposed layout of the residential development, which is to be served by a single vehicular access from Lenamore Drive/Glenkeen Avenue.

The proposed scheme of seven residential units comprises a mix of five house types consisting of five (5) two-storey detached dwellings and two (2) two-storey semi-detached dwellings. The two semi-detached dwellings (House type E) on Sites 3 and 4 have been designed to appear as one large, detached dwelling which terminates the vista along the internal carriageway. Each of the dwellings have individual front doors, with the front door of the dwelling on Site 3 located on the principal elevation fronting the carriageway and the front door of the dwelling on Site 4 being located on the northeastern gable off the private driveway.

The proposed layout takes cognisance of the planning approval on the site for five dwellings approved under planning reference U/2013/0180/F and subsequent Certificate of Lawful Development under planning reference LA03/2019/0274/LDP, with respect to the arrangement of the access and the general arrangement of the proposed dwellings.

The proposed dwellings have been arranged on the plots to address the internal carriageway and with respect to the critical views into the site from Lenamore Drive. As a result of the alignment of Lenamore Drive and the shape of the site, the only dwellings that will be visible from the public road are Sites 1 and 6. The proposed dwelling on Site 1 is arranged to terminate the view when travelling northbound on Lenamore Drive and the dwelling on Site 6 terminates views into the site along the internal carriageway. The dwelling on Site 1 has been designed with a dual aspect in order to help turn the corners within the development and provide frontages to the internal estate road. Each dwelling is served by a private driveway, comprising a minimum of two parking spaces with front gardens along the carriageway and private gardens to the rear.

An objector raised concerns that the development proposal is contrary to criterion (c) of Policy QD 1 of PPS 7 as no provision has been made for the provision of private open space. Policy OS 2 of PPS 8 states that open space for public use is only required for new residential developments of 25 or more units or on sites of one hectare or more. As the site is approximately 0.35 hectares in area and a total of 7 dwellings are proposed there is no requirement for shared open space within the development and the residents of each property will be responsible for maintenance of its own landscaping within their individually allocated amenity areas.

In addition, a number of objectors raised concerns that several proposed dwellings have insufficient rear private amenity space proposed. Creating Places recommends that each dwelling with three or more bedrooms have an average of 70sqm of private amenity provision behind the building line. The provision of rear private amenity space ranges between approximately 140sqm and approximately 380sqm, and the average provision of rear private amenity space is approximately 220sqm. It is therefore considered that adequate amenity space has been provided for each dwelling with a variety of garden sizes provided throughout the development.

A number of objectors raised concerns that the proposal does not maintain or enhance the overall character of the area. The proposed scheme consists of a mix of five house types. The five detached dwellings and one of the semi-detached dwellings each have four bedrooms and one of the semi-detached dwellings has three bedrooms. House Type A, on Site 1, is a detached dual frontage dwelling with a frontage length of approximately 13.6 metres, a gable depth of approximately 7.6 metres and a ridge height of approximately 8.6 metres. House Type B, on Sites 2 and 5, is a detached dwelling with a frontage length of approximately 13 metres, a gable depth of approximately 7.5 metres and a ridge height of approximately 8.5 metres. House Type C is a detached dwelling with a frontage length of approximately 13 metres, a gable depth of approximately 7.5 metres and a ridge height of approximately 8 metres. House Type D on Site 7 is a two-storey detached dwelling with a two storey rear return. The dwelling has a frontage length of approximately 13.9 metres, a gable depth of approximately 7.6 metres and a ridge height of approximately 8.6 metres. The rear return extends 4.5 metres from the wall plate and has a width of 5.7 metres and a ridge height of 7.3 metres. House Type E is a semi-detached two-storey dwelling which is situated on Sites 3 and 4. The dwelling on Site 3 has a pitched roof and has a frontage length of 11 metres, a gable depth of approximately 6.5 metres and has a ridge height of 7.8 metres. The semi-detached dwelling on Site 4 projects forward approximately 3.5 metres and has a gable frontage depth of approximately 6.5 metres. The dwelling has a length of 5.1 metres and a ridge height of 8.2 metres. A single storey bay window projects from the gable elevation and a single storey porch doorway projects approximately 0.5 metres from the front elevation.

The house types are predominantly based on a traditional Georgian form with pitched roofs finished in slate, ornate chimneys, symmetry in the pattern of fenestration with uPVC imitation sash windows, cast iron rainwater goods and a feature front door. The elevations are proposed to be treated in a mix of finishes including stone, brick and render with associated panelling. House types A, B, C and D are designed with no windows on the gables at first floor level, although, a permanent shutter detail has been designed to give the impression of a window, or alternatively a bricked-up mock-Georgian window detail, which creates an additional design feature, and promotes a dual frontage design. House Type E has a single first-floor gable window serving a bathroom and is finished in opaque glass. These design features further lessen the potential for overlooking neighbouring properties as well as positively contributing to and enhances the overall local character of the area.

Concern was raised by an objector that the layout of the proposed development does not respect the local context, and in particular Glenkeen Avenue. Although the proposed dwelling on Site 1 (House Type A) sits forward of No. 44 Glenkeen Avenue by approximately eighteen (18) metres, the proposed dwelling on this site is positioned to respect the building line of the recently constructed dwellings at No. 17 and No. 19 Lenamore Drive. The existing mature vegetation to the northwest of the site access as well as the high mature hedge along the shared southwestern site boundary with No. 44 Glenkeen Avenue is proposed to be retained and consequently the existing and proposed dwelling will not be visually linked. Additionally, the retention of this mature vegetation helps to screen and aid the integration of the proposed dwelling on Site 1 into the surrounding area. Due to the road alignment, this dwelling will be well screened from the surrounding road network

and is therefore not considered to have a negative impact on the local character. The dwelling on Site 6 (House Type B) provides a focal point when entering the application site and the remainder of the dwellings within the application site will largely be imperceptible from any critical viewpoints along Lenamore Drive and Glenkeen Avenue.

Concerns were raised by objectors with respect to the loss of existing vegetation along the application site boundaries, the ambiguity of proposed boundary treatments along the site boundaries and the impact of the proposed development on existing and retained landscaping. With respect to proposed boundary treatments around the site and between dwellings, a detailed Landscape Proposals Plan, Drawing Number 02/2 date stamped 8th January 2020, a Boundary Treatment Plan, Drawing Number 16 date stamped 22nd December 2020, a Tree Constraints Plan, Drawing Number 14/1 date stamped 22nd December 2020, and a Tree Impact and Assessment Plan, Drawing Number 15/1, date stamped 22 December 2020 have been submitted along with an Arboricultural Impact Assessment and Method Statement (AIA), Document 10/1 date stamped 22nd December 2020.

The application site is not covered by a Tree Preservation Order (TPO), but it is noted that the Lenamore ATC is greatly enhanced by the trees within the immediate area. The proposed layout has been designed to enable the retention of the mature trees along the site boundaries and the submitted plans indicate the mature boundaries of the site will be retained and augmented to assist in maintaining privacy and promoting integration of the development into the surrounding area. Additionally, soft landscaping in the form of ornamental hedges and tree planting is proposed to the front of the proposed dwellings along the internal carriageway of the application site.

The Creating Places Design Guide recommends in order to avoid damage to the root systems and drainage of existing trees, development should be kept outside the crown spread or half the height of the trees, whichever is the greater, to help ensure their long-term retention, and to help prevent potential amenity problems that may arise for residents of properties, such as loss of light or leaf fall due to proximity to trees. Following consideration of the aforementioned plans and the AIA, it is considered that the native trees of best condition are at the boundary between the proposed dwelling on Site 7 and the existing dwelling at No. 29 Woodfield and to the rear of Site 3 and Site 4 that have a shared boundary with the existing properties at No. 11 and No. 15 Woodfield.

Guidance used by the Council states, in general, front and rear elevations should not come within 6 metres of the edge of the tree crown or the root protection area (RPA), whichever is the greatest, and 3 metres from the side elevations of proposed dwellings. The guidance also recommends that these distances should increase for heavily shading species and account taken of the potential for future growth. All of the seven proposed dwellings are outside of the crown spread of the existing trees; however, the proposed dwellings on Sites 1, 6 and 7 are located closer to the RPAs than the guidance recommends, as can be seen on the Tree Impact and Protection Plan.

With respect to Site 1, the Ash tree (Tree No. 4 as indicated within the AIA) is noted to be in fair condition with a spreading crown and is within Category C (adequate to

low quality). The AIA does not detail any evidence of Ash dieback but it is anticipated this may have an impact on this tree in the future. In addition, the proposed dwelling on Site 1 is only approximately 0.6 metres closer to the RPA than the dwelling on the site approved under U/2013/0180/F, which remains the lawful fallback position. The additional impact is considered minimal and consequently it is not considered necessary to require the location of the proposed dwelling to increase its proximity to the tree.

With respect to the proposed dwelling on Site 6, the two Ash trees (Tree No. 29 and No. 30 as indicated in the AIA) are noted to be in poor condition, one of which is dying. Both trees are outside the control of the applicant and are located within the site curtilage of No. 27 Woodfield. The footprint of the proposed dwelling is located 5 metres from the RPA of Tree No. 30 and is located approximately 0.6 metres further from the RPA than the dwelling on the site approved under U/2013/0180/F and therefore there is no objection to the location of this dwelling.

A wayleave abuts the southwestern and southeastern boundaries of the curtilage of Site 7, which restricts the potential location of a dwelling on this site. Like the scenario on Site 6, the footprint of the dwelling on Site 7 approved under U/2013/0180/F is closer to the RPA of the trees, in this case by 1.8 metres, and consequently the location of the dwelling on Site 7 is considered acceptable.

The closest RPAs to the proposed dwelling on Site 7 are the Scots Pine located within the curtilage of the dwelling at No. 29 Woodfield. The crowns of the Scots Pines are limited and allow more light through than trees with top heavy crowns. Accordingly, there is no objection to the amenity distances at this location. The proposed car port will slightly impact on the RPA but not to an unacceptable level and is proposed to be constructed on wooden posts, which will require hand digging to prevent damage to tree roots, which is considered acceptable and can be conditioned as such.

The proposed boundary treatment that extends across the RPAs of the retained trees consists of wooden fencing, which is considered acceptable provided it is erected using hand digging methods which can be subject to a planning condition. It is also considered necessary to remove permitted development rights, to prevent operational development within the rear gardens of the proposed dwellings in order to protect the RPAs.

Overall, with respect to the impact on RPAs, subject to the aforementioned conditions, the proposed layout of development is considered acceptable. Additionally, the Tree Impact and Protection Plan indicates the location of tree protection fencing and temporary ground protection, details of which have been included within the AIA and indicate that they are to be constructed in accordance with British Standards. The tree protection fence comprises a protective barrier 2.3 metres in height, with a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supporting weld mesh panels, which shall be erected around all trees to be retained, prior to the commencement of development on the site. The AIA has indicated that where it is not practical to protect RPAs by the use of protective fencing that, in accordance with BS 5837, fencing will be set back and the soil shielded by ground protection, the location of which is indicated on the Tree Impact and Protection Plan. The areas identified, adjacent to the location of the

proposed dwellings on Site 1 and Site 7, will ensure the underlying soil remains undisturbed and retains the capacity to support existing and new roots. For pedestrian traffic, a plywood board with a minimum thickness of 40mm will be laid on a minimum of 100mm deep woodchip, with geotextile membrane beneath. For heavy machinery with a gross weight of up to 3.5 tonne, interlinking aluminium or composite track with sufficient load bearing capacity will be laid over a minimum layer of 200mm deep woodchip with a geotextile membrane beneath. All temporary protective surfaces must remain in place until all construction activity is complete and can be subject to a planning condition on any planning decision.

The Site Boundary Treatment Plan indicates close boarded wooden fencing, two (2) metres in height, enclosing the rear site boundaries and shows the existing boundary treatments of neighbouring properties to be retained. Boundary planting is also proposed on the inside of the fences along all rear site boundaries as well as proposed tree planting along the common boundaries of No. 27 and No. 29 Woodfield and outside the northwestern site boundary of No. 19 Lenamore Drive. At the front of the proposed properties, two (2) metre high brick walls with pillars and gates are proposed between buildings, in addition to one (1) metre high metal estate type fencing with hedgerows proposed at the front of the proposed dwellings, ensuring the provision of a high standard of hard and soft landscaping within the scheme.

The proposed development has retained the existing building line along Lenamore Drive, protects and enhances the boundary treatments as well as respects the scale of the neighbouring built form. It is considered that the development proposal demonstrates consideration of the local context in terms of its relationship to surrounding buildings and to the characteristics of the local area. Notwithstanding the concern raised in relation to the proposed development it is considered that the design, layout and appearance of the development is acceptable in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.

### **Neighbour Amenity**

A number of objections were received regarding the impact of the proposed development on the amenity of existing properties abutting the site boundaries. The proposed layout achieves a minimum of 10 metres separation distance from the rear of the proposed dwellings to their respective rear boundaries. The proposed dual frontage dwelling on Site 1 has a rear to gable relationship with the proposed dwelling on Site 2. There is a separation distance of 11 metres from the rear building line of the dwelling on Site 1 with the proposed shared two (2) metre high close boarded fence that separates them. Within Site 1, a two (2) metre high closed boarded fence is proposed on the inner side of the mature existing hedgerow which defines and extends the full length of No. 44 Glenkeen Avenue's northeastern site boundary, which it shares with the proposed dwellings on Sites 1, 2 and 3.

