



4 December 2024

Committee Chair: Councillor J Archibald-Brown

Committee Vice-Chair: Councillor S Cosgrove

Committee Members: Aldermen – T Campbell and M Magill

Councillors – A Bennington, H Cushinan, S Flanagan,
R Foster, R Kinnear, AM Logue, R Lynch and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 9 December 2024 at 6.00 pm.**

You are requested to attend.

Yours sincerely

A handwritten signature in black ink, appearing to read "Richard Baker".

Richard Baker, GM, MSc

Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: Refreshments will be available from 5.00 pm in the Café

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – 9 DECEMBER 2024

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 Introduction of New Staff
Richard McMichael – Planning Assistant, Enforcement
- 4 Report on business to be considered:

PART ONE - Decisions on Planning Applications

4.1 Planning Application No: LA03/2023/0474/F

Partial demolition and extension to existing supermarket to include additional retail space, deli and internal seating, including works to existing forecourt to reduce forecourt canopy from 3 to 2 islands and relocation of existing car wash and provision of electrical vehicle charging at Maxol Service Station, 124 Monkstown Road, Newtownabbey, BT37 0LE.

4.2 Planning Application No: LA03/2024/0541/F

Garage/store at 21b Carngraney Road, Templepatrick, Ballyclare, BT39 0EZ.

4.3 Planning Application No: LA03/2024/0733/O

Dwelling and garage approx. 100m west of 24 Lylehill Road East, Ballyclare, BT39 0HQ.

4.4 Planning Application No: LA03/2024/0487/F

Change of Use from garden room to hair salon (Retrospective, temporary permission) at 14 Magheralane Road, Ballygrooby, Randalstown, BT41 2NT.

4.5 Planning Application No: LA03/2024/0585/F

Retrospective extension to residential curtilage and erection of boundary fence at 29 Anderson Park, Doagh, Ballyclare, BT39 0PA.

4.6 Planning Application No: **LA03/2024/0546/S54**

Erection of dwelling and garage (Proposed change of house type from that previously approved under LA03/2018/0634/F, to include external alterations and re-positioning of dwelling) (Variation of Condition 2 from planning approval LA03/2022/0568/F – Two windows on first floor northwestern elevation, shall have restricted opening limited to an opening height of 1.4m above finished floor level at 11 Lenamore Avenue, Newtownabbey, BT37 0PF.

4.7 Planning Application No: **LA03/2024/0369/F**

2 dwellings at lands approximately 30m east of No. 51 Trenchill Road, Ballyclare, BT39 9JJ.

PART TWO – Other Planning Matters

4.8 Delegated Planning Decisions and Appeals November 2024

4.9 Proposal of Application Notices for Major Development November 2024

4.10 Planning Application Validation Checklists

4.11 Launch of Coastal Change Information Tool

4.12 Update on Local Development Plan 2030, Draft Plan Strategy Adoption and Draft Local Policies Plan Update

4.13 Royal Town Planning Institute (NI) Sponsorship Opportunities 2025

4.14 Department for Infrastructure (DfI) Planning Improvement Programme

PART TWO – Other Planning Matters - In Confidence

4.15 Northern Ireland Water Engagement – **In Confidence**

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 9 DECEMBER 2024**

**PART ONE
PLANNING APPLICATIONS**

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| COMMITTEE ITEM | 4.1 |
| APPLICATION NO | LA03/2023/0474/F |
| DEA | THREE MILE WATER |
| COMMITTEE INTEREST | ADDENDUM TO COMMITTEE REPORT |
| RECOMMENDATION | GRANT PLANNING PERMISSION |
| PROPOSAL | Partial demolition and extension to existing supermarket to include additional retail space, deli and internal seating, including works to existing forecourt to reduce forecourt canopy from 3 to 2 islands and relocation of existing car wash and provision of electrical vehicle charging |
| SITE/LOCATION | Maxol Service Station, 124 Monkstown Road, Newtownabbey, BT37 0LE |
| APPLICANT | Maxol Oil Ltd |
| AGENT | Clarman Architects |
| LAST SITE VISIT | 25 January 2024 |
| CASE OFFICER | Sairead de Brún Tel: 028 90340406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk |
| <p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/671775</p> | |
| ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS | |
| <p>Members, this application was deferred at the October 2024 Planning Committee to allow for the applicant to submit additional information with regards to the principle of development.</p> <p>Since the preparation of the original Committee Report, additional information has been received. Document 09 (date stamp received 6 November 2024) is entitled 'Additional Information on Retailing' and sets out the fall-back position of the applicant; it also includes an updated Retail Impact Assessment, comments on Policy S7 of Belfast Urban Area Plan (BUAP), and the wider benefits of the proposed development.</p> <p>Planning history on the application site dates back to 1981 when planning permission was granted for the change of use from an auto shop to the sale of convenience goods and storage. Alterations and extensions to the shop were approved in 1996, with two subsequent applications for the demolition of the existing filling station and new build to provide a new filling station, supermarket, car wash, retail unit, cafe, ATM and forecourt canopy having been granted planning permission in 2008 and 2014. The applicant concedes that neither of the latter two approvals were ever implemented and have since expired.</p> <p>However, it must be noted that the amount of retailing floorspace permitted at this application site was never restricted in any of the previous approvals. In the further information received, the applicant has put forward a fall-back position which would allow the reconfiguration of the existing floorspace of the shop to provide a</p> | |

maximum retailing floorspace of 330sqm. Appendix 1 in Document 09 provides an indicative layout of this potential fall back, showing that, with the removal of all back of house areas and storage space, it would be possible to accommodate a retail floorspace of 330sqm within the confines of the existing building. Whilst there may be operational issues with the proposed fall back scenario, it is accepted that a retail floorspace of 330sqm could be achieved within the physical limits of the existing building.

It is accepted that the applicant is not restricted by any previous conditions which have limited the amount of retailing floorspace at this site, and therefore a net retail floorspace of 330sqm is acceptable in this instance. However, it is considered necessary to now restrict the level of retailing floorspace through this application. As set out in the original Committee Report, the application site lies outside any town centre, district centre or local centre in the extant Area Plans covering Metropolitan Newtownabbey, and the existing shop on the site is considered to be a 'local shop'. Policy S7 of the Belfast Urban Area Plan (BUAP) deals with local shops, stating that provision will be made for local shops '...to cater for immediate day-to-day needs'. It is therefore considered necessary to restrict the level of retailing floorspace to 330 sqm by condition in this instance due to the requirements of Policy S7 requiring the scale of retailing to be that of a 'local shop' and to ensure that the proposal will not have a detrimental impact on the existing local, district and town centres within Metropolitan Newtownabbey.

The indicative layout in Appendix 1 also shows an area of 'potential permitted development' measuring 50sqm, and the applicant sets out at point 10 in Document 09 how the existing shop could be extended under permitted development as per Part 34 Class A of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

It must be noted that the proper process for assessing permitted development is through the submission of a Certificate of Lawfulness for Use or Development (CLUD). In the absence of a CLUD, the Council cannot determine if such an extension would be considered permitted development or not, and this area of extension does not form part of this assessment.

The applicant has provided an updated Retail Impact Assessment (RIA), however, as the fall-back position of the applicant has been accepted, there is no need to consider this updated RIA.

Taking the above into consideration, the recommendation is now to grant planning permission on the basis of the applicant's fall-back position.

CONCLUSION

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

- The principle of development is considered acceptable;
- The design and appearance of the proposed development are suitable for the site and the surrounding area;
- The site layout, access arrangements and associated infrastructure will not have a detrimental visual impact within the area;
- The proposal will not unacceptably harm the amenities of nearby residents; and

- The proposed access, parking and circulation within the site are considered acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The net retail floorspace of the development hereby approved shall not exceed 330 square metres when measured internally and shall be used for the sale of convenience goods only.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location.

3. No internal operations increasing the floorspace available for retail use shall be carried out without the prior written consent of the Council.

Reason: To enable the Council to retain control over the nature, range and scale of retail activity so as not to prejudice the continued vitality and viability of existing retail centres.

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

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

5. Any proposed large scale deliveries of goods or fuel to the premises must be done outside of peak hours, 07:00 – 10:00 and 16:00 – 18:00.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6. In the event that tank decommissioning is required, the development hereby permitted shall not commence until the tanks (and associated infra-structure) are fully decommissioned and removed in line with current Guidance for Pollution Prevention (GPP 27) and the quality of surrounding soils and groundwater verified. Should any additional contamination be identified during this process, Conditions applicable to new contamination or risks, as detailed in Conditions 7 and 8 will apply.

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

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

8. After completing all remediation works, and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and in achieving the remedial objectives.

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

9. The total noise level from plant associated with the development shall not exceed a rating level of 30.4dB(A) when measured within the external amenity area of any nearby noise sensitive receptor and assessed in accordance with British Standard 4142:2019.

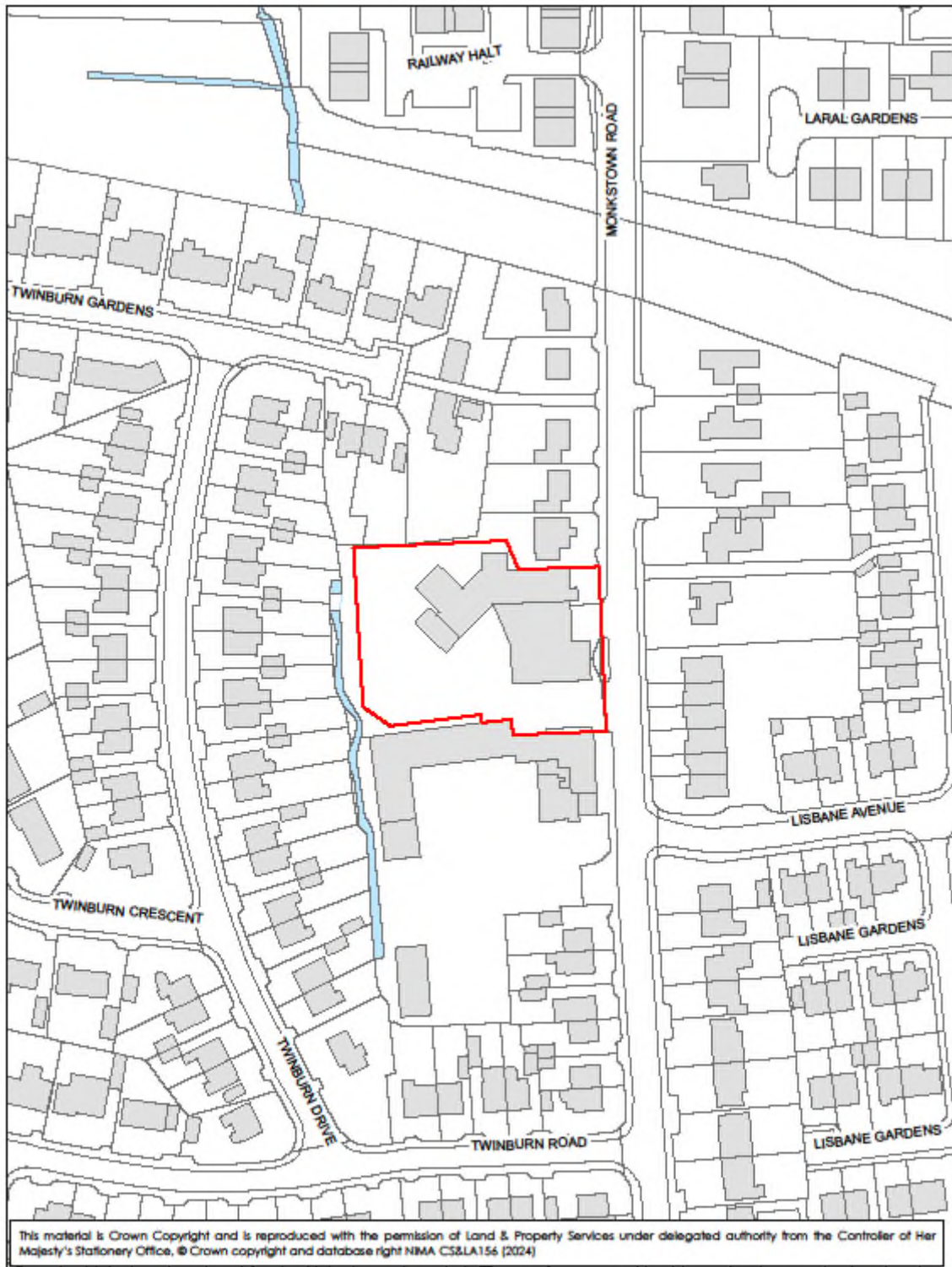
Reason: In order to protect amenity at nearby sensitive receptors.

10. The development hereby permitted shall not become operational until a 3.5-metre-high acoustic barrier is installed as detailed on Figure 5 in Document Number 01, date stamp received 21 June 2023. The barrier shall have a surface weight of not less than 6kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence it should be of the ship-lapped design.

