



15 May 2019

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew, T Campbell and T Hogg,
Councillors – J Archibald, H Cushinan, S Flanagan,
R Kinnear, M Magill, R Swann 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 20 May 2019 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

Tel: 028 9034 0098 / 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – MAY 2019

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 Part One of the Planning Committee agenda do not require ratification by the full Council.

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

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

PART TWO

Other Planning Matters

- 3.1 Delegated planning decisions and appeals April 2019
- 3.2 Proposal of Application Notices
- 3.3 Provisional TPO – Rush Park
- 3.4 Pre-determination Hearing for Planning Application LA03/2015/0173/F:
Residential Development at Trench Lane, Mallusk
- 3.5 Correspondence from DfI re: Planning Monitoring Framework
- 3.6 Correspondence from DfI re: Planning Fees
- 3.7 Lough Neagh Sand Extraction
- 3.8 Meeting with DfI Senior Officials - **In Confidence**

PART ONE

Decisions on Enforcement Cases – In Confidence

- 3.9 Enforcement Case: LA03/2018/0322/CA - **In Confidence**
- 3.10 Enforcement Case: LA03/2018/0404/CA - **In Confidence**
- 3.11 Enforcement Case: LA03/2018/0308/CA - **In Confidence**
4. Any Other Business

PART ONE

Decisions on Planning Applications

3.12 Planning Application No: LA03/2019/0010/F

Proposed driver training centre and rally school including steel container with lean to extension and fencing and provision of new access on lands 625m SW of Nutts Corner roundabout to west of Moira Road, Ballydonaghy, Glenavy

3.13 Planning Application No: LA03/2019/0188/O

Infill dwelling and garage (site 1) on land between 30 & 32 Lislunna Road, Kells

3.14 Planning Application No: LA03/2019/0189/O

Infill dwelling and garage (site 2) on land between 30 & 32 Lislunna Road, Kells

3.15 Planning Application No: LA03/2019/0106/O

Proposed site for infill dwelling and garage on land between 28b and 28a Ballyhill Lane, Nutts Corner, Crumlin

3.16 Planning Application No: LA03/2019/0138/O

Infill dwelling and garage on land adjacent to 378 Ballyclare Road, Newtownabbey

3.17 Planning Application No: LA03/2019/0263/O

Proposed infill site for 2no. dwellings and garages on lands 20m east of 714 Antrim Road, Templepatrick, Ballyclare

3.18 Planning Application No: LA03/2019/0125/A

Retention of Hoarding sign (temporary) 113 Ballynure Road, Ballyclare

3.19 Planning Application No: LA03/2019/0183/A

Retention of temporary freestanding 6.65metre sign for a period of 2 years on lands at former Enkalon Site to the north west of Enkalon Sports and Social Club and Steeple Burn watercourse south west of Enkalon Industrial Estate and north east of Plaskets Burn and Umry Gardens Randalstown Road Antrim

3.20 Planning Application No: LA03/2019/0088/F

Change of use from amenity grass area to urban sports park (to include fencing, features & lighting); development of paths, lighting, swale and associated soft landscape works at Valley Park, Church Road, Newtownabbey (Lands adjacent and to the rear of Abbey Retail Park)

3.21 Planning Application No: LA03/2017/0644/F (Non-determination appeal)

Residential housing development of 124 no. homes comprising a mix of detached, semi-detached, townhouses and apartments including conversion of existing stone barns, public open space and landscaping, principal access from Ballycorr Road and secondary access from Ballyeaston Road, congestion alleviation measures to include parking lay-by on Ballycorr Road and signalisation of the Rashee Road/Ballyeaston Road junction and any other necessary ancillary works at Land to the north of 93 to 103 Ballycorr Road, north east of 13 to 27 Elizabeth Gardens, and south east of 92 Ballyeaston Road, Ballyclare.

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 20 MAY 2019**

PART TWO

OTHER PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during April 2019 under delegated powers is **enclosed** for Members attention together with information received this month on planning appeals.