The dwelling on Site 2 has a rear to gable relationship with the existing dwelling at No. 44 Glenkeen Avenue. The dwelling on Site 2 has a rear garden depth of 11 metres from the rear building line to the proposed two (2) metre high close boarded fence which is proposed on the inner side of the mature existing hedgerow along No. 44 Glenkeen Avenue's northeastern site boundary, and a rear to gable separation distance of approximately sixteen (16) metres. The residents of No. 44 Glenkeen

Avenue raised objections to the proposed development in respect of the negative impact on its residential amenity by way of noise, overlooking, loss of light, overshadowing and other general disturbance. However, of the four (4) first floor windows of the dwelling on Site 2 (House Type B), two are bathroom windows with opaque glass and the remaining two windows are bedroom windows which constitute low occupancy rooms. The gable-to-gable separation distance of the two-storey dwelling on Site 3 (House Type E) with the garage located to the rear of No. 44 Glenkeen Avenue is approximately 18.5 metres. In both cases, the lawful fallback position would allow for built development to come approximately 8 metres closer to the shared boundary than what is proposed under the current development proposal. Nonetheless, it is considered that there is an adequate separation distance between the proposed and existing dwellings and consequently the proposed development will not have a significant impact on overlooking, dominance, overshadowing or loss of light.

With regards to noise and disturbance from the proposed development and in particular the direct impact on No. 44 Glenkeen Avenue, it is noted that although there is potential for noise nuisances during the construction phase of development, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings and as such is not a determining factor with regards to the development proposal.

The semi-detached dwelling on Site 3 has a rear garden depth of approximately 16 metres to the shared boundary with No. 11 Woodfield and a back-to-back separation distance of approximately 32 metres. The semi-detached dwelling on Site 4 has a rear garden depth of approximately 12 metres to the shared boundary with No. 15 Woodfield and a back-to-back separation distance of approximately twenty-five (25) metres. It is also located approximately 9 metres from the shared boundary with No. 25 Woodfield with a front to rear separation distance of forty-one (41) metres with No. 25 Woodfield. The owner/occupier of No. 15 Woodfield Avenue raised concerns with regards to the loss of the shared mature boundary between the proposed dwellings on Sites 3 and 4 which would result in overlooking of the existing property at No. 15 Woodfield. Due to the retention of the mature northwestern site boundary it is considered that the proposed development will not have a detrimental impact by way of overlooking on either No. 15 Woodfield Avenue or its two neighbouring properties at No. 11 Woodfield and No. 17 Woodfield. Additionally, the proposed dwelling on Site 3 is located approximately 4.5 metres further from the shared boundary than the dwelling approved in that location approved under U/2013/0180/F. Of the five (5) first floor windows of both proposed properties that back on to the shared boundaries with No. 11 and No. 15 Woodfield, one is a bathroom window with opaque glass and the remaining four windows are bedroom windows which serve low occupancy rooms. Consequently, due to the recommended back-to-back separation distance standard of greater than 20 metres as set out within Creating Places, it is considered that the proposed development will not result in any unacceptable adverse impact between adjacent properties by way of overlooking. Due to the retention of the mature boundary it is not anticipated that the proposed development will have a more significant impact on overshadowing or loss of light.

The objector also raised concerns that the dwelling on Site 4 is proposed too close to the boundary for the vegetation to be permanently retained and that if the existing vegetation along the boundary was to be retained and augmented it could cause overshadowing to the proposed semi-detached dwellings on Sites 3 and 4. As stated above, the boundary vegetation is to be retained. It is considered that the location of the proposed dwellings on Site 3 and Site 4 are not located closer to the RPAs or the crown spread of trees than the guidance recommends and all other standards within Creating Places Design Guide are complied with. Therefore, the location of the semi-detached dwellings is also considered acceptable in this regard.

The proposed detached dwelling on Site 5 has a fifteen (15) metre rear garden depth and a minimum back-to-back separation distance of approximately twenty-two (22) metres with No. 27 Woodfield; and the proposed detached dwelling on Site 6 has a ten (10) metre rear garden depth and a minimum back-to-back separation distance of approximately twenty-one (21) metres with No. 27 Woodfield. Given the separation distance between the proposed and existing dwelling, and because two of the four first floor windows on the rear elevation of the proposed dwelling serve bathrooms and are finished in opaque glass and the remaining two windows serve two low habitable bedrooms, the location of the proposed dwelling is also considered acceptable by way of overlooking in this regard. With the removal of the existing shed to the rear of the proposed dwelling it is anticipated that the proposed dwelling will have a positive impact with respect to overshadowing and loss of light.

The proposed detached dwelling on Site 7 has a minimum rear garden depth of 12 metres and has a minimum separation distance of 20 metres from No. 9 Woodfield Grove and a twenty (20) metre gable-to-gable separation distance from No. 11 Woodfield Grove. It also has a gable-to-rear relationship with No. 29 Woodfield with a minimum of 9 metres from the gable to the shared site boundary and a twenty-one (21) metre gable to rear separation distance with this existing dwelling. The proposed dwelling on Site 7 also has a gable-to-gable relationship with both No. 17 and No. 19 Lenamore Drive. It has a minimum gable-to-gable separation distance of approximately seventeen (17) metres with No. 17 Lenamore Drive and a minimum gable-to-gable separation distance of approximately fourteen (14) metres with No. 19 Lenamore Dive. The first floor northwestern gable mock window of the proposed dwelling on Site 7 has a bricked-up detail and on the southeastern first floor gable the mock window is to have a permanent shutter detail. Given the proposed design details and the proposed separation distances between the proposed and existing dwellings it is considered that there will be no detrimental impact on residential amenity by way of overlooking, overshadowing, loss of light or dominance.

The residents of No. 29 Woodfield raised concerns with respect to boundary treatments, loss of boundary vegetation and proposed landscaping between the application site and its site boundary. They also raised concern that the proposed fence between shared boundary with No. 29 Woodfield is not aesthetically pleasing and the proposed feathered trees are not sufficient to prevent overlooking. As stated above, all boundary vegetation is to be retained and tree protective fencing is proposed to protect the retained vegetation, tree roots and canopies. Proposed tree planting along the shared boundary with No. 29 Woodfield and the proposed dwelling on Site 6 will provide further screening to No. 29 Woodfield's rear private amenity space. A 2 metre high boundary fence is to be erected inside the application site boundaries which will provide enclosure to the curtilages of the

proposed dwellings and promote the privacy of existing and proposed residents. The proposed hedges and trees to be planted along the site boundaries will soften the proposed site boundaries, further assist site screening and aid biodiversity.

Concerns were raised by the residents of No. 7 Woodfield Grove with respect to connections to utilities created by running a trench through No. 9 Woodfield Grove and the potential for damage to the root systems of the boundary vegetation and fencing between the two existing properties. The submitted Drainage Assessment (DA), Document 04 date stamped 29th May 2020, includes a proposed sewer layout. The DA confirms that the proposed storm discharge will connect into the existing NI Water storm manhole on Woodfield Grove. A Pre-Development Enquiry (PDE) with NI Water, Document 08/1 date stamped 27th October 2020, states that where a public foul/storm is located within lands not in the applicant's ownership the prior formal consent of the private landowner must be received by NI Water prior to any application to connect to a public sewer being considered by NI Water. The agent has confirmed that laying of pipework has been agreed with the owners of No. 9 Woodfield Grove. The AIA confirms that the installation of a foul sewer and surface water sewer will require the removal of approximately 2sqm of early mature beech hedge in the northeastern corner of the application site and the applicant has agreed to replant this area of hedge on a like for like basis on completion of all works.

The proposed scheme has been designed to ensure that there will be no detrimental impact on the amenity of existing adjacent properties. As stated above the proposed layout complies with the recommended standards set out in the Creating Places Design Guide, which states where new development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking and recommends a minimum of around 10 metres between the rear of new houses and the common boundary. With regards to the development proposal the recommended separation distance standards have been adhered to. It is considered that with the removal of permitted development rights preventing any extension or enlargement (including alteration to roofs) being made to the dwellings, and no buildings or structures being erected within the curtilage of the proposed dwellings without the grant of a separate planning permission from the Council, the amenities of the surrounding area can be safeguarded and will ensure the continuity of amenity afforded by existing trees in the interests of residential amenity. Overall, it is considered that the design and layout of the scheme will not result in a significant loss of residential amenity by way of overlooking, loss of light, overshadowing, or dominance. In addition, the proposed retention of existing vegetation and additional tree and hedge planting will further enhance the Lenamore ATC.

### **Flood Risk**

In relation to Policy FLD1 'Development in Fluvial Flood Plains' of the Revised PPS 15 'Planning and Flood Risk' the development proposal lies outside the 1 in 100 year fluvial flood plain as indicated on the Flood Map (NI). DfI Rivers has considered the Drainage Assessment, Document 04 date stamped 29th May 2020, and an updated Pre-Development Enquiry (PDE) with NI Water dated 24th July 2020, Document 08/1 date stamped 27th October 2020, which confirmed that NI Water granted consent to discharge the proposed 6.5 l/s (greenfield rate) of surface water runoff to the 150mm

diameter public storm sewer located within Woodfield Grove, which is valid for 12 months and will not expire until 23rd July 2021.

DfI Rivers has confirmed that adequate calculations and drawings have been submitted to support the proposals, and consequently has no objection to the development proposal from a drainage or flood risk perspective provided that all issues set out in the Drainage Assessment are addressed. It is considered that with the mitigation set out in the Drainage Assessment applied, the proposed scheme is compliant with the provisions of Policies FLD 1, FLD 2, FLD 3, FLD 4 and FLD 5 of PPS 15 (Revised).

### **Natural Heritage**

A Northern Ireland Bio-Diversity Checklist (NIBC), Document 02 date stamped 29th May 2020, was submitted and following consultation DAERA Natural Environment Division (NED) confirmed that the application site contains a stone barn, fencing, foundations, hedgerows, bare ground and scrub; and stated that although it agreed with the recommendations within the NIBC it requested an emergence/re-entry bat survey of the existing two-storey stone barn within the site and provision of the findings and clarification that badger surveys were carried out in accordance with NIEA Specific Requirements including lands within 25 metres of the site boundary, be submitted.

A Bat Survey and Impact Assessment, Document 05 date stamped 10th July 2020, was submitted followed by written clarification on ecological information, Document 07 date stamped 12th October 2020, responding to several points raised by NED in its consultation response dated 25th August 2020.

Concerns were raised by objectors in relation to the demolition of the existing building on the application site as it is a natural habitat for bats. Following re-consultation with NED, it noted in its consultation response dated 16th February 2021, that the ecologist's letter, Document 07, confirmed that the two storey building adjacent to Glenkeen Avenue has been demolished and that a badger survey was carried out in accordance with NIEA Specific Requirements including a distance of 25 metres beyond the site boundary subject to access restrictions and concluded that there are no records located within the application site. It also noted that the focus of the bat survey was directed towards the utility of the barn building which confirmed that the building did not contain bat roosts and that foraging, and commuting was generally recorded at the site.

NED also stated that the NIBC and the Landscape Proposals Plan, Drawing Number 02/2 date stamped 8th January 2021, indicated that all trees along the site boundaries will be retained and that proposed compensatory planting includes non-native species. It went on to state that the Tree Constraints Plan, Drawing Number 14/1 date stamped 22nd December 2020 and the Tree Impact and Protection Plan, Drawing Number 15/1 date stamped 22nd December 2020, indicate that mature trees within the site, to the southwest of No. 44 Glenkeen Avenue, are to be felled. Consequently, NED stated it had concerns that the bat survey has not assessed the potential impact on bat roosts in trees proposed to be felled as shown on Drawing Numbers 14/1 and 15/1 and that the planting of native species to compensate for the loss of grassland and hedgerows has not been provided on Drawing Number 02/2.

Following consideration of NED's consultation response, it appears that the aforementioned plans have been misinterpreted by NED. A tree survey was undertaken by John Morris Arboricultural Consultancy as indicated within the Arboricultural Impact Assessment and Method Statement (AIA) Document 10/1 date stamped 22nd December 2020. The survey considered all trees that have the potential to be impacted by any development proposals, including those outside the site boundary, but within influencing distance. The extent of the tree survey is as indicated on the Tree Constraints Plan, Drawing Number 14/1, and an assessment of tree quality sets out four categories (Category A, B, C and U) within Table 1 'Overview Assessment of Tree Quality' within the AIA.

The legend on the Tree Constraints Plan (Drawing Number 14/1) refers to four tree categories and Root Protection Areas (RPA) along the application site boundary. The note on the Plan also states that Category A trees are of high arboricultural value within a minimum life expectancy of 40 years, Category B trees are of moderate arboricultural value within a minimum life expectancy of 20 years, Category C trees are of low arboricultural value within a minimum life expectancy of 10 years, or have a stem diameter of less than 150mm and Category U trees are in such a condition that they cannot realistically be retained in the context of current land use for longer than 10 years.