Reason: In order to protect amenity at nearby sensitive receptors.

11. The acoustic barrier required by condition 10 shall be maintained in perpetuity with the lifetime of the development.

Reason: In order to protect amenity at nearby sensitive receptors.



Site Location Plan

1:1,250

Reference: LA03/2023/0474/F

Site Location



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| COMMITTEE ITEM | 4.2 |
| APPLICATION NO | LA03/2024/0541/F |
| DEA | AIRPORT |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE PLANNING PERMISSION |
| PROPOSAL | Garage/store. |
| SITE/LOCATION | 21B Carngraney Road, Templepatrick, Ballyclare, BT39 0EZ |
| APPLICANT | Matthew Wilson |
| AGENT | Robin Park |
| LAST SITE VISIT | 17 September 2024 |
| CASE OFFICER | Sairead de Brún Tel: 028 90340406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/690483 | |
| SITE DESCRIPTION | |
| <p>The application site is located at No. 21B Carngraney Road, Templepatrick, and is in the countryside outside any developments limits as defined by the Antrim Area Plan 1984-2001 (AAP).</p> <p>The site utilises an existing vehicular access off a laneway that branches off from the Carngraney Road. There is a slight east to west incline along the laneway, with the land levels rising slightly from the lane at the entrance to the site, which itself is relatively flat. A 2.5 metre high wall and metal gates define the southern boundary, with a wall and fence atop running along the common boundary with No. 21A Carngraney Road to the west. The southern and eastern boundaries are defined by well-established and mature trees.</p> <p>Currently on the site is one large outbuilding, positioned towards the rear (southern) boundary which is sited with the front elevation towards the laneway. Two smaller storage containers; one located in the southwestern corner, and the second sitting parallel to the roadside wall. The application site also includes a substantially sized concrete yard.</p> <p>The surrounding area is predominately rural in character and appearance, however, development has grown around the junction of the Carngraney Road and the laneway; this includes at least nine residential dwellings, associated garages and a number of farm buildings.</p> | |
| RELEVANT PLANNING HISTORY | |
| Application Number: LA03/2017/1114/LDE Location: 21B Carngraney Road, Templepatrick, Ballyclare, BT39 0EZ Proposal: Shed for domestic use Decision: Permission Granted | |

Date: 19 January 2018

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 has reverted to the Draft Plan Stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan 2005: The application site is located within the countryside.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located outside any development limit and is within the countryside.

Strategic Planning Policy Statement for Northern Ireland (SPPS): 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 4: Planning and Economic Development: sets out planning policies for economic development uses.

PPS 6: Planning, Archaeology, and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built environment.

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Historic Environment Division (HED) – No objection

REPRESENTATION

Two (2) neighbouring properties were notified of the application and three (3) letters of representation have been received from two (2) addresses notified of the proposal and one (1) address outside the neighbour notification area.

The full representations made regarding this proposal are available to view online at the Planning Portal:

(<https://planningregister.planningsystemni.gov.uk/application/690483>)

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

- Land included within the application site is owned and occupied by No. 21A Carngraney Road, services to the site are supplied by No. 21A, the septic tank for this dwelling is located within the application site;
- Impact on existing retaining wall located between the site and No. 21A Carngraney Road;
- Existing buildings on the site are being used for commercial purposes;
- The proposed development is not appropriate for the rural area;
- The surrounding road network has already been damaged by an increase in traffic and the existing laneway is too small to accommodate additional traffic;
- The surrounding area does not have the capacity for any further development; and
- Impact of the proposed development on the security of the area, and resident's mental health and well-being.

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, Appearance and Impact on Character and Appearance of Area
- Neighbour Amenity
- Access, Movement and Parking
- Other Matters

Principle of Development and Policy Context

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

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is Planning Policy Statement 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006), Planning Policy Statement 4: Planning and Economic Development', PPS 6: Planning, Archaeology, and the Built Heritage and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

In respect of determining the principle of development, Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for non-residential development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

In this case, the proposal is seeking planning permission for the erection of a garage/store. As noted within the supporting statement (Document 01, date stamped 22nd July 2024), the applicant currently resides at No. 30 Park Road, Mallusk, and recently secured retrospective planning permission for the erection of a detached garage at this address (Ref: LA03/2021/1121/F). The floorspace of the approved garage is approximately 57.6sqm, and it was stated at the time, this space was required for the storage of the applicants work machinery, including a digger, trailer and a van. The garage was also to be used for other domestic purposes, e.g. to house the washing machine/tumble dryer and boiler.

The agent goes on to state in Document 01, that the approved garage at No. 30 Park Road is for private domestic use, but is always full, and so the applicant does not have anywhere to store his touring caravan at his residential property. Consequently, he has been storing it at the application site during the winter and at other times of the year when it has not been in use. It is claimed that the caravan has been stored at the application site for a period of more than five years.

It is also noted in Document 01 that the applicant is a groundworks contractor, involved in digging out foundations, drainage works, installing septic tanks, fencing, landscaping, laying concrete yards, etc. Equipment and machinery associated with the applicants business, e.g. fencing posts, large electrical cable drums, a trailer, dumper etc. are currently stored on the application site when they are not being used on any construction sites.

Therefore, the purpose of this proposal according to the agent, is to erect a shed that can accommodate the applicant's touring caravan as well as equipment and machinery associated with the applicant's construction business. It is the applicant's case that storing these items within a new building will tidy the yard up and provide extra security from theft.

The proposed building is located within the curtilage and to the northwest of an existing, relatively large outbuilding. The planning history indicates that a Certificate of an Existing Use or Development (CLEUD) was issued in January 2018 for this existing building (Ref: LA03/2017/1114/LDE), certifying that the building, which was being used as a domestic shed, had been in-situ for a period of more than five years up to and including the date of the application. It is noted that from the site location plan for this CLEUD application, the existing building was within the curtilage of No. 21A Carngraney Road, which lies to the southwest of the building.

The red line of this application site does not include the dwelling at No. 21A Carngraney Road, and the site location plan (Drawing Number 01, date stamped 22 July 2024) does not indicate that the applicant owns any adjoining land. An objector has referred to the sale of No. 21A (the dwelling) and 21B Carngraney Road (the existing outbuilding) approximately 5 – 6 years ago, and the division of the two assets. It would therefore appear that the building at No. 21B is no longer associated with the residential dwelling at No. 21A and, being outside any residential curtilage, no longer has a domestic use.

An objector has also raised issue with the current use of the application site and the existing building on it, stating that the buildings are not currently being used for domestic purposes. At the time of the site visit, a sign attached to the gate showed No. 21B, with the name 'Temple Props' underneath. A Google search of this name discloses that this is a prop making business for film and television. There were no items being stored outside the building.

As noted above, the applicant intends to use the proposed building to store a touring caravan, and items associated with a groundworks contracting business. Essentially, the proposal is for a storage use in the countryside, and as the proposed building is outside any domestic curtilage, it falls to be assessed under PPS 4: Planning and Economic Development.

PPS4 details that the policy approach for economic development in the countryside falls within Policy PED 2, which goes on to state that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances in line with the following policies:

- Policy PED 3 The Expansion of an Established Economic Development Use
- Policy PED 4 The Redevelopment of an Established Economic Development Use
- Policy PED 5 Major Industrial Development
- Policy PED 6 Small Rural Projects

As the application is for one storage building only, with a floorspace of approximately 72 sqm, it does not fall within Policies PED 5 or PED 6. The site does not currently benefit from planning permission or have a lawful use as an established economic development use.

The supporting statement does not address the policy context, nor does it demonstrate how the proposal can be considered to meet any policy; the document merely states that the garage / shed at the applicant's house is full, and he now needs another storage building to house a touring caravan and components of his business. In light of this, the agent was advised of the policy context and was asked to provide any additional information he wished to be assessed under this application.

The agent subsequently submitted a number of documents relating to the existing building on the application site in an attempt to demonstrate that it has a lawful commercial use. It is claimed by the applicant, that the proposed building is acceptable because of the existing commercial use on site.

The process for determining the lawful use of a building is through the submission of a Certificate of an Existing Use or Development (CLEUD), and the agent was advised of this procedure. A CLEUD application for the existing building has since been received, however, is currently invalid (ref: LA03/2024/0766/LDE).

Notwithstanding any decision on the above CLUED, it would appear that the existing building is owned by the applicant, however, it is currently being rented out to a third party. As noted above, the proposed building is for a different use and different business to what is allegedly operating in the existing building, and if this application and the CLEUD were to be approved, the two buildings would be occupied by two separate entities and not as one established business. The proposed building would not therefore be considered as an expansion to an already established economic development use in line with Policy PED 3 of PPS 4.

Policy PED 4 of PPS 4 permits proposals for the redevelopment of an established economic development site in the countryside. On a without prejudice basis, if the CLEUD application was to be certified, this would establish an economic use on the application site. However, the proposed development is for a single building, and does not include the redevelopment of the entire site. In this regard, the proposal would not be considered compliant with Policy PED 4.

By way of conclusion, it has been found that the development proposal does not meet the provisions of Policy PED 2 of PPS 4 in terms of the principle of development in the countryside.

It has not been demonstrated that this development proposal is essential in this countryside location or that the information provided demonstrates that an exceptional case applies to the assessment of this development proposal. Therefore, it is considered that the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21.

Design, Appearance and Impact on Character and Appearance of the Area

The proposed development is for the erection of a single storage building. The new building occupies a footprint of approximately 72 sqm, and has a ridge height of 3.7 metres to finished floor level. External finishes are annotated as smooth plaster walling up to a height of 1.2 metres, with dark grey roof and wall cladding. Two roller shutter doors measuring 3 metres by 3.5 metres are shown on the front elevation.

The proposed building has the appearance of a commercial building, and is similar in design to that existing on site; albeit the size, scale and massing are considerably less, and the new building would appear subordinate to the current building.

Despite being a commercially designed building in the countryside, when viewed with the existing building on the site, the size, scale, massing, and external appearance of the proposal are considered acceptable.

Policy CTY 13 of PPS 21 and Policy PED 9 of PPS 4 requires that there are satisfactory measures to assist in the integration of a proposal for economic development. The application site is located at No. 21B Carngraney Road; the site is set back off the main public road and is accessed from along a laneway that serves three other residential dwellings. The northwestern boundary, where the site abuts the laneway, is defined by a staggered height, 2.5 metre high wall with metal gates at the entrance. The northeastern and rear boundaries of the site are defined by well established, mature trees, with a timber fence atop a wall along the southwestern boundary. Given the sites set back distance from the main Carngraney Road, there will be no public views from that road. When travelling along the laneway, it is considered that the current lane side wall restricts views when approaching the site in both directions, while the existing boundary vegetation will provide a suitable level of integration for the proposed development, and so it is considered the proposal would be compliant with Policies CTY 13 of PPS 21 and Policy PED 9 of PPS 4 and will not have an unacceptable impact on the character and appearance of the area.

Neighbour Amenity

Policy PED 9 requires that any proposal for economic development does not harm the amenities of nearby residents and does not create a noise nuisance. The application site is bounded on two sides by residential properties; No 21A to the southwest and No 23 to the northeast. Objections have been received from both neighbours, and from the dwelling to the northwest, No 25 Carngraney Road.

The proposed development is for a storage building only and there are no proposed facilities or works which would create any additional noise, dust or odour. There should be no detrimental impact on the residential amenity of neighbour properties from these nuisances. A condition limiting the use of the building to storage could be attached to any forthcoming decision notice should the proposed development be found acceptable.

As highlighted above, some of the objections relate to the impact of the proposed development on the security of the area, and resident's mental health and well-being. The objectors have stated that an industrial storage use in the countryside without an on-site physical presence would have the potential to attract criminal activity and put other properties at risk. This in turn would impact upon resident's mental health, and on the safety and security of vulnerable people and young children in the area.

Section 5.39 of Policy PED 9 in PPS 4 deals with security from crime, and refers to Secured by Design (SBD), which is a UK project for promoting the principles of designing out crime from the built environment. The design of new developments

should seek to provide a feeling of security and a sense of vitality in all parts of the layout, and SBD has produced a series of authoritative Design Guides to assist the building, design and construction industry to incorporate security. Although these documents have been produced to comply with the building Regulations in England, Scotland and Wales, there are a number of good design principles that can be applied to any new building. In addition, the Police Service of Northern Ireland (PSNI) has specifically trained officers who can advise on Crime Prevention and how to Design Out Crime. The PSNI should also be the first point of contact for any criminal activity in the area.

Access, Movement and Parking

Policy PED 9 of PPS 4 and Planning Policy Statement 3 'Access, Movement and Parking' requires that adequate access arrangements, parking and manoeuvring areas are provided, and that the existing road network can safely handle any extra vehicular activity the proposal will generate.

The proposed development will make use of an existing, unaltered access to the public road. Given that the building is for storage only, and storage solely for the individual applicant, it is considered that there would be no significant intensification of the access, and therefore, no detrimental impact on the safety and convenience of road users, and the flow of traffic along the Carngraney Road.