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

ITEM 3.2

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

Members will be aware that prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). Three PANs were registered during April 2019 the details are set out below.

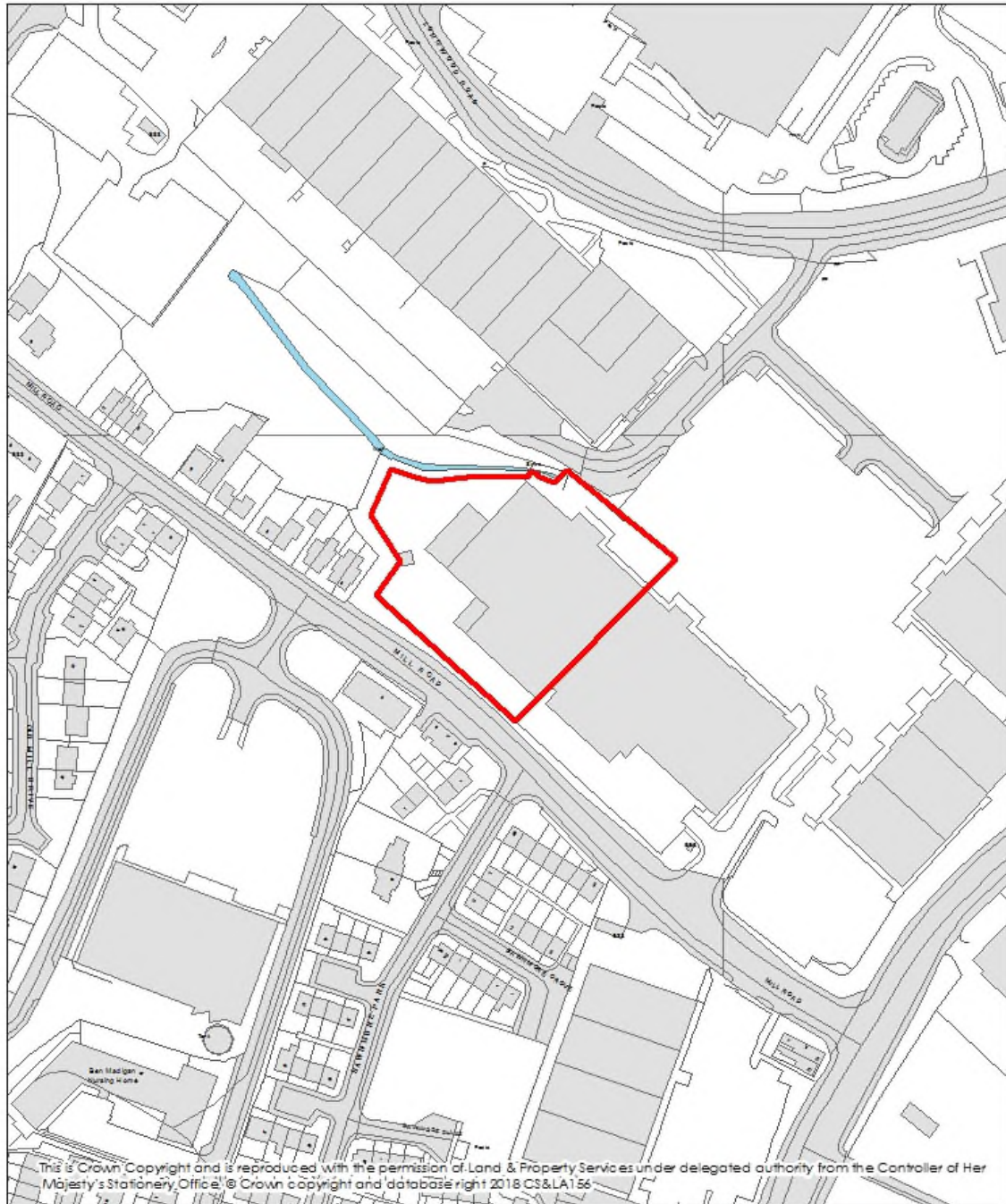
PAN Reference:	LA03/2019/0269/PAN
Proposal:	Variation of use of existing retail unit to allow the sale of convenience, non bulky and bulky goods
Location:	Unit 7, Longwood Retail Park, Longwood Road, Newtownabbey
Applicant:	TJ Morris Ltd
Date Received:	1 April 2019
12 week expiry:	24 June 2019
PAN Reference:	LA03/2019/0333/PAN
Proposal:	Proposed residential development comprising c. 160 dwelling units, garages, car parking, site access, construction of bridge, open space and landscaping and all other associated site works
Location:	Lands adjacent and west of Park Road Mallusk (opposite and west of The Poplars residential development; adjacent and north of 1 & 2 Park Manor; north of 117-121 Mallusk Road; and adjacent and west of 11 Park Road)
Applicant:	Park Road Developments (NI) Ltd
Date Received:	24 April 2019
12 week expiry:	17 July 2019
PAN Reference:	LA03/2019/0337/PAN
Proposal:	Retention of existing mixed retail store (Poundland)
Location:	Retail Warehouse Unit 2 The Junction Factory Outlet & Retail Park 111 Ballymena Road Antrim
Applicant:	Dealz
Date Received:	26 April 2019
12 week expiry:	19 July 2019