The legend on the Tree Impact and Protection Plan, Drawing Number 15/1, identifies trees 'recommended' for removal as Category U Trees and the AIA identifies only three (3) trees within the application site which are classified as Category U trees (Tree 3, Tree 6 and Tree 10 which are located at the site entrance). However, the AIA reiterates that 'the proposed development will not require the removal of any trees' and notes that Category U trees 'can have existing or potential conservation value which it might be desirable to preserve'.

Neither the Tree Constraints Plan nor the Tree Impact and Protection Plan indicate that the Category U trees are 'proposed' to be removed and furthermore, this is supported by the information set out in the AIA and the Landscape Proposals Plan, Drawing Number 02/2 date stamped 8th January 2021, which indicates that all the existing trees are to be retained and protected and existing boundary hedges will be retained and augmented. Given that no trees or hedges along the site boundaries are to be removed it is not considered that the proposal will have a detrimental impact on bats and as such it is considered that a bat roost potential survey is not required. Notwithstanding any notation within the legend as indicated on the Tree Impact and Protection Plan, Drawing Number 15/1, a condition can be imposed on any planning permission to ensure the retention of all existing trees and boundary vegetation within the application site.

The proposed planting and trees along the application site boundaries are all native species to compliment and augment the existing trees and hedgerows. Although the proposed trees and hedges within the front garden areas of the dwellings are non-native and ornamental, these are typical of planting arrangements within residential developments and within the surrounding local area. The applicant's agent has stated that the alternative would be to plant a native hedge to the front gardens which would be of an inappropriate scale for the proposed scheme. With respect to the proposed shrub planting, the alternative native option of wildflower planting would be challenging to maintain and not practical for a front garden. It is therefore

considered that the proposed landscaping is acceptable in this urban context and further amendments to the proposed plans in that respect are not required.

NED in its consultation response had also advised that the development proposal may be subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), known as the Habitats Regulations, the Wildlife (Northern Ireland) Order 1985 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). Consequently, Shared Environmental Services (SES) was consulted and confirmed that the development proposal was considered in light of the potential impact of the proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites and was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). SES concluded that having considered the nature, scale, timing, duration and location of the project, the development proposal would not be likely to have a significant effect on the selection features, conservation objectives or status of any European site.

### **Access, Movement and Parking**

A number of objections raised road safety concerns from traffic generation during both pre-construction and post construction phases of development, due to a lack of footpath and street lighting provision on neighbouring roads. As stated above, DGN 3K recognises the narrow unadopted roads with no footpaths bordered by mature trees gives the area its unique character; regardless, the applicant is not liable under this planning application for the upgrading of the surrounding road network or provision of street lighting.

The proposed access to the application site is off Lenamore Drive, a private unadopted road. The access is consistent with the extant planning permission U/2013/0180/F and is proposed to remain private. A detailed road layout provides details of the proposed access and internal carriageway and confirms the ability to achieve visibility splays of 2.4 metres x 33 metres in each direction. The development proposal has been designed as a shared surface with dropped kerbs and tactile paving to facilitate those who are mobility impaired.

A review of the pedestrian, cycling, public transport, taxis, HGVs and private vehicle facilities in the vicinity of the site were considered within a submitted Transportation Assessment (TA), Document 03 date stamped 29th May 2020. Car trip figures were derived using trip rates contained in the TRICS database for similar land use developments, i.e., privately owned houses, and an estimate of the number of journeys to the site by each transport mode provided, which included thirty-seven (37) car driver journeys per day, twelve (12) car passengers per day, one taxi journey per day, one bus and one train journey per day and one bin lorry per week. It was also confirmed that the peak times for traffic assessing the site is 08:00 – 09:00 hours for outbound traffic during the morning peak and 17:00 – 18:00 hours for inbound traffic during the evening peak.

From the TRICS Data survey investigations the TA states that the peak periods of traffic travelling to and from the proposed development are estimated to be in the region of 4-5 vehicles per peak hour, which represents a very small increase of traffic on the local highway network. Consequently, it is considered that Lenamore Drive is very unlikely to have any significant impact in terms of highway capacity or the possible

increase of accidents. The TA also states that the impact of the proposed development will be equivalent to a single vehicle joining the local highway every 12-15 minutes.

In respect of increased parking, the TA confirms that the development has been designed in accordance with the standards set out within Development Control Advice Note 15 (DCAN 15), PPS 3 and Creating Places, in terms of numbers and dimensions to cater for residents, visitors and other callers.

Parking provision for the development is in the form of private driveways at a rate of at least two car parking spaces per dwelling. Objectors raised concerns that there is no provision for visitor parking within the proposed scheme. The application site is a brownfield site in a highly assessable location well served by public transport; however, there is scope for visitor parking and additional ad-hoc car parking within the internal estate road, particularly as the proposed turning head has a width of 5.9 metres and a length of 24 metres long, which is over 2 metres longer than is recommended for a turning head. 'Creating Places' also states that a carriageway width of 5.5 metres is intended to allow for parking by casual callers and these spaces may be counted towards the total provision required. The proposed internal road layout has sections that have a minimum width of 5.5 metres consequently providing sufficient provision for casual on-street parking.

Concern was raised by objectors with respect to limited provision for delivery vehicles and bin lorries to drive up the internal estate road and the location of bin collection areas. Although the internal estate road has not been designed to adoptable standards there is sufficient provision for a bin lorry or oil delivery lorry to enter the site, and sufficient distance at the turning head for such vehicles to turn and exit the development in first gear. Alternatively, a two (2) metres wide footpath is proposed at either side of the site entrance which will facilitate bins to be positioned for collection.

DfI Roads has been consulted in relation to the proposed development and the submitted TA and it has not objected to any of the findings within it or to the proposed access, manoeuvring and parking arrangements subject to conditions and informatives being attached to any decision. Overall, there are no road safety concerns regarding the proposal.

### **Other Matters**

#### Northern Ireland Water

Concerns were raised by objectors with regard to the lack of adequate drainage and sewage systems in place and the proposal should not put further burden on the existing system at Lenamore.

NI Water has acknowledged in its latest consultation response that planning approval remains in place for the five (5) residential units approved on the site under reference U/2013/0180/F and as a consequence confirmed that 5 residential units could therefore connect to the foul sewage network. It further advised that the developer had provided calculations which indicated that they propose to remove storm water from the combined network, offering a betterment in flows by 37.2 l/s. NI Water has stated that provided this can be achieved, a connection for seven (7) units can be made to the 150mm diameter foul sewer within Woodfield Grove and confirmed that

a 150mm diameter public storm sewer within Woodfield Grove can serve this proposal based on a discharge rate of 6.5 l/s. On this basis it is accepted that the proposed development can connect to the public sewerage system and the concern raised about this matter is not therefore considered to be determining.

On this basis it is accepted that the proposed development can connect to the public sewerage system and the concern raised about this matter is not therefore considered to be determining.

#### Belfast City Airport

Belfast City Airport has assessed the development proposal in relation to its aerodrome safeguarding criteria and has confirmed that it would not infringe its Obstacle Limitation Surfaces and therefore has no objection to the development as proposed.

#### Right of Way

The residents of No. 7 Woodfield Grove have stated that their property has had access to the application site and out onto Lenamore Drive for around 20 years and requested that this access arrangement be incorporated into the proposed layout. In addition, an objection relating to an alleged right of way through the application site from Mr Peter Ingram of No. 27 Woodfield was raised, stating that they have exercised a right of way through the site to Lenamore Drive since 1999, with the permission of a previous landowner Mr Gary Olding.

The matter was raised with the applicant's agent and consequently the applicant's solicitors MacCorkell Legal and Commercial responded, confirming that Mr Olding sold the property in 2006 to Flagstaff Homes Ltd. They advised that the title deeds to the site contain no express right of way in favour of Mr. Ingram, and in order to establish a prescriptive right of way (i.e., one created by use over a period of time rather than by a formal grant) Mr. Ingram would have to have used the right of way without permission for upwards of 25 years. MacCorkell Legal and Commercial has stated, in this case, if Mr. Ingram has accessed the site it has been for a maximum of 15 years and a prescriptive right of way has not been established and accordingly, Mr Ingram has no legal rights of access to or over the site.

#### Neighbour Notification

The residents of No. 17 Lenamore Drive advised that their property was not neighbour notified in respect of the previous application on the site, or the current proposal as required by Article 8 (1) (b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015. The objector's letter advising the Council of its failure to notify their neighbouring property was received prior to the first site inspection having been carried out where a neighbour notification check would have identified the requirement to notify the owner/occupiers of this property. It was also evident from receipt of the objection letter that the complainant was aware of the development proposal and not prejudiced in respect of not being made aware of the development proposal at an earlier stage. The complainant was subsequently corresponded with throughout the following relevant stages of the planning process and was notified of all subsequent plans and additional information that was submitted in respect of the development proposal. The Council is not in a position to comment with respect to the alleged failure of the former planning department

within the DOE to neighbour notify the property in respect of an earlier planning application on the site.

Request to be notified of Building Works

The residents of No. 29 Woodfield stated that they wished to be advised of the timing for boundary treatment works taking place in order to satisfy rights to security and privacy. Should planning permission be granted, the applicant has 5 years in which to commence development and it is not the responsibility or the remit of the Council to notify neighbours or objectors of when a development is likely to commence.

Road Repairs

Concerns were raised by objectors with respect to traffic generation from the proposed scheme and the subsequent detrimental impact the additional vehicular movements will have on the quality of the surrounding roads. The objectors have stated that the developer should be subject to a binding commitment to upgrade the private road. They also stated that the existing Lenamore Drive residents will be disadvantaged by having to pay for post-construction road repairs and that the owners of private roads at Lenamore Drive, Lenamore Avenue, Church Avenue and Glenkeen Avenue should be contacted for their opinion in respect of this matter. No verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on the quality of the roads and there is no certainty that this would occur as a direct consequence of the proposed development. The upgrade of the surrounding private road network is a civil matter and accordingly it is considered that this issue should not be afforded determining weight in the determination of this application.

**CONCLUSION**

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

- The principle of housing on the application site is acceptable;
- The density, design, layout and appearance of the proposed development is considered acceptable;
- There will be no significant impact on the character of the Lenamore ATC;
- There is no adverse effect on existing or proposed properties in terms of residential amenity, loss of light, light, overshadowing, dominance, noise or other disturbance;
- There is no flood risk associated with the proposed development;
- The proposal is unlikely to impact protected or priority species; and
- There are no road safety concerns regarding 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 vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 11/1 date stamped 22nd December 2020 prior to the commencement of any other development hereby

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

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

3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. Notwithstanding the information stated within the legend on approved Drawing Number 15/1 date stamped received 22nd December 2020, all the existing natural screenings within the approved site as shown, including Category A, Category B, Category C and Category U trees, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing boundary hedging shall be retained at a minimum height of 4 metres and existing trees as shown retained at a minimum height of 6 metres. If any retained tree or vegetation is removed, uprooted or destroyed; or dies it shall be replaced within the next planting season by another tree, trees or vegetation in the same location of a species and size as specified by the Council.

Reason: To ensure the maintenance of screening to the site in the interests of visual amenity and to safeguard the amenities of neighbouring occupiers and to ensure that the proposed development does not prejudice the appearance of the locality.

5. A protective barrier no less than 2m in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels as illustrated on the Tree Impact and Protection Plan, Drawing Number 15/1 date stamped 22nd December 2020, shall be erected at least the distance from protected trees as identified on Drawing Number 15/1 date stamped 22nd December 2020 prior to the commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no machinery or stockpiling of materials or soil within this tree protection zone.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Prior to the commencement of development on Site Number 1 and Site Number 7, temporary ground protection shall cover the areas hatched in red as indicated on Drawing Number 15/1 date stamped 22nd December 2020. The temporary ground protection measures shall be constructed as indicated at Appendix 4 of

the Arboricultural Impact Assessment and Method Statement, Document 10/1 date stamped 22nd December 2020 and the ground protective surfaces shall remain in place until all construction activity is finished.

Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

7. The boundary treatments and car ports indicated in blue on Drawing Number 16 date stamped 22nd December 2020 shall be erected by hand digging only, using the method recommended within paragraph 7.5.5 of BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

Reason: To ensure that damage to tree roots of retained trees is minimal.