The new development is located within an existing yard area that measures approximately 747 sqm, and has a floorspace of approximately 72 sqm. One non-operational parking space, one lorry parking space and a minimum of two cycle parking spaces are required. There is sufficient space within the curtilage of the site to accommodate the parking requirements, as well as turning and manoeuvring needs.

Other Matters

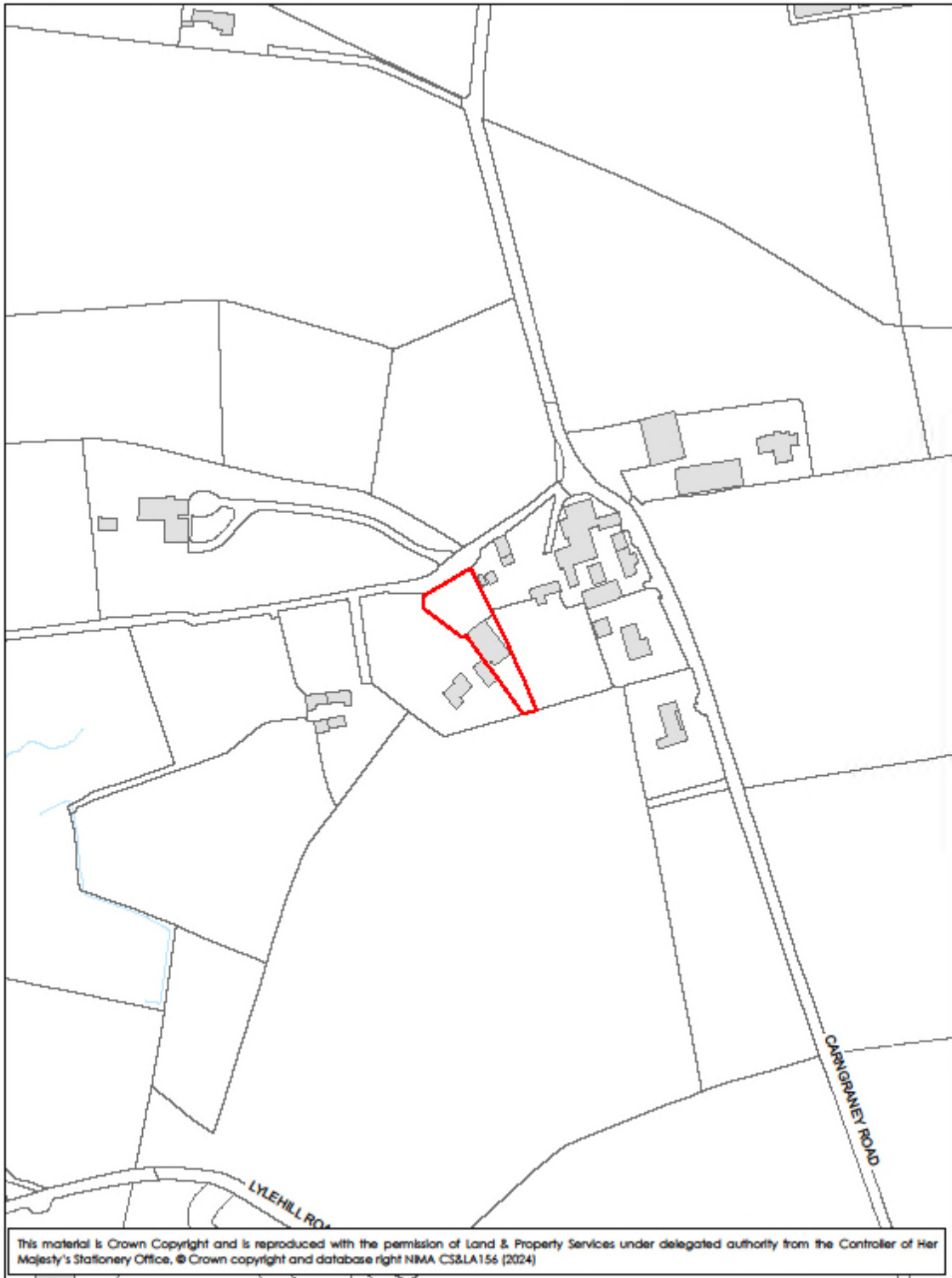
Plan Context

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

The Historic Environment

The application site is located within the consultation buffer zone of two historic monuments; a barrow (ref: ANT051:046) and a souterrain (ref: ANT051:080). The Historic Monuments section of the Historic Environment Division (HED) has assessed the application and has raised no objection due to the scale and nature of the development. It is therefore considered that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

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| CONCLUSION | |
| <p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none">• The principle of the development is not acceptable;• The design and appearance of the proposal is considered acceptable;• The proposal will not unduly affect the amenity of neighbouring residents;• The proposal will not have a detrimental impact on road safety and there is sufficient space for parking, turning and manoeuvring within the curtilage of the site; and• The proposal will not have a detrimental impact on the historic environment. | |
| RECOMMENDATION | REFUSE PLANNING PERMISSION |
| PROPOSED REASON FOR REFUSAL | |
| <p>1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.</p> | |



Site Location Plan

1:2,500 

Reference: LA03/2024/0541/F

 Site Location



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| COMMITTEE ITEM | 4.3 |
| APPLICATION NO | LA03/2024/0733/O |
| DEA | AIRPORT |
| COMMITTEE INTEREST | LEVEL OF OBJECTION |
| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
| PROPOSAL | Dwelling and garage |
| SITE/LOCATION | Approx. 100m West of 24 Lylehill Road East, Ballyclare, BT39 0HQ |
| APPLICANT | Grace Meekin |
| AGENT | Grace Meekin |
| LAST SITE VISIT | 29 October 2024 |
| CASE OFFICER | Harry Russell Tel: 028 903 40408 Email: harry.russell@antrimandnewtownabbey.gov.uk |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk/application/693016 | |
| SITE DESCRIPTION | |
| <p>The application site is on lands approximately 100m west of 24 Lylehill Road East, Ballyclare, which is within the countryside and outside any development limits as defined by the Draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>The application site consists of an agricultural field which abuts the Lylehill Road East. The northern (roadside), western and southern boundaries are defined by mature hedgerow and intermittent trees. The eastern boundary is defined by mature trees approximately 4m in height. The topography of the site rises slightly from the west to the east.</p> <p>The surrounding character of the area is rural countryside with dwellings and outbuildings spread throughout intermittently.</p> | |
| RELEVANT PLANNING HISTORY | |
| There is no relevant planning history. | |
| PLANNING POLICY AND GUIDANCE | |
| <p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p> | |

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan (2004): The application site is located outside any development limits and lies in the countryside as designated by these Plans which offers no specific policy or guidance.

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

CONSULTATION

Council Environmental Health Section – No objection

Department for Infrastructure Roads- No objection subject to a condition

Northern Ireland Water- No objection

Belfast City Airport – 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 Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access and Movement
- Other Matters
- Other Material Considerations

Policy Context and Principle of Development

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

be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

Both of the relevant development plans identify the application site as being within the open countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

The first element of Policy CTY 8 requires that a substantial and continuously built up frontage exists. There are 3 buildings to the west of the application site (Nos. 32 and 34 Lylehill Road East and the outbuilding within the curtilage of No. 32), each with a road frontage onto Lylehill Road East. There are 3 buildings to the east of the site (Nos. 22 and 24 Lylehill Road East and the outbuilding within the curtilage of No. 22), each with a road frontage onto Lylehill Road East. Nonetheless, the gap either side of the application site is approximately 195m between the built up frontages of the existing buildings. As such the application site is considered to be too large of a gap for it to be considered to be located within a substantial and continuously built up frontage. As such, the gap is not situated within an otherwise substantial and continuously built up frontage and the principle of development is therefore unable to be established.

Notwithstanding that the principle of development is unable to be established, the second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. The frontage widths of properties abutting Lylehill Road East to the east and west of the site vary between approximately 40m and 32.5m and have an average width of 37m. The site exhibits a roadside frontage of approximately 167m which could comfortably accommodate more than two dwellings.

Therefore, the proposal is considered to fail the policy requirements of CTY 8 of PPS 21.

Design, Layout and Impact on Character and Appearance of the Area

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

The application site is approximately 1.5 hectares in area which is significantly larger in size than the curtilage of the dwellings exhibited within the area. However, the proposed location of the dwelling, an area of 50m by 50m is indicated in green on the Site Location Plan, Drawing 01 date stamped 9th October 2024, which is more in keeping with the plot sizes of the neighbouring dwellings. However, siting the dwelling at this location would rely primarily on new landscaping for integration, as the southern, eastern and western site boundaries are undefined. Additionally, new planting would also be required along the northern boundary, as the existing trees and hedgerow along this boundary would be removed to facilitate the visibility splays.

As this application is for outline permission only, the design and layout of the proposal have not been provided at this stage. However, it is considered that the visual

impact of a dwelling at this location, which is not situated within a built up frontage and relies primarily on new landscaping for integration, would appear visually prominent from the Lylehill Road East, especially when travelling eastwards, as views from the west are longer and more open.

Accordingly, it is considered the proposal does not comply with the policy criteria set out under Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

As the application seeks outline permission limited details have been provided regarding the proposed design. However, it is considered that with appropriate siting, orientation and layout of the proposal, in combination with proposed new landscaping and separation distances, a dwelling could be accommodated within the lands without negatively impacting upon the amenity of any neighbouring property.

Access Movement and Parking

Access to the site is gained by a new shared access onto Lylehill Road East. DfI Roads was consulted regarding the application and responded with no objections, subject to compliance with the attached RS1 form. The proposal is considered to comply with PPS 3.

Other Matters

The removal of the mature roadside hedgerow to accommodate the visibility splays for the proposed development would result in the loss of a priority habitat and would normally require the submission of a bio-diversity checklist and proposed mitigation measures, however, in this case none has been submitted. Given that the principle of development is considered to be unacceptable, this information was not requested as it would lead to nugatory work and unnecessary expense. A reason for refusal has been added to address the lack of information on this point.

Other Material Considerations

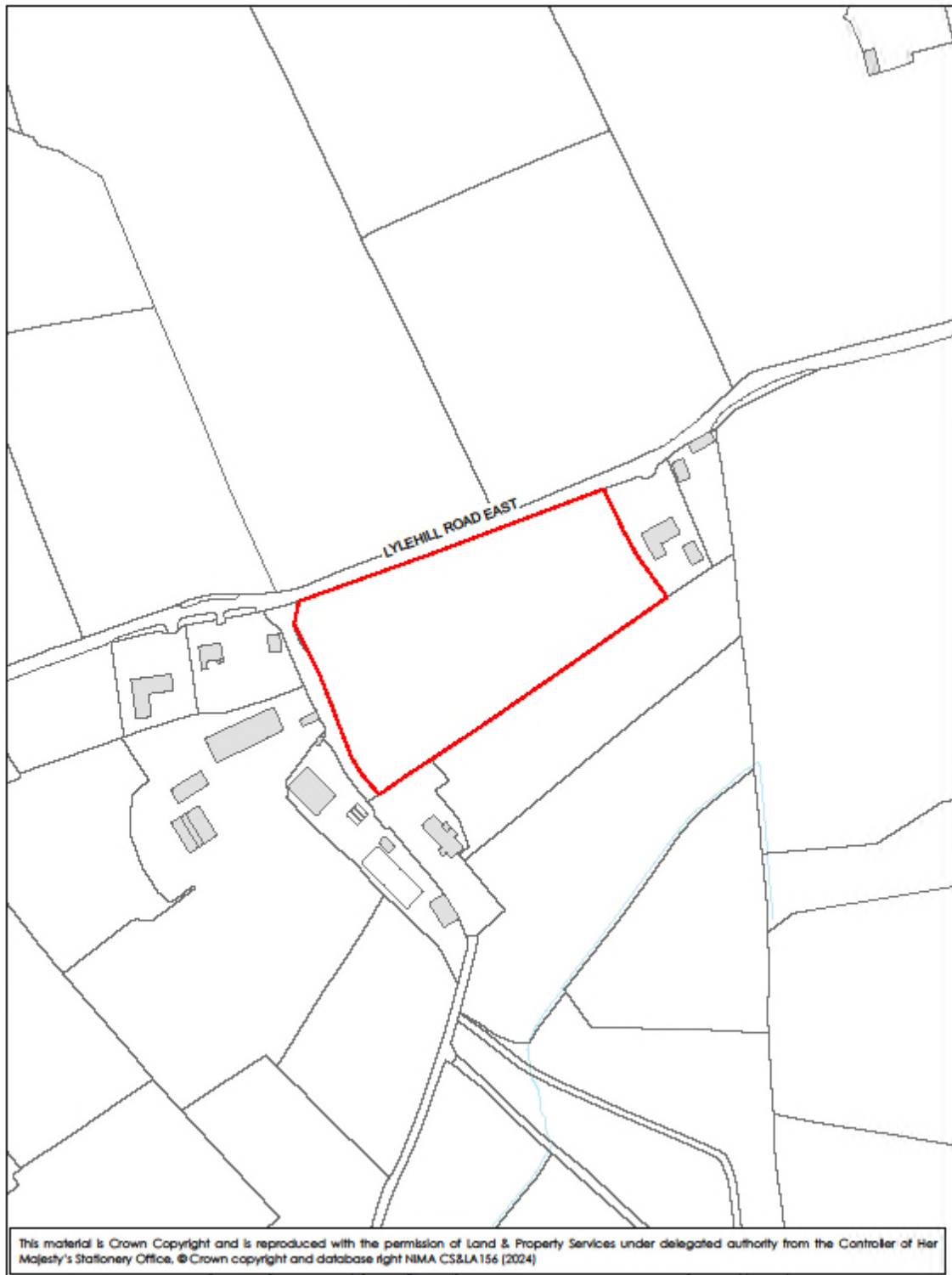
The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of CTY 8 of PPS 21;
- The proposal would not integrate satisfactorily into the surrounding landscape and would appear visually prominent in the landscape and is therefore contrary to Policies CTY 13 and CTY 14 of PPS 21;
- The proposal is not considered to unduly adversely impact on the amenity of neighbouring properties; and
- Information has not been submitted to assess the risk upon priority habitats.