Members will recall that under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12 week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

RECOMMENDATION: that the report be noted.

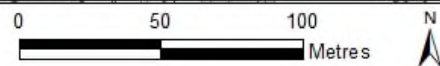
Prepared by: Kathryn Bradley, Executive Officer, Planning

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



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Location Map



Application Reference: LA03/2019/0269/PAN

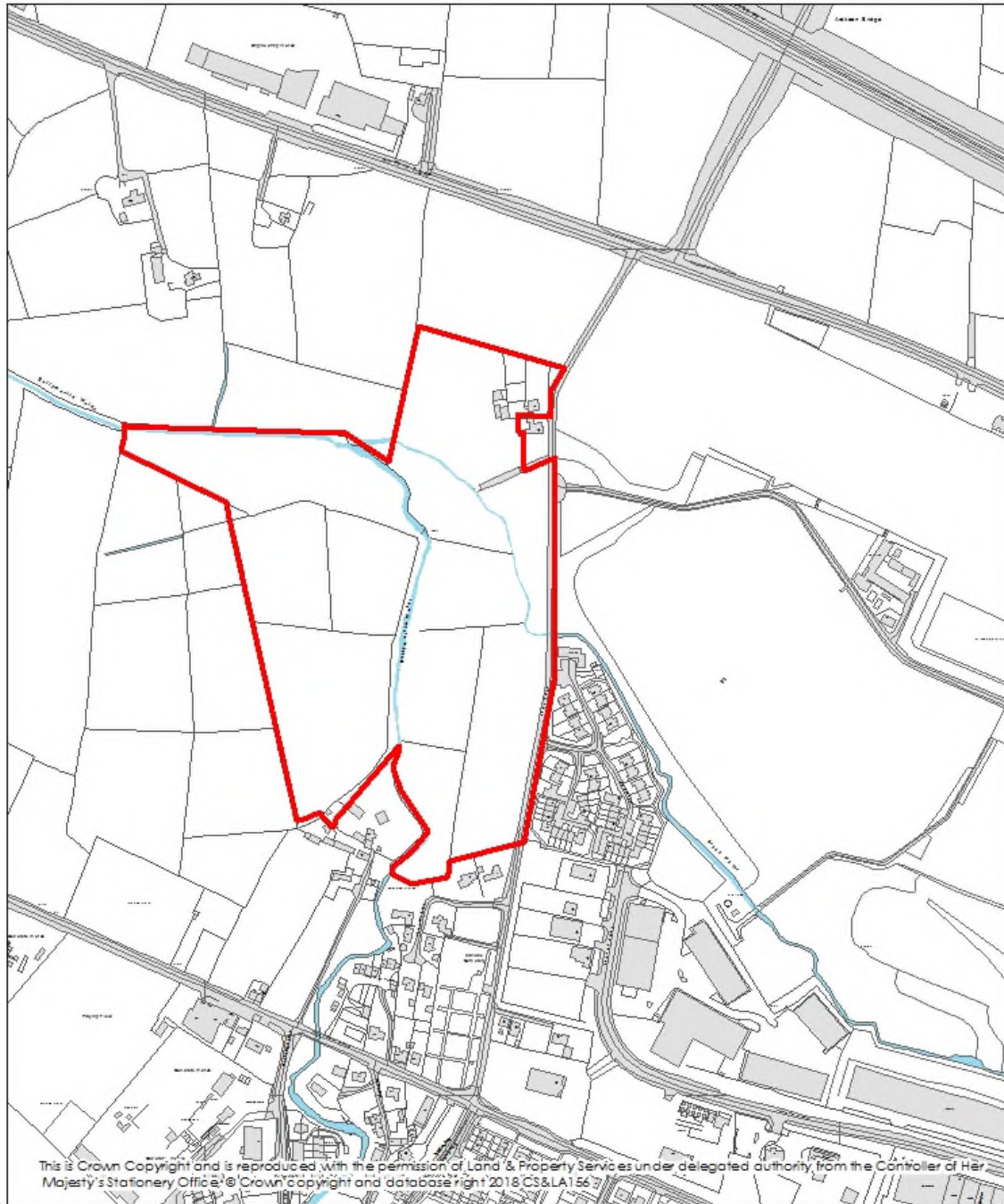
Unit 7, Longwood Retail Park, Longwood Road,
Newtownabbey