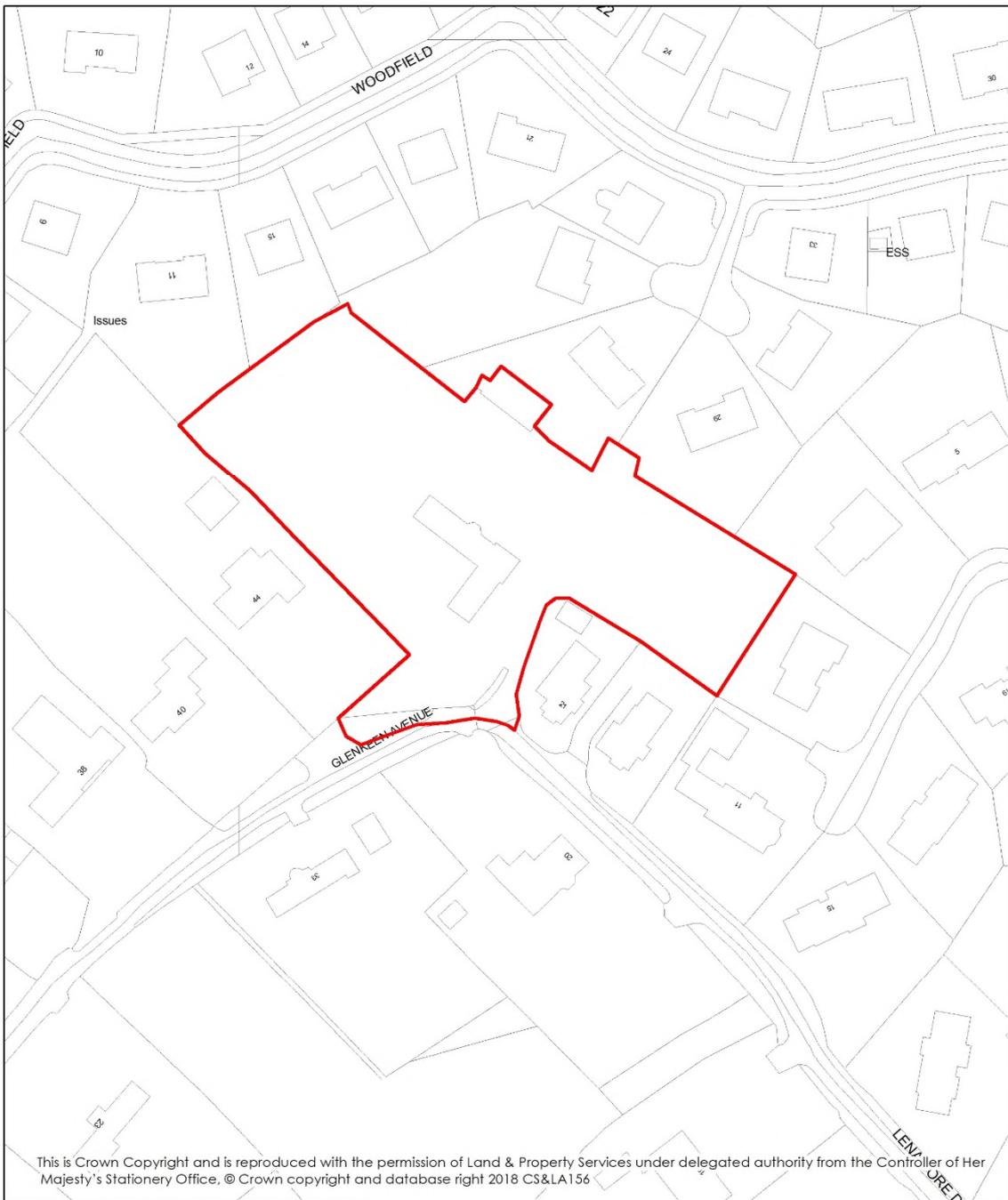
8. The proposed landscaping works as indicated on Drawing Number 02/2 date stamped 8th January 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice during the first planting season after the commencement of development.

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.

9. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no extension or enlargement (including alterations to roofs) shall be made to the dwelling/houses hereby permitted, and no buildings or structures shall be erected within their curtilages without the further grant of planning permission by the Council

Reason: The further extension of these dwellings, or the erection of buildings or structures within their curtilages, requires detailed consideration to safeguard the residential amenity of neighbouring properties and to ensure the continuity of amenity afforded by existing trees



**Location Map**

Application Reference: LA03/2020/0349/F  
 Location: 30m N and NE of 21 Lenamore Drive,  
 Newtownabbey  
 Proposal: Proposed erection of 5no. detached  
 and 2no. semi-detached dwellings



 Site Boundary



|   |  |
|---|--|
| <b>COMMITTEE ITEM</b>   | <b>3.2</b>   |
| <b>APPLICATION NO</b>   | <b>LA03/2020/0828/F</b>  |
| <b>DEA</b>  | <b>GLENGORMLEY URBAN</b>   |
| <b>COMMITTEE INTEREST</b>   | <b>REFUSAL RECOMMENDED</b>   |
| <b>RECOMMENDATION</b>   | <b>REFUSE PLANNING PERMISSION</b>  |
| <b>PROPOSAL</b>   | Erection of 2no detached dwellings (& retention of existing dwelling)  |
| <b>SITE/LOCATION</b>  | 34 Glebecoole Park, Newtownabbey, BT36 6HX   |
| <b>APPLICANT</b>  | Stephen Heatley  |
| <b>AGENT</b>  | H R Jess Ltd   |
| <b>LAST SITE VISIT</b>  | 2nd February 2021  |
| <b>CASE OFFICER</b>   | Ashleigh Wilson<br>Tel: 028 903 Ext 40429<br>Email: <a href="mailto:ashleigh.wilson@antrimandnewtownabbey.gov.uk">ashleigh.wilson@antrimandnewtownabbey.gov.uk</a> |
| <p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>   |  |
| <b>SITE DESCRIPTION</b>   |  |
| <p>The application site is located at lands at 34 Glebecoole Park, Newtownabbey, within the development limits of Metropolitan Newtownabbey as defined by the Belfast Urban Area Plan 2001 and draft Belfast Metropolitan Area Plan (published 2004 and 2014).</p> <p>The application site comprises an existing semi-detached dwelling, with two domestic outbuildings and a smaller greenhouse situated to the rear. An existing gated driveway provides access to the current dwelling. Well established mature trees and hedging define the southern, eastern and western site boundaries and the northern roadside boundary is defined by a mature hedge, approximately two (2) metres in height. A wrought iron gate and two pillars on the northern boundary demarcate the vehicular access to the front of the dwelling, where there is a paved car parking area. To the east and extending to the south of the dwelling is a substantially sized garden area. The topography within the site is relatively flat.</p> <p>The application site is located within an existing residential area. The area is characterised mainly by two storey semi-detached, red-brick dwellings with some rendered properties. Lilian Bland Pavilion is to the northwest of the application site.</p> |  |
| <b>RELEVANT PLANNING HISTORY</b>  |  |
| <p>Planning Reference: LA03/2019/0928/F<br/>Location: 34 Glebecoole Park, Newtownabbey, BT36 6HX<br/>Proposal: Erection of 2no. detached dwellings (&amp; retention of existing dwelling)<br/>Decision: Application Withdrawn (20.07.2020)</p> <p>Planning Reference: LA03/2018/0843/F<br/>Location: 32 Glebecoole Park, Newtownabbey</p>   |  |

Proposal: 4no. residential apartments with parking, landscaping and associated site works  
Decision: Permission Granted (08.01.2019)

#### **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 development limit of the Belfast Urban Area. Policy H7 Infill Housing applies.

Draft Belfast Metropolitan Area Plan (published 2004): The application site is located on unzoned land within the settlement limit of Metropolitan Newtownabbey.

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.

## CONSULTATION

**Council Environmental Health Section** - No objection

**Northern Ireland Water** - Sewer network at capacity

**Department for Infrastructure Roads**- Further amendments required (Reconsulted with amendments 22/2)

**Northern Ireland Environment Agency (Water Management Unit)** - No objection subject to conditions

## REPRESENTATION

Twelve (12) neighbouring properties were notified, and ten (10) letters of objection have been received from eight (8) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Overdevelopment.
- Out of character with the area.
- Inadequate parking.
- Increase in traffic and impact on road safety.
- Loss of privacy.
- Flood risk.
- Inadequate sewerage / drainage provision.
- Loss of a view.

## 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 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 draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application.

Both of the relevant development plans identify the application site as being on unzoned land within the settlement limit of Metropolitan Newtownabbey. Policy H7 of BUAP Infill Housing is relevant and advises that proposals for infill housing, such as that proposed, may raise problems in relation to the amenity and character of existing residential areas. Since publication of this Plan regional policy for the consideration of such proposals has been brought forward through Planning Policy Statement 7.

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 a proposal not resulting in 'unacceptable damage to local character, environmental quality or residential amenity'.

As such, 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 taking account of the guidance set out in the design guide Creating Places.

### **Design, Layout and Appearance**

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 QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. 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.

The development proposal takes the form of backland development on a plot that has a depth of 58 metres and proposes the construction of two (2) detached dwellings with the retention of the existing semi-detached dwelling at No. 34 Glebecoole Park. The proposed dwelling to the front of the site (indicated as 'Site 1' on Drawing Number 02, date stamped 20th November 2020) is a two-storey dwelling with a ridge height of 7.6 metres. To the rear of the site (indicated as 'Site 2' on Drawing Number 02, date stamped 20th November 2020) is a 1½ storey dwelling with a ridge height of 5.2 metres. External finishes include dark grey concrete roof tiles, light brick work with grey smooth render walls and uPVC windows. The existing driveway at No. 34 Glebecoole Park will be permanently closed and a new access is

proposed from Glebecoole Park between the existing dwelling at No. 34 Glebecoole Park and the proposed dwelling. This proposed access extends on to the rear of the site to also serve the dwelling on Site 2. Each unit is provided with two in-curtilage parking spaces.

The surrounding context is predominantly medium density housing of a spacious suburban nature but with parcels of higher density housing opposite and to the north of the site. The area is characterised by two storey semi-detached dwellings, the majority of which have a hipped roof, on medium to large scale plots and set back along linear access roads or around small cul-de-sacs, with a front garden and a back-to-back arrangement. Existing dwellings are finished in a mix of red/brown brick and some roughcast render.

Concerns were raised within a number of objection letters with regards to the design of the proposed dwellings being out of keeping with the existing 1920's style housing that dominates the surrounding area. It is considered the proposed dwelling to the front of the site would appear 'squashed in' particularly given that the existing dwelling, No. 34 Glebecoole Park fronts onto the proposed 'Site 1' with multiple windows in its eastern side elevation. The proposed dwelling on Site 1 is positioned 5 metres from the existing side windows of No. 34 Glebecoole Park. The dwelling is also considered to be narrow in comparison to most of the existing dwellings in the immediate area, which include semi-detached dwellings with a larger mass to the overall building. The proposed dwelling on Site 1 is pushed tight to the boundary with no separation distance to the southeastern boundary. Furthermore, both of the proposed dwellings appear confined and restricted in the plot in terms of the ratio between built form, hard landscaping and the garden area. The dwelling to the rear of the application site lacks any defined front curtilage. This proposed dwelling is also accessed via a new driveway that runs through the middle of the site for a distance of 30 metres, almost the entire length of the site. Taking this all into account, it is considered that the proposal does not respect the design cues and context evident in the surrounding area.

Considering all of the above, together with the retention of the semi-detached dwelling at No. 34 Glebecoole Park, which further adds to the intensity of the development, it is considered that the scheme does not respect the surrounding context in relation to its layout, design, scale, massing and ultimately represents overdevelopment and town cramming, and it therefore fails to meet Criterion (a) of Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum.

### **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 Place: 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, and should be around 70sqm per house, or greater. Creating Places goes on to state that 'for any individual house, an area of less than around 40sqm will generally be unacceptable'.

For this proposed development, whilst the garden areas indicated on the plans range from 70 square metres to 161 square metres there are concerns regarding the level of privacy afforded to the rear private amenity areas, in particular the privacy of No. 34 Glebecoole Park and the proposed new dwelling to the front of the application site (Site 1). Both these garden areas have the potential to be overlooked by the proposed dwelling to the rear of the application site, which is positioned only 5 metres from the back gardens and face directly onto them. In addition, the amenity spaces of No. 34 Glebecoole Park and Site 1 are indicated as long narrow strips of garden which abut the long private driveway leading to the proposed dwelling on Site 2. Therefore, in order to obtain privacy from the proposed access, a large 2 metre timber fence is proposed along each side of the private driveway which aesthetically will appear out of place and again highlights the contrived nature of the proposed development.

Criterion (c) also requires the adequate provision of landscaped areas as an integral part of the development. As noted above, the overall development is dominated by built form with a lack of landscaped areas to soften the visual impact of the development and to assist in its integration. The front boundary hedge is proposed to be removed and replaced with railings and the existing front garden area will be largely hardstanding to allow for parking. Whilst some landscaping is indicated on the plan to the rear of the site, there are no specific details with regards to the types and heights proposed. This has not been requested as the proposal is considered to be unacceptable as a whole. It is considered that the proposal fails to meet with Criterion (c) in that the privacy of rear amenity areas is lacking, as are landscaped areas as an integral part of the overall development scheme.

### **Parking Provision**

Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. Section 20 of Creating Places sets out the requirements for the total numbers of parking spaces to be provided for residents, visitors and other callers. The proposal provides two in-curtilage parking spaces for each of the three residential units, giving a total of six parking spaces. According to the guidance document 'Parking Standards', eight (8) spaces are required, with this proposal falling short of providing the mandatory number. This deficit not only creates the potential for parking along footpaths and the public road, leading to concerns over road safety, but of itself is indicative of concerns regarding the overdevelopment of the site.

### **Neighbour Amenity**

Criterion (h) of Policy QD 1 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.

The application site is bounded on two immediate sides by residential properties at No. 1 and No. 3 St Quentin Park to the east and No. 36 Glebecoole Park to the west. There are also dwellings located across the public road to the northeast and northwest of the site.