| RECOMMENDATION | REFUSE OUTLINE PLANNING PERMISSION |
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| | |
| PROPOSED REASONS FOR REFUSAL | |
| <ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site does not represent a gap site within an otherwise substantial and continuously built up frontage. 3. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site, if permitted, would primarily rely on new landscaping to integrate into the landscape and would appear visually prominent in the landscape. 4. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy NH 5 of Planning Policy Statement 2, Natural Heritage, in that the proposal will result in the loss of a priority habitat. | |



Site Location Plan

1:2,500 

Reference: LA03/2024/0733/O

 Site Location



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| COMMITTEE ITEM | 4.4 |
| APPLICATION NO | LA03/2024/0487/F |
| DEA | DUNSILLY |
| COMMITTEE INTEREST | ADDENDUM TO COMMITTEE REPORT |
| RECOMMENDATION | REFUSE RETROSPECTIVE PLANNING PERMISSION |
| PROPOSAL | Change of Use from garden room to hair salon (Retrospective, temporary permission) |
| SITE/LOCATION | 14 Magheralane Road, Ballygrooby, Randalstown, BT41 2NT |
| APPLICANT | Jane McTaggart |
| AGENT | Jane McTaggart |
| LAST SITE VISIT | 6 th August 2024 |
| CASE OFFICER | Leah Hingston Tel: 028 903 40403 Email: leah.hingston@antrimandnewtownabbey.gov.uk |
| The full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk/application/689323 | |
| ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS | |
| <p>This application was deferred at the October Planning Committee for a period of four weeks to provide the applicant with a further opportunity to; demonstrate through sequential testing that suitable premises are not available in the town centre and investigate the possibility of the Church entering into a legal agreement with the applicant in relation to car parking.</p> <p>On 19th November 2024, the applicant advised that a parking contract is in draft form awaiting signatures from the Church and that a planning consultant is reviewing the sequential report.</p> <p>On 25th November 2024, the following information was received;</p> <ul style="list-style-type: none"> • Document 04 Submission Cover Letter • Document 05 Spreadsheet of Properties Considered • Document 06 Letter from Estate Agent • Document 07 Randalstown Arches Association Letter • Document 08 Letter regarding Tenancy Unit 3 22-24 New Street <p>The applicant states within Document 04 that as the site is at an edge of centre location, it is the next sequentially preferable location and the proposal fully accords with the policy test stipulated in the SPPS. Whilst it is accepted that the application site is an edge of centre location, the policy requires the applicant to demonstrate that there are no suitable, available and viable sites within the town centre.</p> <p>The applicant's cover letter draws upon the previous Committee report where it stated that the 'SPPS does not make any allowances for temporary developments'</p> | |

and in response sets out the legislative framework for granting temporary planning permission. It is accepted that temporary planning permission can be granted, however, the SPPS does not allow for an exception to the policy on the basis that the permission sought is for a temporary period.

Within Document 05 the applicant considers the three (3) premises previously considered as set out in Document 02 date stamped 2nd September 2024, alongside three (3) other available units in Randalstown Town Centre. The applicant has indicated that no units are available on a 2 days per week lease and therefore finds there to be no availability. Whilst some evidence has been submitted to demonstrate this point as discussed below, there is no evidence submitted for all properties, for example, (Mace) John Street.

The subject hairdressing salon measures 28 square metres (301 square feet). Aside from the perceived availability, the applicant has found Number 1-5 New Street too large (1680sq. ft.) with no fixtures or fittings in place, while Number 2 New Street is said to be too small with no water available. No details as to the size of the property at Number 2 New Street have been submitted and a google search on this address does not return any results. The submission is unclear in this regard and leads to some confusion, as it appears the property referred to as Number 2 New Street is the same single retail unit as approved under Ref: LA03/2019/1052/F and located at Number 1-5 New Street.

The applicant provides the annual rent and rates for the majority of the properties considered and states that this would leave her operating at a loss, however, does not give any indication as to figures for the business income or expenditure to corroborate this claim. It is set out within Document 05 that Unit 1-5 New Street is too expensive with rent at £12600 and rates have been indicated by the applicant as not being applicable. On Main Street, the unit at Number 15-19 has rent of £8400 and rates of £4013 and the unit at Number 78 has rent of £6000 and rates of £2883. Document 05 refers to '(Mace) John Street' as an option considered although provides no address for the unit. The applicant states that reduced rent is not available and the rent is £7800 and rates of £5250.

The applicant also sets out within Document 05 that Unit 2 Arches Mews is not available to a hairdresser as there are already two hairdressers in place. The annual rent for this unit would be £6393.50 with rates of £3514.16. As set out within Document 07 Randalstown ARCHES Association expresses reservations about a third hairdresser however goes on to state that if the business needs and availability were to align with full-time use, they would be happy to discuss further.

Document 02 had previously considered the unit above Kerrs Insurance branch, formerly occupied by Blair and Boyd Estate Management, which is referred to as No. 33B Main Street within Document 05 but the correct address would appear to be No. 33B New Street. Due to the stair access, the applicant deems this unit unsuitable however; no details have been submitted as to how this unit could be adapted to meet the needs of the business. No information has been provided on the rent or rates associated with this unit.

Document 08 brings another unit into consideration at Unit 3, No. 22-24 New Street. The letter from the landlord advises a part-time lease is not possible. However, no

evidence that this property would be unviable has been provided to be able to discount this property.

The SPPS directs that where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

The applicant has demonstrated within the submission that there are available units in the town centre and it has not been sufficiently demonstrated that there are no units that are suitable, available or viable. The overriding reason why the applicant cannot locate in the town centre is due to a lack of availability for part-time leases which would not be sufficient justification to set aside the town centre first policy within the SPPS. Additionally, the approval of this application would set a precedent which would have a long-term detrimental impact on the viability and vitality of Randalstown Town Centre and other town centres within the Borough.

It is considered that the proposal is contrary to the provisions of the Strategic Planning Policy Statement in that the retailing element of the development lies outside any designated town centre and it has not been demonstrated that a suitable site does not exist within the town centre.

Car Parking

Document 04 refers to correspondence from the Church in relation to parking being attached. This mentioned correspondence has not been included in the submission and the applicant confirmed on 27th November 2024 that she is awaiting the contract for submission. With no information regarding a potential alternative being submitted for consideration and the current provisions remaining unacceptable to DfI Roads, it is considered the proposal would prejudice the safety and convenience of users.

Taking the above into consideration, the recommendation to refuse planning permission remains for the reasons set out below.

CONCLUSION

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

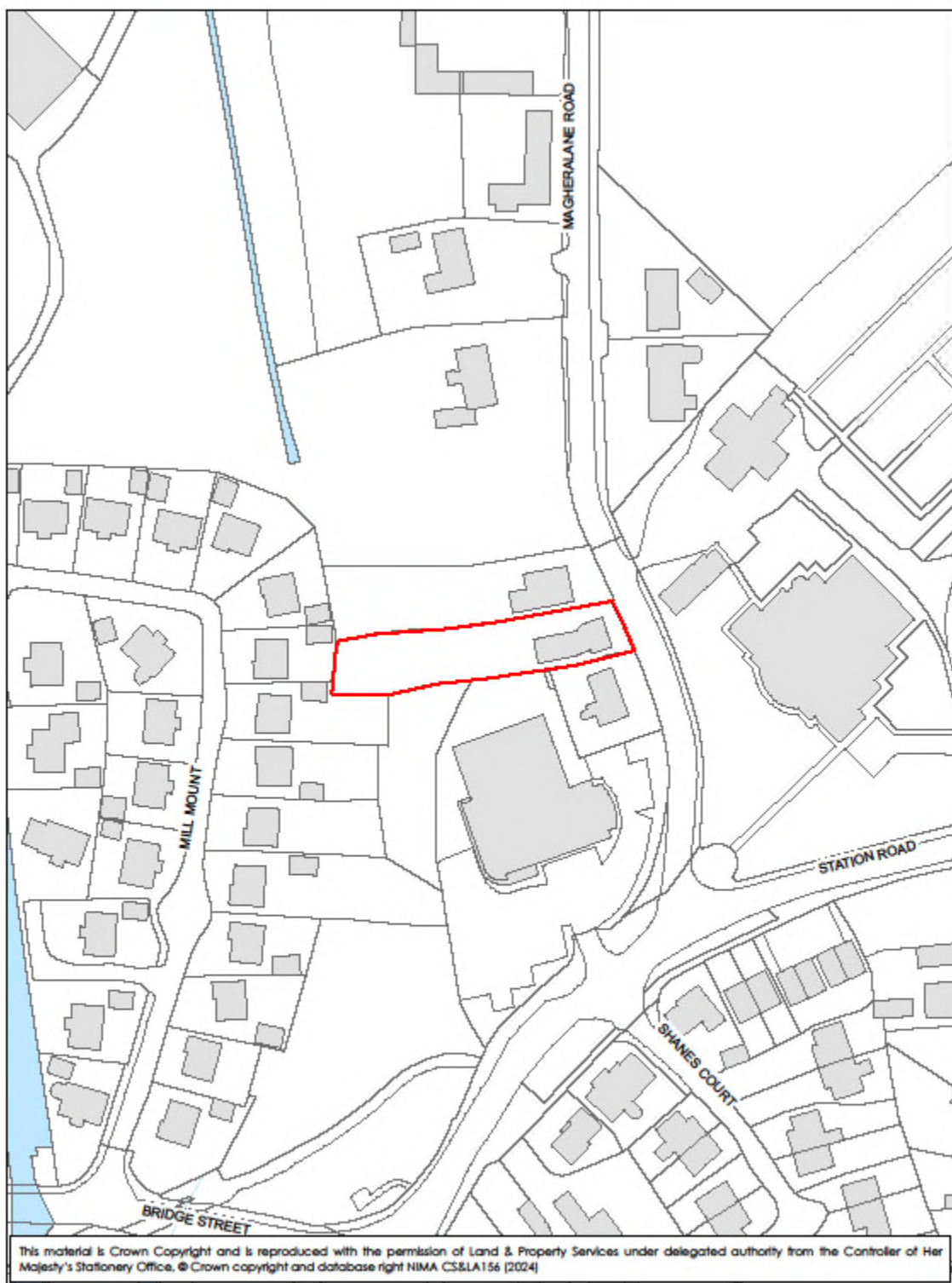
- The principle of development is considered unacceptable; and
- The access arrangements are unacceptable.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that the retailing element of the development lies outside any designated town centre and it has not been demonstrated that a suitable site does not exist within the town centre or other retailing area.
2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy AMP 2: Access to Public Roads of Planning Policy Statement 3, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays of 2.0 metres by 60 metres from the proposed access cannot be provided in accordance with the standards contained in Development Control Advice Note (DCAN) 15.



Site Location Plan

1:1,250

Reference: LA03/2024/0487/F

 Site Location



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| COMMITTEE ITEM | 4.5 |
| APPLICATION NO | LA03/2024/0585/F |
| DEA | BALLYCLARE |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE RETROSPECTIVE PLANNING PERMISSION |
| PROPOSAL | Retrospective extension to residential curtilage and erection of boundary fence |
| SITE/LOCATION | 29 Anderson Park, Doagh, Ballyclare, BT39 0PA |
| APPLICANT | Robert and Lynsey Carmichael |
| AGENT | Robert Logan Architects |
| LAST SITE VISIT | 11th October 2024 |
| CASE OFFICER | Eleanor McCann Tel: 028 903 40422 Email: eleanor.mccann@antrimandnewtownabbey.gov.uk |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Register https://planningregister.planningsystemni.gov.uk/application/692369 | |
| SITE DESCRIPTION | |
| <p>The application site is located at No. 29 Anderson Park which is within the development limit of Doagh, as defined within the draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site comprises a semi-detached, end of terrace dwelling. The subject dwelling is two storeys in height, with a storm porch to the front and a single storey rear extension with a lean-to roof. There are two outbuildings situated in the rear amenity space. The topography of the site declines gradually from the Ballyclare Road to the rear of the site by approximately 0.6m. The dwelling sits at the same level as the neighbouring property at No. 30 Anderson Park. The application site abuts No. 30 Anderson Park to the east, No. 28 Anderson Park to the southeast, the Ballyclare Road to the northwest and the internal estate road at Anderson Park to the west. Amenity space is provided at the western side elevation and rear (southeast) of the dwelling. Parking provision is located to the west of the dwelling in the form of on-street parking.</p> <p>The northwestern boundary is defined by a close boarded timber fence approximately 1m in height. The western boundary of the site is defined by a close boarded timber fence which increases in height from approximately 1m to 1.8m in height. Beyond the timber fence the western boundary is defined by a brick wall approximately 2.4m in height as is the southeastern boundary. The eastern boundary, front and rear, is defined by close boarded timber fencing approximately 1m in height.</p> <p>The surrounding area is predominantly residential, comprising of similar house types and design.</p> | |

RELEVANT PLANNING HISTORY

No recent/relevant site history.

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 (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 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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. 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.

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

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

CONSULTATION

DfI Roads - No objection

REPRESENTATION

Five (5) neighbouring properties were notified of the application and no letters of objection were received in respect of the development proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site lies within the settlement limit of Doagh in draft BMAP and the draft Newtownabbey Area Plan. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements. Amongst these is the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7). Taking into account the transitional arrangements of the SPPS, retained APPS7 provides the relevant policy context for consideration of the proposal.

Policy EXT 1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- b) the proposal does not unduly affect the privacy or amenities of neighbouring residents;

- c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

APPS7 also advises that the guidance set out in Annex A of the document will be taken into account when assessing proposals against the above criteria.

As the retrospective development results in the loss of open space, Policy OS 1 of PPS 8 is also relevant in the assessment of the proposal, which will be considered in more detail below.

Scale, Massing, Design and Appearance

The application seeks full planning permission for a proposed extension to the curtilage to facilitate a residential garden.

The proposed extension to the curtilage incorporates an existing area of open space to the west of the dwelling with a maximum width of 2.4m in width and 10.1m in length, which equates to an area of approximately 22sqm.

A timber fence extends along the boundary abutting the internal estate road at Anderson Park, enclosing the former area of open space which has now been incorporated into the curtilage of No. 29 Anderson Park. The timber fence is approximately 1m in height to the front and side of the dwelling and then increases to 1.8m for the remainder of the boundary. The timber fence will be visible when travelling along both the Ballyclare Road and Anderson Park. However, in this instance it is not considered to detract from the character or appearance of the surrounding area as boundary timber fencing is exhibited in the surrounding area.

In summary, it is considered that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

Private Open Space Provision

Policy OS 1 - Protection of Open Space of PPS 8 outlines that development will not be permitted that would result in the loss of existing open space. This presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

In this regard, Policy OS 1 allows an exception to this where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweighs the loss of the open space. An exception will also apply where it has been demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area, and where alternative provision is made by the developer.

The proposed extension to the curtilage at No. 29 Anderson Park will result in the loss of open space. Following a request to provide a case of justification for the loss of

open space in relation to Policy OS 1 of PPS 8, the agent submitted a Supporting Statement, Document 01 date stamped 9th October 2024.

Within the supporting statement the agent contended that the area of extended land is a narrow strip 3-6m wide and could be classed as a roadside verge and that due to its size and location they question its classification as open space. The agent claimed that the Council acknowledged that the applicant could define the space with a fence up to 1m in height under the permitted development regulations, and that the concern seems to be with the height of the fence rather than the impacts associated with open space. With regards to these comments, a boundary fence up to 1m in height along a roadside can be erected without obtaining express planning permission, however, this does not permit an extension to the curtilage of a dwelling without the grant of planning permission. Additionally, the size of the area of land does not alter its classification as open space, there is no minimum size threshold for an area of open space outlined within PPS 8.

The agent went on to state that where the area of land is situated means that it is not suitable for the public to enjoy as recreational space due to the impact on neighbouring amenity and the dangers associated with traffic. The agent also stated that as the land is now within the ownership of the applicant, as it was purchased from the Northern Ireland Housing Executive (NIHE) the applicant is now liable for the area. However, with regards to these matters, open space is not only for recreation purposes but is protected as it can 'also provide valuable areas for nature conservation and biodiversity, act as a buffer between conflicting land uses, help reduce flood risk, promote pedestrian linkages and provide 'green lungs' that can assist in meeting objectives to improve air quality. Ultimately open space and the use of such space contributes to the health and quality of life for all', as outlined in PPS 8. With regards to the liability and land ownership issues raised by the agent a planning approval is attached to the land and therefore liability and ownership is not a material planning consideration.

The agent went on to state that the land which has been enclosed provides private amenity space for the applicant, and that this should be balanced against the loss of what is a very small piece of land. However the existing rear amenity space of the applicant's property measures approximately 49.6sqm, according to the Site Layout Plan, Drawing 02 date stamped 9th August 2024, which is in line with the guidelines set out in 'Creating Places', therefore the desire to have additional amenity space cannot be balanced against the loss of open space.

The agent also stated that Policy OS 1 of PPS 8 allows the removal of open space where it will have no detrimental impact on amenity, character or biodiversity, and that in this instance none of these impacts will occur. However, the extension of curtilage in this instance sets a precedent for the wider area, which in turn would detrimentally impact upon the character of the area. The agent also stated that the policy defines an upper limit of two (2) hectares for the abandonment of open space and that the loss of open space is diminutive in this case. The policy outlines that in the case of a loss of open space of 2 hectares or less, alternative provision must be made by the developer, which has not been provided in this instance.

The agent went on to state that PPS 8 outlines the requirement for the provision of alternative open space, and that they note that historically there is no open space

within the wider residential estate. The agent also stated that the Council acknowledged this lack of open space by the development of a multi-use games area. However, as stated above the agent has not provided an alternative to the loss of open space and the multi-use games area is a pre-existing use.

Finally, the agent stated that the policy outlines how proposals will be assessed with regard to their effect on the amenity, character and bio-diversity of the area and the wider locality and taking into account the needs of future generations, and that this proposal has clear defining characteristics, primarily relating to the insignificant nature of the land that allow for positive progress of the proposal. However, this assessment criteria is for the proposal of an alternative use not for the loss of open space.

In summary, the loss of open space which will occur as a result of the proposal is considered to be unacceptable. As stated above, Policy OS 1 of PPS 8 Open space, Sport and Outdoor Recreation states that development which results in the loss of an existing open space or land zoned for the provision of open space will not be permitted unless it is clearly shown that the redevelopment will bring substantial community benefits or there will be no significant detrimental impact on the amenity character or biodiversity of an area.

The loss of open space, as a result of the extension of curtilage at No. 29 Anderson Park does not meet any of the exceptional requirements outlined within Policy OS 1 of PPS 8 and the aforementioned supporting information does not provide adequate justification of how the loss of the open space will bring substantial community benefits or have no impact on amenity, character or bio-diversity. Therefore, it is considered that the proposed extension of curtilage is contrary to Policy OS 1 of PPS 8.

Neighbour Amenity

The extended area of land fronts onto internal public estate roads and therefore it is considered that the development does not significantly impact on neighbouring properties by way of loss of light, dominance or overshadowing due to the location of the development and the single storey nature of the development.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because there are no trees or other landscape features present where the proposal will be located. However, the proposal results in the loss of protected open space, which enhances the quality of the neighbouring residential environment.

Amenity Space, Parking and Manoeuvring

The development increases the level of amenity space within the curtilage of the property for recreational and domestic purposes by approximately 22sqm. It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposal does not impact upon parking provision. DfI Roads was consulted regarding the application and responded stating it had no objections to the development proposal.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

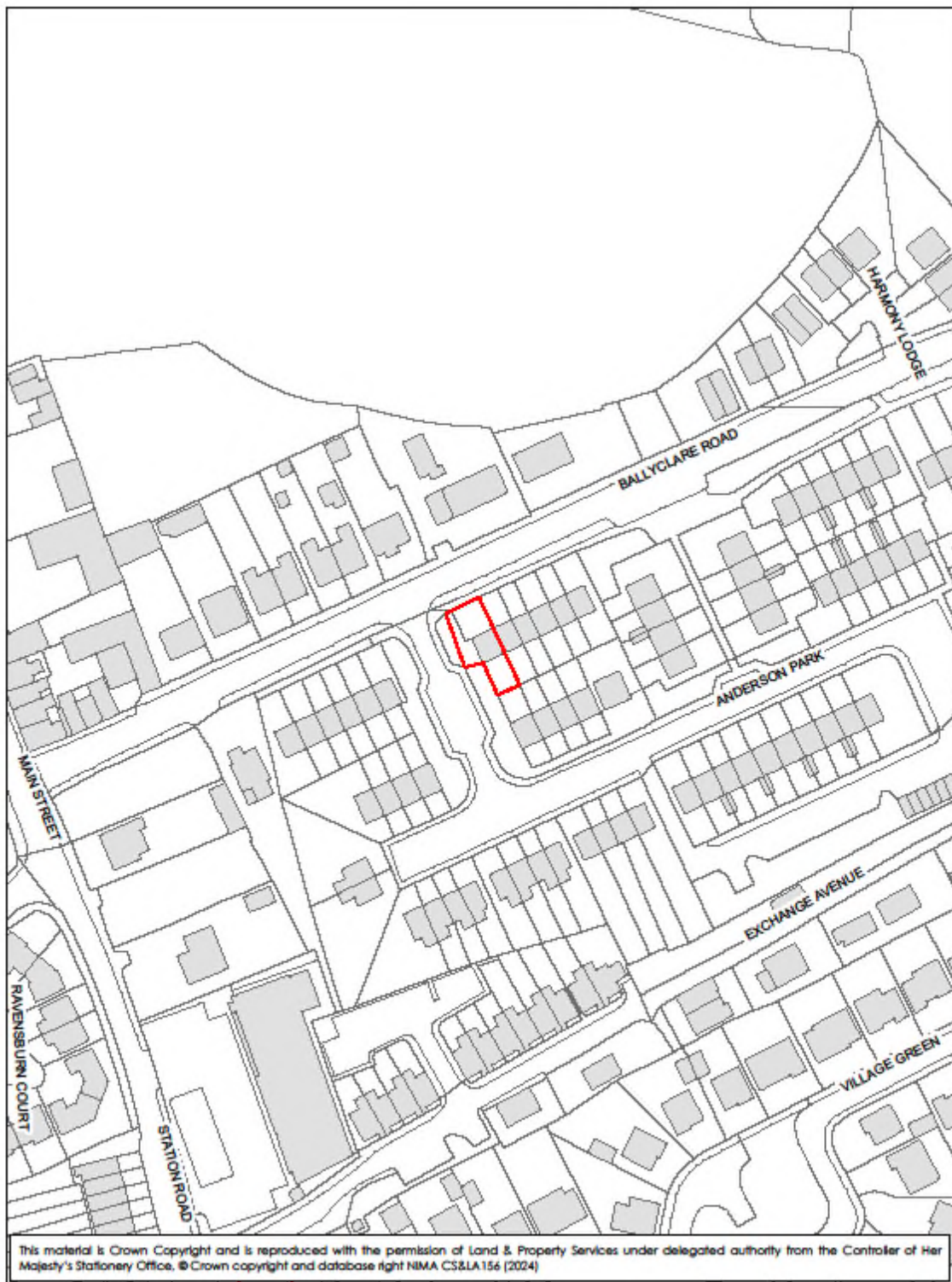
CONCLUSION

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

- The principle of development is unacceptable due to the loss of open space;
- It has not been demonstrated that the loss of open space would bring substantial community benefits that would outweigh its loss or that the loss of open space would not have an impact on the amenity, character and biodiversity of the area;
- The design and appearance of the proposal is considered acceptable; and
- The proposal will not unduly affect the amenity of neighbouring properties by way of loss of light and overshadowing.

RECOMMENDATION**REFUSE RETROSPECTIVE PLANNING PERMISSION****PROPOSED REASON FOR REFUSAL**

1. The proposal is contrary to the provisions contained within Policy OS 1 of PPS 8: Open Space, Sport and Outdoor Recreation in that it has not been demonstrated that the redevelopment would bring substantial community benefits that outweighs the loss of open space or that the loss of open space will not have an impact the amenity, character or biodiversity of the area.