A well-designed layout should seek to minimise overlooking between these dwellings and provide adequate space for privacy. Creating Places advises that a separation distance of greater than 20 metres is appropriate to minimise overlooking. This

distance however, is not achievable on the proposed site, as the new dwelling to the rear (Site 2) is positioned less than 20 metres from the existing dwellings at No. 34 and No. 36 Glebecoole Park. Also, the proposed dwelling at Site 2 has a dormer window on the upper front elevation serving a bedroom. Notwithstanding the proposed boundary walls and landscaping, with an insufficient separation distance between the existing and proposed dwellings, it is considered that there is the potential for overlooking from the proposed dwelling at Site 2 into Nos. 34 and 36 Glebecoole Park.

The proposed dwellings at Sites 1 and 2 are positioned with the gable to the common boundary with Nos. 1 and 3 St. Quentin Park to the east. Site 1 is located with no level of separation to the common boundary. The gable ends of the proposed dwellings have no upper floor windows and hence a significant level of overlooking is not likely to occur. However, notwithstanding the existing garage to the rear of No. 3 St Quentin Park there is the potential for some overlooking from the upper floor windows on the rear elevation of Site 1 and the front upper floor bedroom window on Site 2 into the rear gardens of No. 1 and No. 3 St. Quentin Park given the orientation and limited separation distances.

No. 1 and No. 3 St. Quentin Park also raised concerns with regards to the overlooking into their properties. While the proposed dwelling at No. 34B is positioned parallel to the common boundary, it is also angled towards the rear of the existing building at No. 1 and No. 3 St. Quentin Park, so that the front elevation of the proposed dwelling is looking into the rear of the existing dwelling, with an overall separation distance of approximately 26 metres between the upper floor bedroom window on 'Site 2'. The other windows in this front elevation of site 2 include a landing and a velux window. It is considered that the potential for overlooking is significantly reduced by the separation distance which is in excess of the standards in Creating Places. It is considered that the level of any overlooking would not be such to cause a detrimental impact on the privacy of the residents of this property.

In terms of overshadowing, this application site is on a southern site and given the movement of the sun in an east to west direction, No. 36 Glebecoole Park to the north, should not be unduly affected by overshadowing or experience a significant reduction in the amount of daylight. It is considered that the existing properties on St Quentin Park would only be affected by overshadowing in the late evening, with just a small section of the garden potentially being overshadowed and separation distances are deemed sufficient to ensure that any loss of light is not a significant issue. The proposed dwelling at Site 1 is to the north of Nos 1-3 St Quentin Park and will not cause overshadowing or loss of light.

The new driveway required to access the proposed dwelling at the rear runs right through the middle of the application site, and past the gable of both No. 34 Glebecoole Park and the proposed dwelling at Site 1. This arrangement gives rise to concerns of noise and light disturbance on residents of the two dwellings at the front, from vehicles accessing the dwelling to the rear.

### **Impact on the Character and Appearance of the Area**

The surrounding area is characterised by linear rows of semi-detached dwellings, with garden areas to both the front and back, finished in red brick or roughcast render. This proposal seeks to introduce a backland style of development, on a plot that is 22

metres less than the recommended depth of 80 metres for such development (DCAN 8). The resultant layout does not reflect, nor does it respect, the existing pattern of development in the area. In reaching this conclusion account has been taken of the new apartment schemes on the plot adjacent to the application site, and at Orwood Mews. As a consequence, it is considered that the proposal will result in the unacceptable overdevelopment of the site which will have a detrimental impact on the character of the existing residential area.

### **Other Matters**

#### **Access and Road Safety**

A number of points raised by the objectors relate to the access and potential impact on vehicular and pedestrian safety. DfI Roads has requested that the parking for the existing dwelling and the site opposite is to be addressed. A clear 6 metres space is to be provided end to end for manoeuvring in and out of the parking space. The parking for the site to the rear will require a turning space or both spaces enabling the vehicles to enter and exit their property in first gear. As the applicant has not demonstrated that suitable parking and turning arrangements can be achieved, it is considered that the proposal fails to meet with Policy AMP 2 of PPS 3 and therefore is considered not acceptable.

#### **Disposal of sewerage and surface water**

An issue raised in the objection letters refers to concerns regarding the disposal of waste and surface water and the subsequent flood risk emanating from the development proposal. Whilst the application form indicates that surface water and foul sewage is to be disposed of through mains, the proposed drawings indicate two septic tanks for the proposed development.

Following consultation NI Water has advised that there is a public foul sewer located within Glebecoole Park; however, due to the sewer network being at capacity in the Whitehouse catchment and sewer flows spilling from CSOs into the environment, NI Water is recommending that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site.

In this case the applicant is proposing the provision of two septic tanks to serve the new dwellings proposed and following consultation NIEA Water Management Unit has indicated that it is content subject to the imposition of a negative condition requiring that consent to discharge be obtained prior to any development taking place. As a consequence the concerns raised regarding waste disposal are not considered to be determining in this case.

#### **Loss of a View**

Objectors raised a concern regarding the loss of a view from their property if this proposed development were to be permitted and built. The loss of a private view is, however, not generally considered to be a material consideration, unless there is a significant adverse impact on their amenity arising. The amenity impact of the scheme has been addressed above and accordingly no determining weight is therefore being given to this matter.

**CONCLUSION**

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

- The principle of the development is acceptable;
- The development does not respect the character of the surrounding area;
- There are concerns in relation to neighbour amenity in terms of overlooking;
- It has not been demonstrated that an adequate parking and turning arrangement can be provided;
- There is insufficient provision of private amenity areas; and
- The issue of adequate means of sewage disposal can be addressed by means of negative condition

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS FOR REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of PPS 7 'Quality Residential Environments' and Policy LC 1 of the Addendum to PPS 7, in that the proposed development represents an overdevelopment of the site as:
  - (a) it does not respect the surrounding context and is considered to be inappropriate to the character of the site in terms of layout, design, scale and massing;
  - (b) the proposed development would result in a pattern of development that is not in keeping with the overall character and environmental quality of this established residential area; and
  - (c) the layout will have an adverse impact on the amenity of existing and proposed residents in terms of overlooking; and there is inadequate provision of private amenity areas.
2. The proposal is contrary to Policy AMP 2 of PPS 3, 'Access, Movement and Parking', in that it has not been demonstrated that the development proposal would not, if permitted, prejudice the safety and convenience of road users as a safe and appropriate parking arrangement has not been proposed in accordance with the standards contained in 'Creating Places' and Development Control Advice Note 15.



**Location Map**

Application Reference: LA03/2020/0828/F

Location: 34 Glebechoole Pk, Newtownabbey

Proposal: Erection of 2no detached dwellings (& retention of existing dwelling)



 Site Boundary



|  |   |
|--|---|
| <b>COMMITTEE ITEM</b>  | <b>3.3</b>  |
| <b>APPLICATION NO</b>  | <b>LA03/2020/0322/F</b>   |
| <b>DEA</b>   | <b>ANTRIM</b>   |
| <b>COMMITTEE INTEREST</b>  | <b>LEVEL OF OBJECTION</b>   |
| <b>RECOMMENDATION</b>  | <b>GRANT PLANNING PERMISSION</b>  |
| <b>PROPOSAL</b>  | Proposed erection of 4no dwellings, sunrooms, garages, parking, landscaping and access via shared surface turning head (amendment to previous approval LA03/2018/0987/F) with all other associated site works |
| <b>SITE/LOCATION</b>   | Lands situated between Fountain Hill and Stiles Way adjacent and south of former Antrim Cineplex, 1 Fountain Hill and immediately north of Crossreagh Drive, Antrim   |
| <b>APPLICANT</b>   | Expedia Capital (Property No 2) Ltd   |
| <b>AGENT</b>   | TSA Planning  |
| <b>LAST SITE VISIT</b>   | 30 <sup>th</sup> July 2020  |
| <b>CASE OFFICER</b>  | Glenn Kelly<br>Tel: 028 903 40415<br>Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a>  |
| <p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>  |   |
| <b>SITE DESCRIPTION</b>  |   |
| <p>The application is sited on lands between Fountain Hill and Stiles Way, adjacent to and south of the former Antrim Cineplex. The site is located within the settlement limits of Antrim Town as defined by the Antrim Area plan (AAP) 1984-2001. The site is unzoned within the plan. The site is currently an open maintained grass area.</p> <p>The topography of the site is relatively level on the site. There is a steep rise in land just south of the site within an area of grass between the site and the dwellings at Crossreagh Drive.</p> <p>The surrounding land uses are defined as residential to the south with the former Cineplex building located approximately 60m to the northwest, which now partially operates as a pharmacy. A KFC drive-thru restaurant is located just north of the access road, approximately 65m west of the proposed location for the change of house types made under this application. The application site forms part of a 33 residential unit development approved on the site (and on lands to the west and southwest) under reference number LA03/2018/0987/F. At the time of the site visit this development was yet to be started.</p> <p>The boundaries of the site are as yet undefined. A large area of parking associated with the cinema site abuts the site to the north.</p> |   |
| <b>RELEVANT PLANNING HISTORY</b>   |   |
| <p>Planning Reference: LA03/2018/0987/F<br/>Location: Lands situated between Fountain Hill and Stiles Way</p>  |   |

adjacent and south of former Antrim Cineplex 1 Fountain Hill and immediately north of Crossreagh Drive, Antrim

Proposal: Proposed residential development of 33no dwelling units (comprising 3no detached dwellings, 10no semi-detached dwellings, 15no townhouses and 5no apartments), garages, access, car parking, open space, landscaping, reconfiguration of existing car parking area serving former Cineplex building and all associated site works

Decision: Permission Granted (19.02.2020)

### **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, 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 Town on unzoned white land. There is no specific reference to this site within the plan.

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.

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

### **CONSULTATION**

**Council Environmental Health Section** – No objection subject to conditions

**Department for Infrastructure Roads-** No objection subject to conditions

### **REPRESENTATION**

Sixteen (16) neighbouring properties were consulted and three (3) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal ([www.planningni.gov.uk](http://www.planningni.gov.uk)).

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

- Impact upon neighbours views
- Privacy issues i.e. overlooking and loss of light
- Drainage concerns
- Loitering along pathways
- Visual impact
- Nature conservation
- Design of dwellings
- Road safety
- Encroaching upon private property

### **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
- Road Safety

#### **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. Within AAP the site falls within the settlement limits of Antrim Town on an area of unzoned land.

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 (PPS's).

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 PPS's which provide the relevant regional policy context for consideration of the proposal

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 3: Parking and Movement

The application proposes the erection of four (4) dwellings. The scheme seeks to amend a previous approval for residential development on the site under reference LA03/2018/0987/F. Changes to the previous approval include the omission of 3no. previously approved dwellings on site Nos. 31-33 inclusive. This in turn leads to a shortening of the approved shared surface turning head. Therefore this proposal seeks permission for those dwellings approved at plot Nos. 22-25 and the amended surface access road serving these.

Within the aforementioned policy context and given the planning history of the site, it is considered the principle of housing development on the site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

### **Design and Appearance**

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and 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 QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

There are no proposed changes to the design or layout of these 4no.dwellings from the previous approval, with in-curtilage car parking remaining. The newly proposed turning head has been shortened by approximately 35m.

For clarity the four dwellings proposed consist of 3no. semi-detached units and 1no. detached unit. All dwellings are two storey in nature. Finishes to the dwellings consist of red brick or render with grey tiles to the roof. As was the case under application LA03/2018/0987/F the design of the dwellings is considered acceptable.

Objections raised concerns that the design of the dwellings was not in keeping with the wider surrounding area and that there will be a detrimental visual impact upon the area. It is considered that whilst the proposed design of the dwellings are more modern than those dwellings closest to the site (to the south within Crossreagh Drive), they are in keeping with the scale of these buildings, being two storey; and do not conflict with them detrimentally. The proposed designs will have a positive impact upon the character of the area, creating a more modern housing stock which is visibly appealing. Notwithstanding this, it is acknowledged that the design of the proposed dwellings is unchanged from the previous approval on site which were

previously deemed acceptable. It is considered that little weight can be afforded to this aspect of the objection letters.

Boundary treatments are to include close boarded fencing around the sites with the use of an acoustic wall to the southern boundary of site No.22, the northern boundary of site No.24 and the western and northern boundaries of site No.25. This acoustic boundary will screen detrimental noise levels reaching the proposed sites from the nearby car park, commercial premises and other traffic movements. Overall it is considered that the design and appearance of the proposed scheme is acceptable and is in accordance with parts (a) and (g) of Policy QD 1 of PPS 7.

### **Neighbour Amenity**

Part (h) of QD 1 of PPS 7 states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The closest neighbouring residential properties to the site are those located to the south within Carnbrock Drive and Crossreagh Drive. Three objection letters have been received from residents of three different properties within Crossreagh Drive. All three properties were notified of the proposal. Crossreagh Drive is approximately 35m south of the siting of the 4no. proposed units.

Firstly, objections are raised in relation to the impact on the view these properties will have once construction is complete. It is stated that their current view of grassland is preferable. It is considered that there is no entitlement to a view in planning policy. Notwithstanding this, there is a significant buffer of landscaping between the objectors and the proposed dwellings which will soften the outlook from the objector's properties. In addition, the anticipated view from these properties will not change relative to the dwellings previously approved on the site under planning permission LA03/2018/0987/F.