Site Location Plan

1:1,250 

Reference: LA03/2024/0585/F

 Site Location



| | |
|--|--|
| COMMITTEE ITEM | 4.6 |
| APPLICATION NO | LA03/2024/0546/S54 |
| DEA | THREE MILE WATER |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE SECTION 54 |
| PROPOSAL | Erection of dwelling and garage (Proposed change of house type from that previously approved under LA03/2018/0634/F, to include external alterations and re-positioning of dwelling) (Variation of Condition 2 from planning approval LA03/2022/0568/F – Two windows on first floor northwestern elevation, shall have restricted opening limited to an opening height of 1.4m above finished floor level. |
| SITE/LOCATION | 11 Lenamore Avenue, Newtownabbey, BT37 0PF |
| APPLICANT | Angus Patterson |
| AGENT | Hadleigh Jess |
| LAST SITE VISIT | 29/08/24 |
| CASE OFFICER | Eleanor McCann Tel: 028 903 40422 Email: eleanor.mccann@antrimandnewtownabbey.gov.uk |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Register https://planningregister.planningsystemni.gov.uk/application/692369 | |
| SITE DESCRIPTION | |
| <p>The application site is located at No. 11 Lenamore Avenue within the development limit of Metropolitan Newtownabbey, as defined within the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The site comprises a two storey dwelling with an attached single storey garage. The dwelling and garage is finished in smooth white render, stone cladding, hardwood timber windows and door and a double garage door. The topography of the site is relatively flat. The topography of the site is at the same level as the neighbouring properties and abuts Nos. 13 and 5 Lenamore Avenue to the northwest, No. 4 Lenamore Gardens to the northeast and No. 9 Lenamore Avenue to the southeast. Private amenity space is provided to the rear (northeast) of the dwelling. Parking provision is located to the front (southwest) of the dwelling.</p> <p>The southwestern boundary is defined by metal wire fencing approximately 2m in height. The northwestern boundary is partially defined by mature vegetation with maximum heights of approximately 4m and a close boarded timber fence approximately 1.8m in height. The southeastern boundary is defined by mature vegetation with maximum heights of approximately 4m and the northeastern boundary is defined by a close boarded timber fence approximately 1.8m in height.</p> <p>The surrounding area is predominantly residential, comprising of varying house types and design.</p> | |

RELEVANT PLANNING HISTORY

Planning Application: LA03/2018/0634/F

Location: 11 Lenamore Avenue, Jordanstown, Newtownabbey

Proposal: Demolition of existing dwelling and construction of replacement dwelling and garage.

Decision: permission granted (16/10/2018)

Planning Application: LA03/2022/0568/F

Location: 11 Lenamore Avenue, Jordanstown, Newtownabbey

Proposal: Erection of dwelling and garage (Proposed change of house type from that previously approved under LA03/2018/0634/F, to include external alterations and re-positioning of dwelling)

Decision: Permission granted (5/09/2022)

Planning Application: LA03/2024/1176/NMC

Location: 11 Lenamore Avenue, Jordanstown, Newtownabbey

Proposal: Non-material Change to Planning approval LA03/2018/0634/F (Demolition of existing dwelling and construction and replacement dwelling garage). Minor alterations to rear elevation and position of dwelling on site.

Decision: Consent Refused (18/01/2022)

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 (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 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 settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. 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 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 the 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

No consultations were carried out as part of the proposal.

REPRESENTATION

Seven (7) neighbouring properties were notified of the application and one letter of objection was received in respect of the development proposal.

Full representations made regarding this proposal are available from members to view online at the Planning Portal

<https://planningregister.planningsystemni.gov.uk/application/692369>

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

- The stipulations of Condition 2 of planning approval reference LA03/2018/0634/F in the interests of residential amenity;
- The reason for Condition 2 was referred to in the Development Management case officer reports for planning application references LA03/2021/1176/NMC and LA03/2022/0568/F, which stated that the reason for the obscure glazing was to 'ensure there is no significant detrimental impact on No. 13 Lenamore Avenue by way of overlooking/ loss of privacy' ;
- The objector had presumed some form of privacy glass or opaque covering would be applied before occupation of the dwelling, however the current application for the proposed variation of Condition 2 indicates this will now not happen;
- The limited privacy provided by tree leaf cover is seasonal and dependant on tree health, and is not a substitute for obscure glazing as a way to alleviate overlooking/loss of privacy; and
- The objector has no issue with the windows having a restricted opening, but would appreciate some form of privacy treatment being applied to the window serving the 'wardrobe'.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Condition to be Varied

- Other Material Considerations

Policy Context and Principle of Development

Section 54 of the 2011 Act applies to application for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application, the Council may only consider the question of the conditions subject to which planning permission should be granted and it cannot revisit the principle of the development granted previously. The Council can grant such permission unconditionally or subject to different conditions, or it can refuse the application if it decides the original condition(s) should continue. The original planning permission will continue to exist whatever the outcome of the current application.

The principle of development has been established on the site under planning application reference LA03/2022/0568/F, which granted full planning permission for the erection of a dwelling and garage (proposed change of house type from that previously approved under LA03/2018/0634/F, to include external alterations and re-positioning of dwelling) on 5th September 2022 with an expiry date of 4th September 2027 and as such the planning approval remains extant and the principle of development cannot be revisited.

Condition to be Varied

As indicated above the application seeks permission for the variation of Condition 2 of planning approval reference LA03/2022/568/F.

Condition 2 of planning application reference LA03/2022/0568/F reads:

'The two windows on the first floor northwestern elevation as shown on Drawing Number 04 bearing the date stamp 17th June 2022 shall be fitted with obscure glass, be non-opening and shall thereafter be permanently retained for the lifetime of the development.

Reason: In the interests of residential amenity.'

The current application seeks to vary Condition 2 of planning application LA03/2022/0568/F to read:

'The two windows on the first floor northwestern elevation as shown on Drawing Number 04 shall have a restricted opening limited to an opening height of 1.4 metres above finished floor level.'

The initial condition was attached 'in the interest of residential amenity' and it is noted that within the development management case officer report with respect to planning approval references LA03/2018/0634/F and LA03/2022/00568/F it is acknowledged that the obscure glazing is conditioned to ensure that there is no significant detrimental impact on No. 13 Lenamore Avenue by way of overlooking/loss of privacy.

It is proposed that the window shall have a restricted opening instead of being non-opening as stated within Condition 2 of LA03/2022/0568/F and the opening will be limited to a height of 1.4m above finished floor level.

As stated above, the objector, who occupies the dwelling at No. 13 Lenamore Avenue stated that Condition 2 of planning approval reference LA03/2018/0634/F stipulated that the two windows on the first floor northwestern elevation should be finished in opaque glazing, be non-opening and shall thereafter be permanently retained in the interests of residential amenity and that this consideration was also referred to in the case officer reports for planning application references LA03/2021/1176/NMC and LA03/2022/0568/F, with specific reference being made to the use of obscure glazing to ensure there is no significant detrimental impact on No. 13 Lenamore Avenue by way of overlooking/loss of privacy.

Planning application reference LA03/2024/1176/NMC (NMC) proposed a non-material change to the planning application reference LA03/2018/0634/F. Within the case officer report for the NMC application which proposed 'minor alterations to rear elevation and position of dwelling on site' it was stated that the submitted plans conflicted with Condition 2 of planning application reference LA03/2018/0634/F, as any notation of opaque glazing or non-opening windows to the two first floor windows location on the northwestern elevation was omitted, and as such was contrary to what was stipulated in Condition 2 of LA03/2018/0634/F. Consequently, the proposed non-material change was refused as the proposed changes were considered to be material on the basis of design and residential amenity.

The objector also stated that the limited privacy afforded by the tree cover along the northwestern boundary is seasonal and dependant on tree health and is not a substitute for obscure glazing as a way to alleviate overlooking/loss of privacy. The objector also stated that they would appreciate some form of privacy treatment being applied to the left- hand of the two first floor windows on the northwestern elevation, which serves a wardrobe.

It is recognised that the existing deciduous trees do not provide sufficient screening between the two properties at Nos. 11 and 13 Lenamore Avenue. The separation distance between the gable of No. 11 Lenamore Avenue and the rear building line of No. 13 Lenamore Avenue is only approximately 12 metres. The variation of the condition if approved, would result in a lack of obscure glazing on the two first floor windows on the northwestern elevation of the dwelling, which is not considered acceptable as this would allow direct views into the rear private amenity space of No. 13 Lenamore Avenue. As such, it is considered that obscure glazing is required on both the first floor windows to prevent a detrimental impact on the amenity of No. 13 Lenamore Avenues by way of overlooking and loss of privacy.

The objector went on to state that they have no issue with the restricted opening of the windows but would appreciate some form of privacy treatment being applied to the glazing. However, it is not considered that the restricted opening height of the windows in itself is an acceptable remedy to overlooking and loss of privacy. It is considered that even with obscure glazing the restricted opening would result in an unacceptable level of overlooking and loss of privacy would occur. It is considered if someone was to stand back from the window views into the rear amenity space of the neighbouring dwelling at No. 13 Lenamore Avenue will still be achievable. Additionally, no details were provided with regards to the mechanics of how the opening height of the windows would be limited to 1.4m above finished floor level. In summary, the proposed restricted opening height of the windows to 1.4m above finished floor level is not considered acceptable and if approved, would result is a

detrimental impact on the amenity of No. 13 Lenamore Avenue by way of overlooking and loss of privacy.

Other Material Considerations

The Council has now received the Planning Appeals Commission Report into the Independent Examination of the Councils draft Plan Strategy together with a Direction from the Department for Infrastructure. Until such times as Council adopts its Plan Strategy, the transitional arrangements referred to in Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) and Paragraph 1.15 of the draft Plan Strategy will apply. Where the draft Plan Strategy proposes any change to the policy, then only limited weight will be applied to the new draft Plan Strategy until it is adopted and therefore the policy tests within the PPS continue to be determining.

CONCLUSION

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

- The principle of development has been established through planning approval LA03/2022/0568/F; and
- It is considered that the variation of condition from planning approval reference LA03/2022/0568/F is unacceptable.

RECOMMENDATION

REFUSE PLANNING PERMISSION


PROPOSED REASON FOR REFUSAL

1. The proposal is contrary to the policy provision contained in the Strategic Planning Policy Statement and criterion (h) of Policy QD 1 PPS 7 and Policy LC 1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that if the variation of Condition 2 of LA03/2022/0568/F was to be approved, there would be an unacceptable impact on the residential amenity of No. 13 Lenamore Avenue, Newtownabbey by way of overlooking.



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Site Location Plan

1:1,250 

Reference: LA03/2024/0546/S54

 Site Location



| | |
|---|--|
| COMMITTEE ITEM | 4.7 |
| APPLICATION NO | LA03/2024/0369/F |
| DEA | BALLYCLARE |
| COMMITTEE INTEREST | REFUSAL RECOMMENDED |
| RECOMMENDATION | REFUSE PLANNING PERMISSION |
| PROPOSAL | 2 dwellings |
| SITE/LOCATION | Lands approximately 30m east of No. 51 Trenchill Road, Ballyclare, BT39 9JJ |
| APPLICANT | Stafford Houston |
| AGENT | TSA Planning |
| LAST SITE VISIT | 14 th June 2024 |
| CASE OFFICER | Sharon Mossman Tel: 028 903 40417 Email: Sharon.mossman@antrimandnewtownabbey.gov.uk |
| Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal https://planningregister.planningsystemni.gov.uk/application/688188 | |
| SITE DESCRIPTION | |
| <p>The application site is located on lands approximately 30m east of No. 51 Trenchill Road, Ballyclare which is within the countryside and outside any development limits as defined by the draft Belfast Metropolitan Area Plan 2004 (dBMAP).</p> <p>The application site forms a rectangular shape cut out of a larger agricultural field. No. 51 Trenchill Road is located to the west of the application site, with farm outbuildings associated with No.47 Trenchill Road located to the east of the site. The topography of the site is generally flat throughout and at the time of the site visit appeared to be used for agricultural purposes. The southern (roadside) and western boundaries are defined by a 1.5m high hedgerow. Access to the site is currently achieved via an existing agricultural entrance.</p> <p>The surrounding character of the area is rural countryside with dwellings and outbuildings spread throughout intermittently.</p> | |
| RELEVANT PLANNING HISTORY | |
| <p>Planning Reference: LA03/2023/0594/O Location: Lands approximately 30m east of No. 51 Trenchill Road, Ballyclare Proposal: 2 Dwellings and Garages Decision: Permission refused (23/02/24)</p> | |
| PLANNING POLICY AND GUIDANCE | |
| <p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, 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</p> | |

provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan (2004): The application site is located outside any development limits and lies in the countryside as designated by these Plans which offers no specific policy or guidance.

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

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

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

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

CONSULTATION

Council Environmental Health Section - No objection

Northern Ireland Water - No objection

Department for Infrastructure Roads - No objection, subject to conditions

Historic Environment Division - No objections

REPRESENTATION

Four (4) 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, Layout and Impact on Character and Appearance of the Area
- Neighbour Amenity
- Access Movement and Parking
- Other Matters

Policy Context and Principle of Development

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

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

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

Both of the relevant development plans identify the application site as being within the open countryside. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

Policy CTY 1 of PPS 21 indicates that there are certain types of development acceptable in principle in the countryside and that will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is Policy CTY 8 which permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. Policy CTY 1 goes on to state that other types of development will only be

permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Whilst the main thrust of Policy CTY 8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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

In this case, the application site comprises a gap between No. 51 Trenchill Road (a dwelling and garage) and No.147 Trenchill Road (a dwelling and associated farm outbuildings), all of which front onto the roadway. It is considered that the proposal satisfies the first element of Policy CTY 8 in that the gap is within a substantial and continuously built up frontage.

The second element of Policy CTY 8 requires the gap to be a small gap site sufficient only to accommodate a maximum of two dwellings. Additionally, the third element of Policy CTY 8 states that the proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

In this case, the frontage widths of properties within the substantial and continuously built up frontage vary between 44m and 90m, with an average of 67m. The plots under consideration have a site frontage of approximately 27m and 54m. While 27m is a smaller frontage than exhibited within its context, the plot width of this plot gradually enlarges as the distance from the road increases.

The justification and amplification text of paragraph 5.34 of policy CTY8 is clear that the gap is between dwellings or other buildings, and not the frontage of the application site. In this case, the gap between the proposed dwellings (House Type 1 and House Type 2) is 25m. The gap between House Type 2 and No.51 Trenchill Road is 26m. The distance between House Type 1 and the agricultural shed is 28.5m and the distance between the agricultural shed and No. 47 Trenchill Road is 24.5m.

Taking into consideration the average width size, a gap width of 120m could accommodate a maximum of two dwellings whilst still respecting the overall character of the existing ribbon of development along Trenchill Road. It is therefore considered that the proposal meets the policy requirements of CTY 8.

Design, Layout and Impact on Character and Appearance of the Area

All dwellings in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21.

Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the landscape and will integrate into its surroundings, whilst Policy CTY 14 states that planning permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area.

Outline planning permission was previously refused on the site for two dwellings and garages under Ref: LA03/2023/0594/O. It was considered that due to the lack of long established boundary treatments on the site, the dwellings would have to rely on new landscaping to integrate, therefore failing to blend with the landform and appearing more visually prominent on the landscape. The agent refers to two recent appeal decisions (Ref's: 2021/A0175 & 2021/A0174) on two infill sites on the Springvale Road, a short distance from the application site. In that case the PAC were satisfied that the sites would provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed dwellings and garages would blend with the landform, existing trees, vegetation and buildings to provide a backdrop. The PAC acknowledged that both sites lacked long established natural boundaries, however it was content the lack of a hedgerow site boundaries to the rear and between the appeal sites would not warrant refusal and the dwellings could integrate into the landscape. The

In the current case, views from the west of the site are partially restricted by trees along the western boundary, the higher topography to the north and west of the site and the trees along the northern boundary. When travelling east, long distance views of the site are screened by No. 47 and the trees along the western boundary. Views of the site are partially filtered by the mature trees on the eastern boundary of No. 47. A belt of trees to the east of the site alongside the rising topography to the east and northeast of the site assists in the provision of a backdrop from this approach. The site lacks mature boundaries to the rear and between the two dwellings. The existing roadside hedgerow is also to be removed to facilitate the visibility splays.

While the recent PAC decision is a material consideration, all applications must be determined on their own merits. In this case the removal of the roadside hedgerow and the lack of any backdrop would leave any dwelling(s) open and would fail to integrate into the landscape due to the lack of enclosure and lack of any significant backdrop. The roadside nature of the dwellings and the lack of any significant backdrop would mean that the proposed dwellings would also be a prominent feature in the landscape.

Estate railings are also used to define the roadside boundary alongside the hedgerow which are considered to be a suburban feature and are considered to be unacceptable in this instance.

The proposal consists of two separate house types, House type 1 is the smaller of the two and is sited in the eastern portion of the site. The dwelling has a rectangular body and is one and a half storey with a ridge height of approximately 6.1m from finished floor level. The dwelling has single storey projections to the rear and western gable, with a depth of 10m and width of 17.7m. The dwelling is set back approximately 21.5m from the Trenchill Road and its fenestration generally maintains a vertical emphasis. The dwelling is finished in natural stone with smooth render and blue grey slate tiles.

The second proposed dwelling (House type 2) is situated in the western portion of the site and is set back approximately 25m from the Trenchill Road. The dwelling has a rectangular body and is one and a half storey with an approximate height from finished floor level of approximately 6.2m. The dwelling has single storey projections to each elevation and has a maximum depth of approximately 12.5m. It has an overall width of approximately 24m and two side projections which sufficiently break up this width and step down the ridge height at both gables. The fenestration of the dwelling generally maintains a vertical emphasis and is finished in render and blue grey slate tiles.

In summary, it is considered that the site lacks long established boundary treatments to satisfactorily integrate with its surroundings contrary to the criteria of Policy CTY 13 of PPS 21.

Neighbour Amenity

No. 51 Trenchill Road abuts the application site to the west and comprises a dwelling which has a separation distance of approximately 26m from the first proposed dwelling within the intervening (eastern) boundary being defined by a 1.5m hedgerow and mature trees. As such, given the level of screening and the separation distance, it is considered the amenity of No. 51 Trenchill Road is not adversely impacted by the development.

Agricultural buildings are situated between the application site and No. 47 Trenchill Road to the east of the site. As such, views towards this neighbouring property are screened and it is considered no detrimental impact is expected to occur from the development upon this property.

The two proposed dwellings have a separation of approximately 25m between them and as such, neither would negatively impact the residential amenity of the other.

Access Movement and Parking

Access to the site is gained by a new shared access onto Trenchill Road. DfI Roads was consulted regarding the application and responded with no objections to the proposed means of access. It is therefore considered that the proposed development is compliant with the relevant policy provisions of the SPPS and PPS 3.

Other Matters

The application site lies within the zone of influence for an archaeological monument. DfC Historic Environment Division (HED) was consulted with regards to the development proposal and offered no objections. Given that the application is within the existing curtilage of the dwelling, it is considered that the proposed development would have no impact upon these archaeological features in compliance with PPS 6.

More than 30m of road hedgerow is to be removed to facilitate the visibility splays of the development. The agent submitted a Biodiversity Checklist and Ecological Statement (Document 03, date stamped 20.08.24) which details that the loss of native roadside hedgerow is to be mitigated by a replacement native roadside hedgerow and by a new native species hedgerow between the two plots. As appropriate mitigation has been provided to mitigate the loss of priority hedgerow habitat, the development is considered to comply with Policy NH5 of PPS 2. A

condition is attached for the planting to be carried out in accordance with the site plan and an informative added in relation to wild birds.

CONCLUSION

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

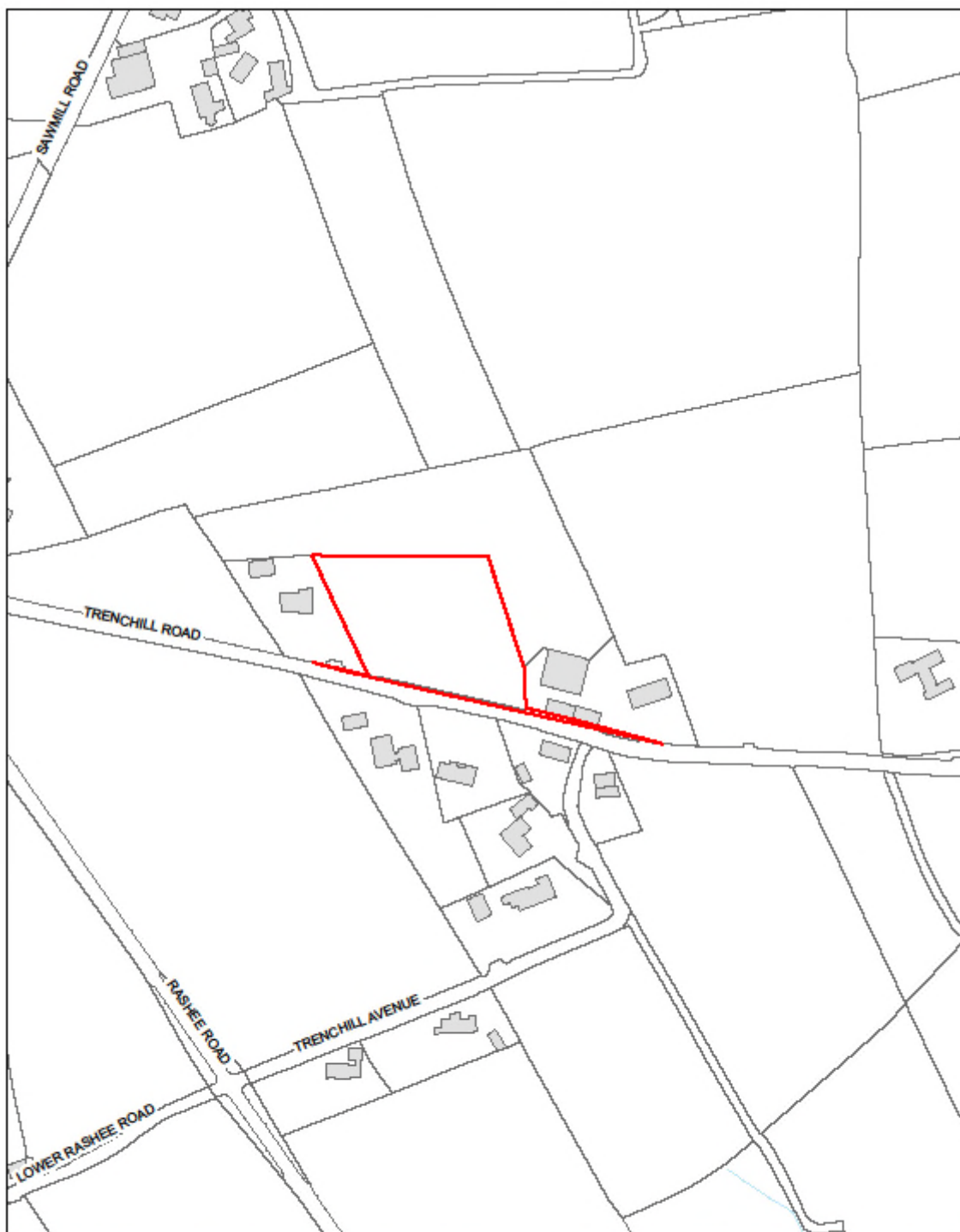
- The principle of development is considered acceptable;
- It is considered that the proposal will fail to integrate appropriately with the surrounding landscape;
- The proposal is not considered to result in adverse impacts on neighbouring properties;
- The proposal is not considered to prejudice road safety;
- There are no archaeological concerns; and
- The loss of priority habitats are adequately mitigated.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwellings will fail to blend with the landform, the application site lacks long established boundary treatments and relies primarily on new landscaping for integration.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 13 and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwellings will appear prominent within the landscape.



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Site Location Plan

1:2,500 

Reference: LA03/2024/0369/F

 Site Location



PART TWO

OTHER PLANNING MATTERS

ITEM 4.8

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS NOVEMBER 2024

1. Purpose

The purpose of this report is to update Members on the planning applications decided under delegated powers and decisions issued by the Planning Appeals Commission (PAC) in November 2024.

2. Delegated Decisions of Council

A list of planning decisions issued by Officers during November 2024 under delegated powers together with information relating to planning appeals are **enclosed** for Members' information.

3. Planning Appeal Commission Decisions

Two appeals (2) were allowed subject to conditions, during November 2024 by the PAC.

| | |
|----------------------------|---|
| Planning application: | LA03/2021/0745/F |
| PAC reference: | 2022/A0215 |
| Proposed Development: | Residential development comprising 33 no. units (19 no. Category 1, 3 Wheelchair Units and 11 no. General Needs), access, parking, landscaping and associated siteworks |
| Location: | Lands at 285-291 Shore Road, Newtownabbey |
| Date of Appeal Submission: | 21/04/2023 |
| Date of Appeal Decision: | 12/11/2024 |

| | |
|----------------------------|---|
| Planning application: | LA03/2022/0326/F |
| PAC reference: | 2022/A0168 |
| Proposed Development: | Retention of building for use as embroidery workshop and office |
| Location: | 22 Hollybrook Road, Randalstown |
| Date of Appeal Submission: | 30/01/2023 |
| Date of Appeal Decision: | 26/11/2024 |

A copy of the decisions are **enclosed**.

One appeal (1) was dismissed during November 2024 by the PAC.

| | |
|----------------------------|---|
| Planning application: | LA03/2023/0663/F |
| PAC reference: | 2024/A0029 |
| Proposed Development: | Temporary mobile home (retrospective). |
| Location: | Land 25m south of 47 Knockagh Road, Newtownabbey. |
| Date of Appeal Submission: | 20/06/2024 |
| Date of Appeal Decision: | 27/11/2024 |

A copy of the decision is enclosed.

4. Recommendation

It is recommended that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business
Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.9

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT NOVEMBER 2024

1. Purpose

The purpose of this report is to update Members on the Proposal of Application Notices received during November 2024.