Secondly, concerns are raised in relation to overlooking and loss of light from these proposed dwellings. Given the separation distance of 35m between the proposed dwellings and the dwellings within Crossreagh Drive (Nos.20-23 apartments closest) there does not appear to be any likelihood of a significant degree of overlooking. Land also rises in a steep bank just beyond the south of the site before falling again onto Crossreagh Drive, further limiting direct views. The proposed dwellings will not be at a significant higher level than existing properties. With regards to a loss of light, this is also unlikely, given the distances involved between the proposed and existing dwellings. Existing intervening vegetation and proposed boundary treatments will not be of such height and density to have any impact upon light levels within Crossreagh Drive. These issues were also dealt with within the report associated with planning approval LA03/2018/0987/F and there are no changes to the separation distances or level changes.

Concerns are also raised with regards to the potential for loitering around the interface of the site with the existing path that runs north of Crossreagh Drive, due to new fencing. Although this area is not under consideration as part of this application, the previous planning approval provided for a soft vegetative boundary along this area rather than a hard boundary, creating a soft crossover area.

Drainage is also raised as an issue, however, the current application does not change any levels or drainage details from the previous approval. Under that approval DfI Rivers offered no objection to the scheme.

An objector raised concerns relating to nature conservation, specifically bats. This application does not include the loss of trees or hedging, rather the dwellings are to be constructed on an area of existing grassland. It is considered unlikely that there will be any detrimental impact upon the habitats of protected species.

There were also concerns that the proposal will infringe upon private land and Council property. The proposed site is within private ownership, if there is a dispute over land ownership, this would be a civil matter between the objector and the applicant.

### **Road Safety**

An objector has raised concerns in relation to road safety at the site. DfI Roads was consulted on the plans given the intention to reduce the length of the turning head road. DfI Roads has responded with no objection subject to conditions in relation to the private streets drawings received. Given the response from DfI Roads little weight can be afforded to the road safety objection in the final decision making process.

In conclusion, the objection points raised have been taken into account and it is considered that little weight can be afforded to them in the final decision making process.

### **CONCLUSION**

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

- The principle of the development is considered acceptable on the site and there is an extant permission for housing under reference LA03/2018/0987/F.
- The proposed design of the dwellings is considered acceptable and unchanged from approval LA03/2018/0987/F.
- It is considered there will be no significant detrimental impact upon neighbouring properties to the site. Objections have been taken account of and little weight can be afforded to them in the final decision making process.
- DfI Roads are satisfied with the change in turning head.
- No objections have been received from consultees,

### **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 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 19/2 bearing the date stamp 30 July 2020.

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

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

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

4. All glazing, including frames, to rooms within the development shall be capable of achieving a sound reduction of at least 24dB R<sub>Tra</sub> when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved.

5. Passive and mechanical ventilation, in addition to that provided by open windows, shall be provided to rooms within the development and shall be capable of achieving a sound reduction of at least 24dB R<sub>Tra</sub> when measured from outdoor to indoors.

Reason: To ensure a suitable internal noise environment is achieved without jeopardising the provision of adequate ventilation.

6. Dwellings to the development shall not be occupied until 1.8m high acoustic barriers are installed within the site as shown on drawing 18/1 and date stamped 25<sup>th</sup> February 2021. The barriers shall have a surface weight of not less than 8kg/m<sup>2</sup>, be of solid construction (i.e. no holes or gaps for sound to pass through), and so if the barriers are a fence type construction, they should be of the ship-lapped design.

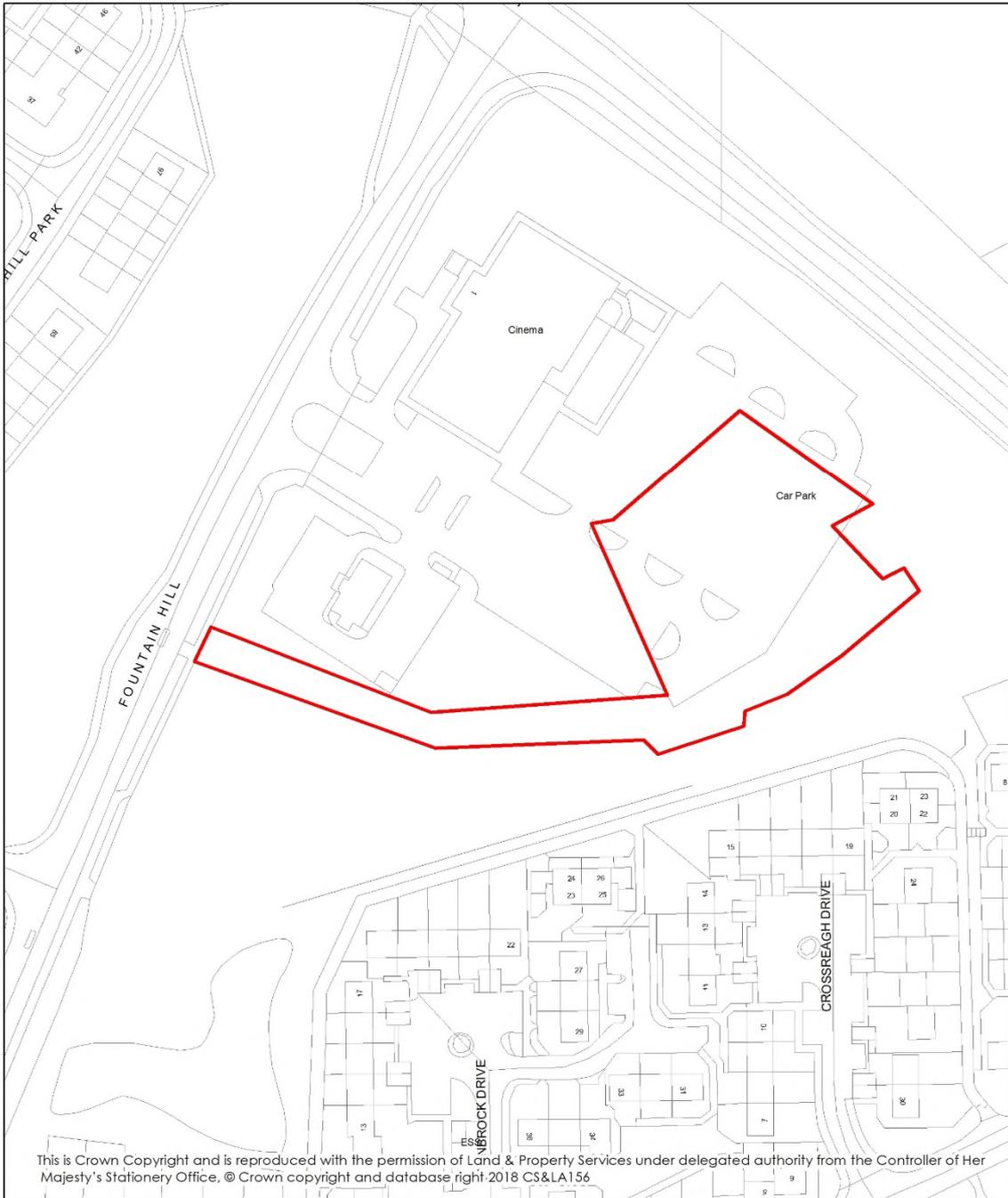
Reason: In order to preserve the amenity of the proposed dwellings.

7. The acoustic barriers as outlined within condition 6 shall be maintained in perpetuity.

Reason: In order to preserve the amenity of the proposed dwellings.

8. The proposed planting shall be carried out in accordance with approved drawing No.17/1 date stamped 3<sup>rd</sup> July 2020. The planting shall be carried out in the first available season after occupation of the dwelling hereby approved. If any 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: LA03/2020/0322/F

Location: Lands situated between Fountain Hill and Stiles Way, Antrim

Proposal: Proposed erection of 4no dwellings



 Site Boundary



|   |  |
|---|--|
| <b>COMMITTEE ITEM</b>   | <b>3.4</b>   |
| <b>APPLICATION NO</b>   | <b>LA03/2020/0469/F</b>  |
| <b>DEA</b>  | <b>DUNSILLY</b>  |
| <b>COMMITTEE INTEREST</b>   | <b>REFUSAL RECOMMENDED</b>   |
| <b>RECOMMENDATION</b>   | <b>REFUSE PLANNING PERMISSION</b>  |
| <b>PROPOSAL</b>   | Proposed new dwelling  |
| <b>SITE/LOCATION</b>  | 17 metres South of 20 Church Road, Randalstown   |
| <b>APPLICANT</b>  | Damian Heffron   |
| <b>AGENT</b>  | CMI Planners Ltd   |
| <b>LAST SITE VISIT</b>  | 15 <sup>th</sup> September 2020  |
| <b>CASE OFFICER</b>   | Glenn Kelly<br>Tel: 028 903 40415<br>Email: <a href="mailto:Glenn.Kelly@antrimandnewtownabbey.gov.uk">Glenn.Kelly@antrimandnewtownabbey.gov.uk</a> |
| <p><b>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal <a href="http://www.planningni.gov.uk">www.planningni.gov.uk</a></b></p>   |  |
| <b>SITE DESCRIPTION</b>   |  |
| <p>The application site is located 17m south of No.20 Church Road, Randalstown. The site is located within the settlement limits of Randalstown as defined by the Antrim Area Plan (AAP) 1984-2001.</p> <p>The site is set back off the Church Road which is a main thoroughfare into and out of Randalstown and lies near the edge of the settlement limit with residential properties surrounding the site. There are 3 No. recently constructed dwellings located immediately south of the site, whilst a longer established detached unoccupied dwelling known as No.20 Church Road is located immediately north of the site. The existing garage associated with No.20 is to be removed as part of this application.</p> <p>An existing laneway runs along the western boundary of the site and is to be utilised as part of this proposal. This also serves No.20 Church Road and the three recently constructed dwellings located to the south approved under LA03/2019/0311/F. The western boundary is currently defined partly by a 2.5m high hedge at the southern end and the remaining section by a 2m close boarded timber fence. The southern boundary is currently undefined and abuts the rear garden of the recently constructed dwelling to the south. The eastern boundary is defined by a mature line of trees in excess of 10m in height. Land on the site rises steadily from the roadside in a north to south direction.</p> |  |
| <b>RELEVANT PLANNING HISTORY</b>  |  |
| <p>Planning Reference: LA03/2019/0311/F<br/> Location: Lands to the rear of 20 Church Road, Randalstown<br/> Proposal: 1 no. detached dwelling and 2no. semi-detached dwellings<br/> Decision: Permission Granted (31.07.2019)</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 within the settlement limits of Randalstown. 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.

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.

## CONSULTATION

**Council Environmental Health Section** – No objection

**Northern Ireland Water** – No objection

**Department for Infrastructure Roads-** No objection

## REPRESENTATION

Five (5) 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 Appearance
- 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 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 settlement limit of Randalstown as defined within the AAP. The site forms part of the curtilage of an existing single detached residential dwelling plot. Paragraph 5.10 of AAP states that the approach of the planning authority will be to encourage the orderly growth in the residential sectors of each settlement and that particular attention will be given to environmental considerations concerning the size, siting and layout of proposed residential developments.

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 (PPS's).

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 PPS's which provide the relevant regional policy context for the consideration of the proposal;

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 3: Parking and Movement;

Within this policy context, it is considered the principle of housing development on the site would be acceptable subject to the development complying with the Plan's provisions for residential development and the creation of a quality residential

environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

### **Design and Appearance**

Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

The application proposes the construction of a two bedroom detached property with accommodation on ground and first floor levels. The dwelling is similar in design to the 3no. dwellings recently constructed to the south, approved under LA03/2019/0311/F. The dwelling measures 8.5m in length by 6.5m in width; and has a maximum height of 6.7m above finished floor level. The dwelling is to be orientated to front onto the access road to the west. Three upper floor roof lights are proposed to provide light to the first floor bedrooms and bathroom within the loft area.

External walls to the dwelling are to be finished in smooth render painted finish, with black concrete tiles to the roof. These finishes are considered acceptable and in keeping with the finishes of recently constructed dwellings to the south.

A garden area is to be provided to the south side of the dwelling and measures approximately 65sqm of private amenity space behind the front building line. This is in accordance with guidance set out for a dwelling of this scale within the Department's guidance "Creating Places".

There is a small amenity area to the rear of the dwelling (east side) which measures 2m in width from the rear of the dwelling to the existing wall and mature trees which are located outside of the site but overhang onto the application site. The proposed boundaries on all sides are proposed to be defined by a 2m close boarded timber fence, save for a small section along the western boundary in front of the proposed dwelling which is defined by a 0.9m high estate type railing. Two in-curtilage car parking spaces are to be provided to the north of the dwelling.

Criteria (a) of Policy QD 1 states that development should respect the surrounding context in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

It is considered that the design and layout of the proposal is unacceptable and does not respect the site or the context of the area. Firstly, the orientation of the proposed dwelling sits "side-on" in an east to west direction which differs from all surrounding dwellings to the north, south and west, which are orientated in a north to south direction. It is considered that this orientation is driven by the fact that a dwelling could not be accommodated on the site in a more acceptable north to south orientation.