2. Background

Under Section 27 of the 2011 Planning Act prospective applicants for all development proposals which fall into the Major development category are required to

- give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted.
- 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.

3. Proposal of Application Notices

| | |
|------------------------|---|
| PAN Reference: | LA03/2024/0819/PAN |
| Proposal: | Proposed extension of existing hard rock quarry and inert landfill on previously worked lands approximately 200m south west of existing quarry/landfill (approved by U/2014/0096/F). Proposed site operations involve quarrying of bedrock (including blasting) to a maximum depth of 260mOD and concurrent landfilling of void space created by the quarrying with inert wastes, and associated activities, with land restoration to create a sympathetic final profile across the wider site including realignment of haul roads, new site office/welfare facilities, drainage control measures and environmental monitoring systems. |
| Location: | 59 Upper Hightown Road, Belfast, BT14 8RR |
| Applicant: | Macwill Service |
| Date Received: | 12 November 2024 |
| 12 week expiry: | 4 March 2025 |

4. Recommendation

It is recommended that the report be noted.

Prepared by: Stephanie Boyd, Planning and Economic Development Business
Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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



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Site Location Plan

1:5,000

Reference: LA03/2024/0819/PAN

 Site Location



ITEM 4.10

P/PLAN/90 PLANNING APPLICATION VALIDATION CHECKLISTS

1. Purpose

The purpose of this report is to provide Members with an update on the new Planning Application Validation Checklists.

2. Background

Members were previously advised that the Department for Infrastructure has made a Statutory Rule entitled "The Planning (General Development Procedure) (Amendment) Order (NI) 2024 which will come into operation on 1 April 2025. Officers have engaged with Planning Committee Members in relation to the proposed Council's Validation Checklist. In addition, the Department has held a workshop for stakeholders and is bringing forward a practice note for planning application validation checklists. The legislation will also bring forward the right to appeal a non-validation decision and the Department has advised that the Planning Appeals Commission is considering guidance on this matter.

3. Key issues

The Department for Infrastructure has made a Statutory Rule entitled "The Planning (General Development Procedure) (Amendment) Order (NI) (GDPO) 2024 which will come into operation on 1 April 2025.

Officers have engaged with Planning Committee Members in relation to the proposed Council's Validation Checklist. In addition, the Department has held a workshop for stakeholders and are producing a practice note for planning application validation checklists.

Councils will need to consider specifying a Direction in writing and publishing a checklist of information requirements on their websites to ensure that the validation checklist prepared becomes mandatory and that applicants have the right to appeal. Where a Direction is not made, the validation checklist will largely remain voluntary in nature bar the limited statutory requirements as set out in the GDPO.

The Department is also recommending that in the interests of stakeholder buy in, Councils take into account the views of the local community in the preparation of their planning validation checklists. While not a statutory requirement it is recommended that, proposed checklists (or later revisions) are subject to engagement with the local community, including with statutory and other planning consultees, applicants, and planning agents. It will be a matter for Councils to decide the manner and approach to such engagement.

Considerations for Elected Members include that during this period the Council will move towards adoption of its Plan Strategy and a period of transition will follow. It is anticipated that this will also result in a period of transition for applicants and developers regarding applications being submitted and in the planning system. As indicated in last month's budget report, as with the majority of Council's in Northern

Ireland, there has been a decline in the number of planning applications being submitted which has had an impact on planning income. Therefore, Officers propose the attached timeline in Annex A for information and will provide an update to Elected Members in due course. A copy of the proposed draft validation checklist is **enclosed** for information.

4. Recommendation

It is recommended that the report be noted.

Prepared and Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ANNEX A

| Stage | |
|------------------|---|
| January 2025 | Workshop with stakeholders and roll out of trial validation list. Advert to be placed to invite public to drop in information sessions. |
| February 2025 | Trial of validation list and stakeholder engagement to continue. |
| March/April 2025 | Feedback, final validation list and agreed timeline for Direction to be brought to Planning Committee for consideration. |

ITEM 4.11

P/PLAN/1 LAUNCH OF COASTAL CHANGE INFORMATION TOOL

1. Purpose

The purpose of this report is to advise Members that the Department of Agricultural, Environment and Rural Affairs (DAERA) has now launched a Coastal Change Information Tool on the Northern Ireland Coastal Observatory mapviewer.

2. Background

The Northern Ireland Coastal Observatory is a platform that has been created to collate, store, display and share coastal data across Northern Ireland. DAERA has been addressing the shortfall of scientifically robust baseline data on how the Northern Ireland coastline is changing and over the past few years a concerted effort has been made to build the current evidence base.

As part of this effort, on 6 November 2024, the Council as a Coastal Forum Working Group member, was advised by DAERA that a new extension to the Northern Ireland Coastal Observatory mapviewer had gone live, which details how the coast is changing. This new tool can be found via the following link: [Maps | Northern Ireland Coastal Observatory](#).

3. Key Issues

The Coastal Change Information Tool, created by Ulster University, provides over 140 contextual information pop-outs around the coast, helping to explain the observed shoreline change dynamics. Each information point contains the following details:

- A description of the historic patterns of shoreline change;
- An interpretation of the reasons for the long-term changes observed;
- Identification of features of particular importance to shoreline dynamics; and
- A statement of possible future shoreline behaviour.

4. Recommendation

It is recommended that the report be noted.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.12

P/PLAN/1, P/FP/LDP/96 UPDATE ON LOCAL DEVELOPMENT PLAN 2030, DRAFT PLAN STRATEGY ADOPTION, AND DRAFT LOCAL POLICIES PLAN UPDATE

1. Purpose

The purpose of this report is to provide Planning Committee Members with an update on the Council's Draft Plan Strategy, which is the first part of the Council's new Local Development Plan, specifically preparation for adoption, and progress on the Draft Local Policies Plan, specifically consultant-led assessment on range of topics.

2. Introduction/Background

Draft Plan Strategy, Adoption

Members are reminded that a report was presented to Planning Committee on 28 October 2024 which set out the stages required during the interim period before the eventual Adoption of the Council's Draft Plan Strategy (DPS).

Members are advised that Officers have updated the DPS document to reflect the ninety three (93) modifications that were set out within the Department for Infrastructures (DfI) Direction, Schedule 1. A working draft of this has been forwarded to Shared Environmental Service (SES) regarding the requirement for an updated Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). Once complete, these and other assessments (Equality (Section 75) Screening, and Rural Needs Impact) will be subject to public consultation, and in relation to the HRA, formal consultation with DAERA (in its role as a statutory consultee).

An update of the preparatory stages prior to Adoption will be presented to Members in due course.

Draft Local Policies Plan

Officers continue to engage with consultants on various work streams relating to the preparation of the Draft Local Policies Plan (DLPP) including:

- Strategic Landscape - Consideration of draft Local Landscape Policy Areas (LLPAs) and Strategic Landscape Policy Areas (SLPAs);
- Strategic Homes – An inception meeting took place between Officers and the appointed consultant (Nexus Planning) on 15 November 2024. An update of the assessment will be brought to Members in due course.

Strategic Homes Stakeholder Engagement

The consultant led study in relation to Homes will require a robust methodology to inform Elected Members' decisions in relation to the zoning of housing within the Borough. As such, stakeholder engagement is critical. Consequently, the consultant proposes to form an 'expert panel' to advise on the appropriateness and verify assumptions around methodologies, to allow for their consistent application.

Although full details of the process are yet to be finalised by the consultants, it is anticipated that this would be a targeted, technical process and not time intensive.

At this early stage it is anticipated that the panel would consist of Council Officers, key consultees to the planning process and members of the development and housing industries, represented through relevant umbrella trade groupings. It is also recommended at this early stage of the process that the Chair and Vice Chair of the Planning Committee (who also sit on the Local Development Plan Steering Group) be invited onto the panel.

In addition, Officers continue to progress the evidence base for Strategic Employment lands, to include data to ensure the Local Development Plan (LDP) is protecting and maintaining a range and quality of employment lands that facilitates business growth, promotes economic diversification, and protects the Borough's Strategic Employment Locations (SEL) and Local Employment Sites (LES). Officers are finalising the latest 2023-2024 Annual Employment Lands Monitor, and this will be shared with Members in due course, and subject to agreement, published on our website for public information purposes.

Supplementary Planning Guidance

Members are reminded that the Draft Plan Strategy commits the Council to bring forward, as appropriate, a range of supplementary planning documents (SPGs) to support the implementation of the LDP together with advice notes and information to assist applicants in the planning process (DPS, para 1.10, page 19). Officers are currently drafting an SPG relating to Affordable Housing Planning Applications and a positive planning note in relation to Swift Birds in New Development. These will be shared with Members in due course, and it is anticipated both will be subject to a short public consultation period and publication of the final versions on our website.

3. Recommendation

It is recommended that the report be noted and the Chairperson and Vice Chairperson of the Planning Committee be invited to sit on the expert panel being established to develop the methodology for housing study work.

Prepared by: Simon Thompson, Local Development Plan and Enforcement Manager

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.13

P/PLAN/1 ROYAL TOWN PLANNING INSTITUTE (NI) SPONSORSHIP OPPORTUNITIES 2025

1. Purpose

The purpose of this report is to advise Members of the proposed Royal Town Planning Institute (RTPI) (NI) activities/events and sponsorship opportunities for 2025.

2. Introduction/Background

The RTPI is the professional body representing planners in the United Kingdom and Ireland, promoting and developing policy affecting planning and the built environment, and offering a comprehensive programme of events and accredited training for members as well as an awards programme.

Each year, in addition to their annual events (dinner, conference and law update) RTPI run a varied and interesting mix of online and in person CPD events. The RTPI NI Conference attracts over 100 people each year. To coincide with the new format of the RTPI Awards for Planning Excellence they also hold a lunchtime awards ceremony in June to celebrate Northern Ireland award winners. As well as offering a growing CPD programme, RTPI Northern Ireland is also working on activities to promote planning as a career with key partners across Northern Ireland.

3. Summary

RTPI NI plans to build on their successful CPD programme and to do this are offering the opportunity to sponsor key events and activities. All their sponsorship packages include public thanks at the relevant event and a mention on social media.

In the **enclosed** document you will find details of proposed activities, and where appropriate the financial value of this support. However, it is not only financial contributions which are being sought: speakers, venues and other contributions are also needed for events and activities.

Proposed activities for RTPI Events 2025:

| | |
|--|----------------------------|
| NI Awards for Planning Excellence open for entries | 16 January |
| NI Annual Dinner | 6 March, HMS Caroline |
| NI Welcome Event/Awards Announcement | 9 June, Ulster University |
| NI Annual Conference | 10 September, Europa Hotel |
| NI Annual Planning Law Update | 17 November, W5 |

(Please note some of these dates and venues may be subject to change)

Given the success of attendance and recognition for Antrim and Newtownabbey Borough Council as a result of attending last year's event being the first and only Council in Northern Ireland to attend, it is recommended that consideration is given to being a Headline Sponsor at NI Annual Dinner (Headline Sponsor - £1,500+ VAT) This includes a table (8 or 10 tickets depending on venue) for the dinner, logo on

publicity materials, email marketing and social media, pop-up in the main room, an opportunity to speak at the dinner and public thanks.

4. Recommendation

It is recommended that Council agrees to be a Headline Sponsor of the RTPI NI Annual Dinner on 6 March 2025 at a cost of £1,500 plus VAT, and that the Chairperson and Vice Chairperson along with Planning Committee Members and relevant Officers attend the event.

Prepared by: Stephanie Boyd, Planning and Economic Development Business Support Supervisor

Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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

ITEM 4.14

P/FP/LDP/6 DEPARTMENT FOR INFRASTRUCTURE (DFI) PLANNING IMPROVEMENT PROGRAMME

1. Purpose

The purpose of this report is to advise Members that the Director of Regional Planning Governance and Legislation, Rosemary Daly, has written seeking a meeting with the Chairperson of the Planning Committee and Planning Officers to discuss planning improvements.

2. Background

The Department for Infrastructure (DfI) has been bringing forward a planning improvement programme following the outcome of a report by the Northern Ireland Public Accounts Committee which is available at

<https://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>.

The Director of Regional Planning Governance and Legislation, Rosemary Daly has written seeking a meeting with the Chairperson of the Planning Committee and Planning Officers to discuss planning improvements. A meeting will be arranged for the New Year.

3. Key issues

The views of the Chairperson of the Planning Committee are likely to be sought by the Department in relation to planning improvements/issues. Therefore, it is recommended that any Member or party groups wishing to raise any aspects of the planning system should advise the Chairperson by the end of the month. The Chairperson will not be raising any issues to do with individual planning applications or representatives thereof.

4. Recommendation

It is recommended that the Chairperson be notified by individual Members or party groups by the end of December 2024 on any key strategic planning improvement matters which they wish to be raised.

Prepared and Agreed by: Sharon Mossman, Deputy Director of Planning and Building Control

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