The design and layout of the dwelling also leaves an unacceptable outlook and living environment for future residents on the eastern side of the site. As described above there is only a 2m gap proposed between the eastern side of the proposed dwelling and the existing wall/proposed fence. Beyond this boundary is a row of

mature trees in excess of 10m in height. These trees will create a dominance upon the proposed dwelling and will significantly overshadow the rear of the dwelling, including the kitchen area. It will also produce a very poor outlook from the kitchen area and first floor accommodation on the eastern side.

It is also noted that the existing garage associated with the adjacent dwelling No.20 Church Road has had to be removed under the scheme to provide adequate space for parking for the proposed dwelling. In addition, the rear garden associated with the recently constructed dwelling to the south has been reduced from 132sqm as approved to 91sqm. This would further suggest that the proposal is overdevelopment of the site and cannot successfully be accommodated.

Part (g) of Policy QD 1 states that the development should draw upon the best local traditions of form, materials and detailing. It is accepted that the materials used on the dwelling are acceptable, however, the fence enclosing the garden along the western boundary is to be a 2m high close boarded timber fence. This is considered unacceptable and a well-designed wall would be the most appropriate boundary treatment along this boundary due to the increased public views from passing vehicles along the shared access road. A wall was shown on the plans for the adjacent site to the rear under approval LA03/2019/0311/F and a similar scheme should be implemented here.

It is considered that the proposal is unacceptable and fails to comply with parts (a) and (g) of Policy QD 1 of PPS 7 in that the proposal is overdevelopment of the area with a substandard design and layout; and inappropriate use of boundary treatments.

### **Neighbour Amenity**

Part (h) of QD 1 of PPS 7 states that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

The closest dwellings to the site are No. 20 Church Road (8m north), the recently constructed dwelling to the south (15m away) and No.22 Church Road (15m northwest). It is considered that there will be little detrimental impact upon the new dwelling to the south of the site given the lack of 1<sup>st</sup> floor windows on the proposed southern elevation, the proposed 2m high close boarded fencing between the boundaries and the fact that the recently constructed dwelling sites are located on higher ground than the proposal. There will be a reduction in the rear garden size of the recently constructed garden (132m<sup>2</sup> to 91m<sup>2</sup>). This figure is not significantly detrimental, however, it does highlight concerns relating to the suitability of the site chosen for the proposed dwelling.

There are concerns, however, in relation to the impact of the dwelling upon existing dwellings to the north and west in terms of overlooking. With regards to the impact upon No.20 Church Road to the north, there is a first floor window proposed on the northern elevation of the proposed dwelling. This will be a window serving a staircase. This proposed window will be located only 3.5m from the rear garden boundary of No.20 which is also at a lower level from the site. This is considered

extremely close and there is a high likelihood that this private space of No.20 would be overlooked to a significant level.

With regards to the impact upon No.22 Church Road, there is a first floor bedroom rooflight on the western elevation of the proposed dwelling that would look into the rear garden of No.22. The boundary with No.22 is only 6.5m away from the location of the proposed rooflight. Whilst there is an outbuilding between the proposed dwelling and the rear facade of No.22, this is only approximately 3m in height and would not screen the majority of views from the rooflight which is 4.5m above finished floor level at its centre point. It is considered that given the presence of a window at such a short distance to the rear amenity space of No.22, there would be a detrimental impact upon this existing property in terms of overlooking also.

It should also be noted that under planning approval LA03/2019/0311/F, any first floor windows facing towards the western boundary were shown to be obscured and non-opening to protect the amenity and privacy of No.22a.

It is considered that the proposal fails criteria (h) of Policy QD 1 of PPS 7, in that the design of the proposed dwelling will conflict with existing properties at Nos. 20 and 22 Church Road, in terms of overlooking.

#### **Impact on Character and Appearance of the Area**

Policy QD 1 of PPS 7 states that proposals will not be approved where they damage local character. It is considered that taking the details above into account that the character of the area will be eroded and changed if an approval were to be forthcoming. This section of Church Road, Nos. 20-26 is defined by individual dwellings on large plots with limited backland housing development, consisting of a detached dwelling to the rear of No.22 (22a) and the three dwellings approved under LA03/2019/0311/F (1no. detached and 2no. semi-detached).

The three dwellings approved under LA03/2019/0311/F offered a detached dwelling with a large rear garden and 2no. semi-detached dwellings at the rear of the site as which abutted Grant Avenue to the rear which is of a higher density. However, if the dwelling under consideration were to be approved, the large plot associated with the recently constructed garden to the south would be reduced significantly to accommodate the new dwelling as would the existing roadside plot No.20. The area immediately around the site to the rear of No.20 would become a high density, overdeveloped housing area which would not be in keeping with this area or the remainder of this section of Church Road Nos. 20-26.

For this reason the proposal further fails part (a) of Policy QD 1 of PPS 7 as the development fails to respect the character of the surrounding area. The proposal also fails to satisfy Policy LC 1 of the addendum to PPS 7, in that the development would, if approved, increase the density of development within the immediate area above that existing.

#### **Other Matters**

DfI Roads has no objection to the proposal therefore the proposal satisfies part (f) of Policy QD 1 of PPS 7. No other objections were received from consultees or members of the public.

**CONCLUSION**

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

- The principle of the development is considered acceptable for housing on the site.
- The design and layout of the dwelling is considered unacceptable.
- It is considered that the development will have a detrimental impact upon the amenity of Nos. 20 and 22 in relation to overlooking.
- The proposal fails to respect the character of the site or the surrounding area.
- No objections received from consultees or the public.

**RECOMMENDATION****REFUSE PLANNING PERMISSION****PROPOSED REASONS OF REFUSAL**

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development represents an overdevelopment of the site as: it does not respect the surrounding context and would result in a cramped form of development that is not in keeping with the overall character and environmental quality of this established residential area.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that, if approved, the proposal would;
  - (a) have an unacceptable adverse effect on existing properties in terms of overlooking; and
  - (b) fail to make best use of materials for boundary treatments in relation to the western garden boundary.



**Location Map**

Application Reference: LA03/2020/0469/F

Location: 17 metres South of 20 Church Road Randalstown

Proposal: Proposed new dwelling.



 Site Boundary



## **PART TWO**

### **OTHER PLANNING MATTERS**

### **ITEM 3.5**

#### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

A list of planning decisions issued by Officers during February 2021 under delegated powers together with information relating to planning appeals is **enclosed** for Members information. Members will note that there were no planning appeal decisions for the Borough issued during December by the Planning Appeals Commission.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

## ITEM 3.6

### 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). One PAN was registered during February 2021 the details of which are set out below.

|                        |   |
|------------------------|---|
| <b>PAN Reference:</b>  | LA03/2021/0066/PAN  |
| <b>Proposal:</b>       | Demolition of existing house and development of replacement dwelling; demolition and retention of existing outbuildings to create courtyard residential development; conversion of listed building to residential units and development of new dwellings at Islandreagh Mill; development of internal access road and landscaping |
| <b>Location:</b>       | Islandreagh House Estate, 30 Islandreagh Drive, Dunadry   |
| <b>Applicant:</b>      | EIBAR Ltd   |
| <b>Date Received:</b>  | 8 February 2021   |
| <b>12 week expiry:</b> | 3 May 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.

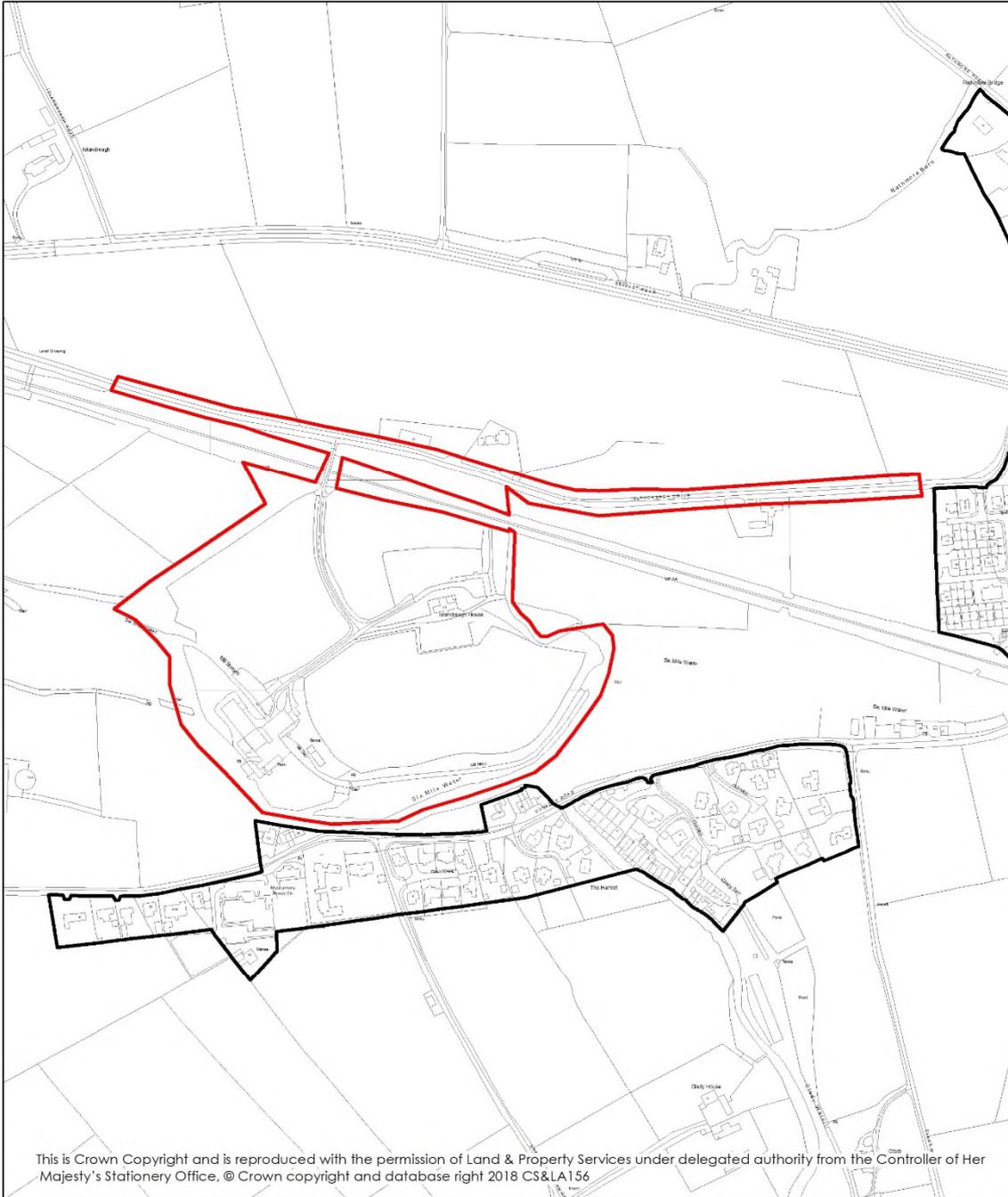
Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the

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**

Application Reference: LA03/2021/0066/PAN

Location: Islandreagh House Estate, 30 Islandreagh Drive, Dunadry.

Proposal: Demolition of existing house and development of replacement dwelling; demolition and retention of existing outbuildings to create courtyard residential development; conversion of listed building to residential units and development of new dwellings at Islandreagh Mill.



 Site Boundary



### **ITEM 3.7**

#### **P/PLAN/23 REVISED PLANNING SCHEME OF DELEGATION**

Members will recall that a number of revisions to the Council's Scheme of Delegation for Planning Matters were agreed at the December 2020 Committee meeting and these were subsequently ratified by full Council.

As required by the Planning (Development Management) Regulations (NI) 2015 the revised scheme was subsequently forwarded to the Department for Infrastructure (DfI) for its approval and this was received on 9 February (copy **enclosed**).

Officers would advise that the final version of the revised Scheme of Delegation (copy **enclosed**) was forwarded to DfI as requested and took effect on 1 March 2021. In addition, the revised scheme has now been made available on the Council's website in accordance with legislative requirements.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

## **ITEM 3.8**

### **P/PLAN/1 – REGIONAL PROPERTY CERTIFICATE FEE**

Fermanagh and Omagh District Council co-ordinates and manages the Regional Property Certificate Service (which provides a planning history for the conveyancing of land and property) on behalf of 11 Councils and other statutory partners. This includes collection of fees which are subsequently distributed on a net basis to each Council, based on the number of certificates issued for each respective area, normally on a bi-annual basis.

The last fee change was in July 2019 when VAT was introduced following a HMRC ruling that this represented a chargeable service. It was confirmed at this time that this was not a statutory fee and Councils had the powers to amend at their discretion.

The Regional Property Certificate Service is now proposing that the fee for a Regional Property Certificate is increased from £60 to £70, inclusive of VAT, which is in line with the Local Council Property Certificate fee as this will avoid any confusion amongst the shared customer base. Other aspects of charges, including the charge for other sites and maximum fee, will not be affected.

SOLACE has been consulted and has approved this change and it will also be advised to the Law Society as the representative organisation for solicitors in Northern Ireland with an effective date of 1 April 2021.

**RECOMMENDATION: that the report be noted.**

Prepared by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### **ITEM 3.9**

#### **TPO/2021/0002/LA03 - SERVICE OF PROVISIONAL TPO ON LAND AT 2 CRUMLIN ROAD, CRUMLIN**

On 5 February 2021, Officers served a Provisional Tree Preservation Order on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it was considered expedient in the interests of amenity to preserve the trees on the sites in question and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees, as the trees were at the time of service under immediate threat of removal. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPO to the next available Committee Meeting.

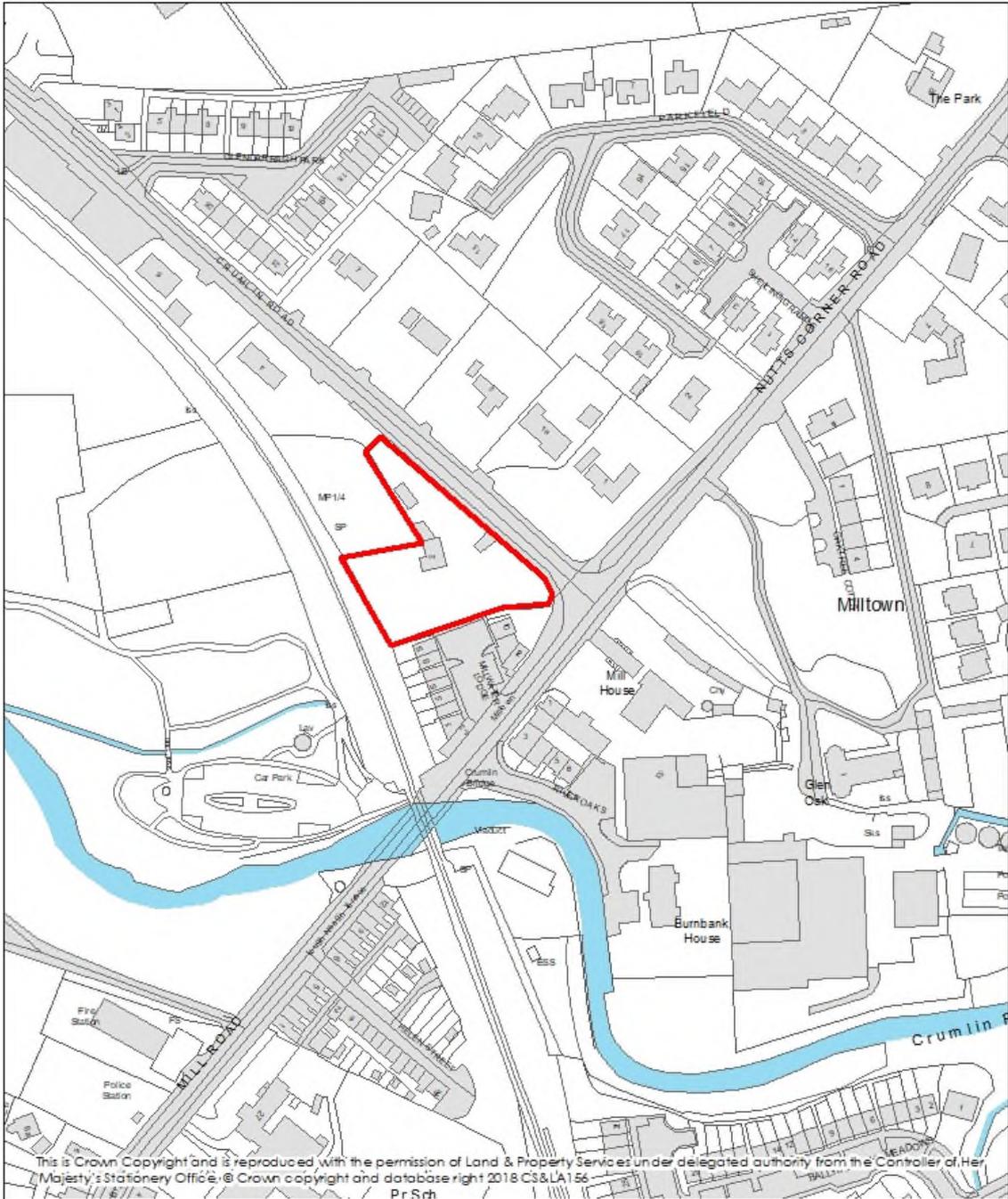
Service of a Provisional TPO normally provides a 6 month period for Officers to undertake a more detailed survey of the site in question and identify those trees which would warrant formal protection under a confirmed Tree Preservation Order. However, in this case Members should note that since the service of the Provisional TPO, all the trees along the Crumlin Road have now been removed. Evidence is currently being gathered to ascertain whether this is sufficient to allow a prosecution to be taken for the removal of the trees the subject of the Provisional TPO. This is a matter delegated to Officers.

**RECOMMENDATION: that the report be noted.**

Prepared by: Judith Winters, Senior Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning



**Location Map**

Application Ref: TPO/2021/0002/LA03

Location: 2 Crumlin Road, Crumlin

 TPO Site



### **ITEM 3.10**

#### **TPO/2021/0006/LA03 - SERVICE OF PROVISIONAL TPO ON LAND DIRECTLY SOUTH OF NEILLS COURT, NORTH OF RATHCOOLE DRIVE AND WEST OF SHORE ROAD (SITE OF FORMER NEWTOWNABBEY COMMUNITY HIGH SCHOOL**

On 19 February 2021, Officers served a Provisional Tree Preservation Order on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it was considered expedient in the interests of amenity to preserve the trees on the sites in question and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees. It should be noted that a planning application is anticipated in the near future for the redevelopment of the former Newtownabbey High School site which incorporates this Provisional TPO.

Members should note that this Provisional TPO will provide a 6 month period for Officers to undertake a more detailed survey of the site in question and identify those trees which would warrant formal protection under a confirmed Tree Preservation Order. Prior to any Order being confirmed Officers will present a full report to Committee for consideration. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPO to the next available Committee Meeting.

**RECOMMENDATION: that the report be noted.**

Prepared by: Judith Winters, Senior Planning Officer

Agreed by: John Linden, Head of Planning

Approved by: Majella McAlister, Director of Economic Development and Planning

### ITEM 3.11

#### **RESERVED MATTERS APPLICATION MADE TO THE DEPARTMENT FOR INFRASTRUCTURE FOR MAJOR RESIDENTIAL DEVELOPMENT IN WEST BALLYCLARE - REFERENCE LA03/2020/0881/RM**

The Department for Infrastructure has issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following Reserved Matters application for the development of lands comprising a major urban extension to the west of Ballyclare which includes most of the land required for the northern section of the proposed Ballyclare Relief Road to run from Doagh Road through to Rashee Road.

|                               |   |
|-------------------------------|---|
| <b>Application Reference:</b> | LA03/2020/0881/RM   |
| <b>Proposal:</b>              | Reserved matters application for major urban extension to include housing, northern section of Ballyclare Relief Road, public open spaces and associated development following outline permission granted under U/2009/0405/O.                      |
| <b>Location:</b>              | Lands adjacent to the North-West of Ballyclare extending from Rashee Road close to its junction with Corgy Road continuing across to the North of Ross Avenue/Clare Heights and North and West of Ballyclare Rugby Club to the North of Doagh Road. |
| <b>Applicant:</b>             | Ballyclare Developments Ltd   |

**Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

This Reserved Matters application is linked to a number of earlier applications that were being processed by the Department for Infrastructure and which have previously come before the Planning Committee regarding the ongoing development of lands to the West of Ballyclare including provision for the Ballyclare Relief Road.

As Members are aware a major residential development is currently underway on the area of land between the Templepatrick Road and Doagh Road which includes delivery of the first stage, i.e. the southern section, of the Ballyclare Relief Road. The current application takes in the majority of the lands to the north of the Doagh Road running up to Rashee Road and which requires delivery of the northern section of the Relief Road. The current Reserved Matters application comprises some 703 dwellings and the applicant has indicated that it remains faithful to the broad concept Masterplan provided at the time the original outline permission was granted by DOE Planning in 2011 under reference U/2009/0405/O.

The Council is one of a number of bodies which has been consulted on this application by DfI. Any comments made by the Council will be considered as part of the processing of the application together with all other consultation replies and other representations received.

When considering the application Officers understand DfI will follow the procedure laid down in Section 26 of the Planning Act 2011. Under this legislative provision, DfI may cause a Public Local Inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Where a public inquiry is not held, Section 26 sets out that the Department must, before determining the application, serve notice in writing on the applicant and the appropriate Council indicating the decision it proposes to make on the application. Within 28 days of such notice the applicant or Council may request an opportunity of appearing before and being heard by the Planning Appeals Commission or a person appointed by the Department for that purpose. Whichever route is followed the decision of the Department on these applications shall be final.

Whilst the Council is a statutory consultee, there is no obligation on the Council to provide a corporate view on the development. Indeed, Members will recall that in all the previous cases reported to Committee the Council has agreed not to provide a corporate view leaving it open to individual Members or parties to express support for or object to the development if they so wished.

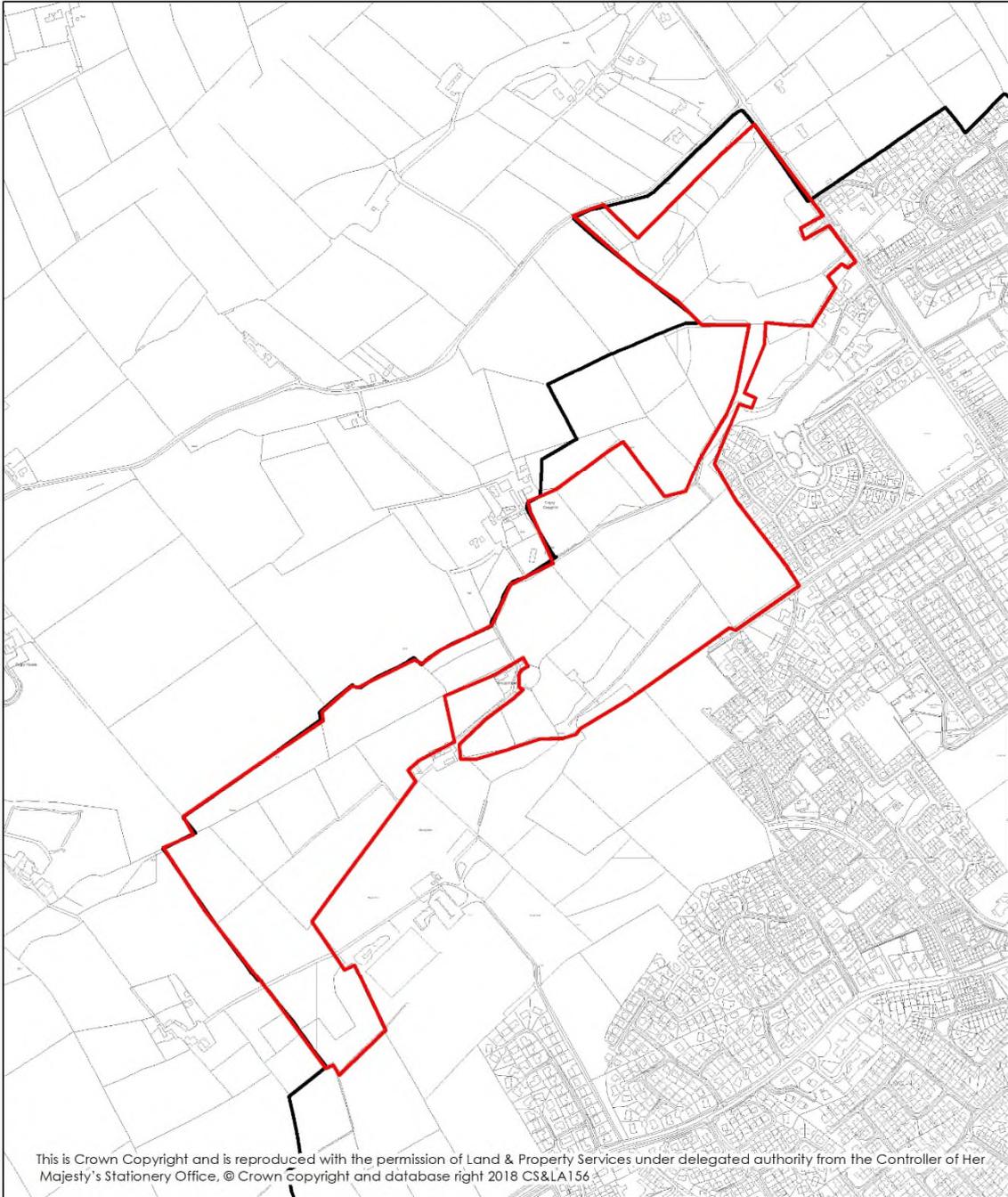
As with the previously considered applications there are a number of options available to the Council in responding to the current consultation by DfI:

1. Provide a corporate view in support of the development.
2. Provide a corporate view opposing the development.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.
4. Linked to any of the above options indicate corporately whether the Council would or would not support the holding of a Local Public Inquiry.

**Members' instructions are requested.**

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**

Application Reference: LA03/2020/0881/RM

Location: Lands adjacent to the NW of Ballyclare

Proposal: Reserved matters application for major urban extension to include housing, northern section of Ballyclare Relief Road, following outline permission granted under U/2009/0405/O



 Site Boundary