Variation of use of existing retail unit to allow
the sale of convenience, non bulky and bulky goods

 Site Boundary

For Information Only





Location Map

Application Reference: LA03/2019/0333/PAN

Proposed residential development comprising c. 160 dwelling units, garages, car parking, site access, construction of bridge, open space and landscaping and all other associated site works

Site Boundary

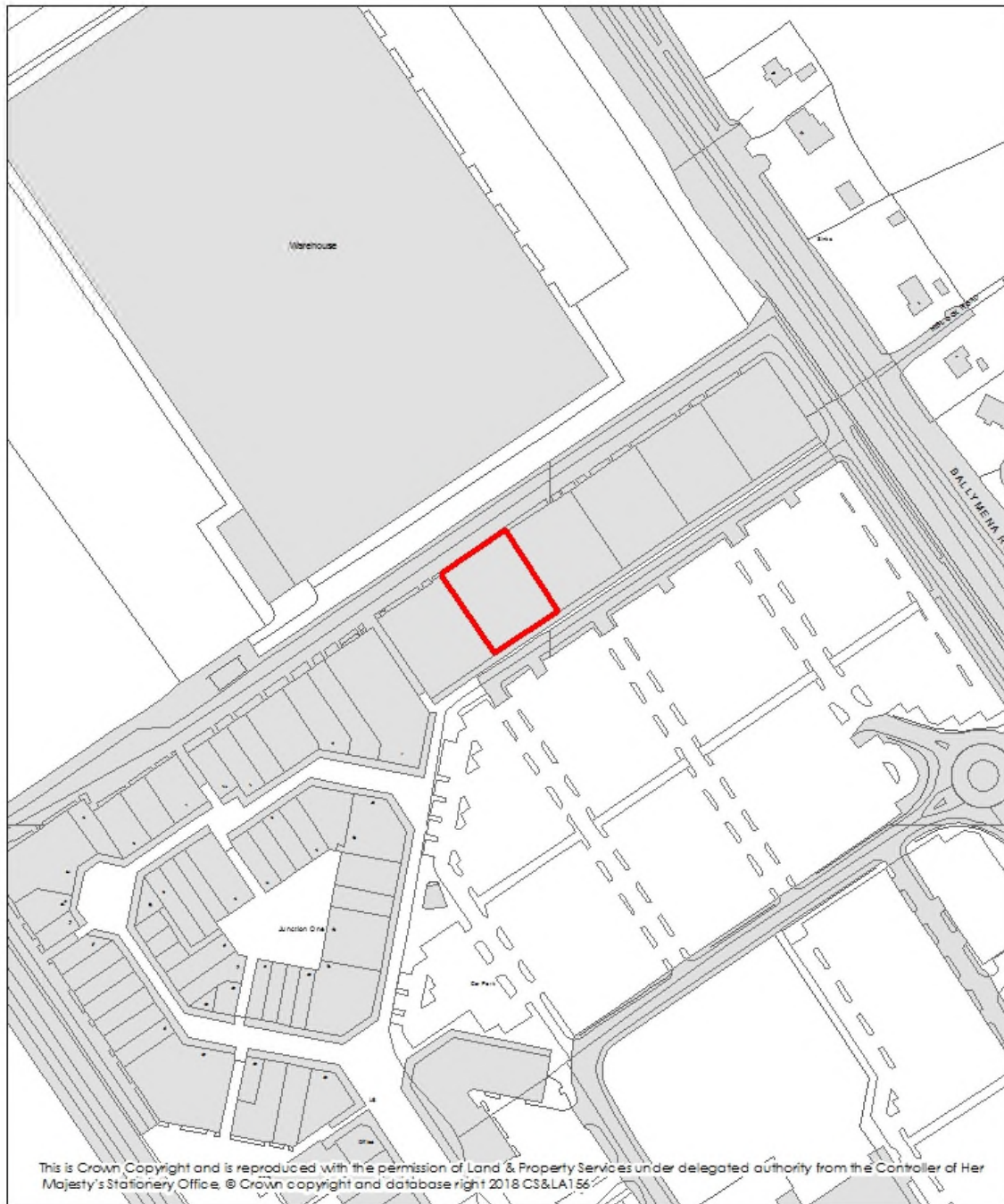
For Information Only

0 70 140 280
Meters



Lands adjacent and west of Park Road
Mallusk (opposite and west of The Poplars
residential development; adjacent and north of
1 & 2 Park Manor; north of 117-121 Mallusk Road;
and adjacent and west of 11 Park Road)





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Location Map

Application Reference: LA03/2019/0337/PAN

0 20 40 80
Meters



Retail Warehouse
Unit 2

The Junction Factory Outlet & Retail Park
111 Ballymena Road Antrim

Retention of existing mixed retail store
(Poundland)



Site Boundary

For Information Only



ITEM 3.3

TPO/2018/0067/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS AT RUSH PARK, NEWTOWNABBEY.

Section 122 of the Planning Act (Northern Ireland) 2011 empowers the Council to make provision for the preservation of trees or woodlands where it appears that it is expedient in the interests of amenity. The purpose of the Order is to preserve the trees on this site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Members will recall that at the January 2019 Planning Committee meeting Officers reported the service of a Provisional TPO on the above lands on 21 December 2018 in accordance with Section 123 of the Planning Act (Northern Ireland) 2011.

In accordance with Section 123 of the Planning Act (Northern Ireland) 2011 the Tree Preservation Order must be confirmed on or before 21 June 2019, being 6 months from the date of service of the Provisional TPO, should the Council wish to do so.

The Council invited representations from those with an interest in the land and properties adjoining the land, which were to be received within 28 days of the date of the Order. One representation was received from the Northern Ireland Housing Executive (NIHE) who objected to the TPO. NIHE has advised it has a policy of maintaining and preserving its tree stock and that the trees in Rush Park are professionally maintained in line with good arboriculture practice and British Standards. The trees are independently surveyed every 5 years by Dr. Philip Blackstock and the recommended actions are followed.

It was noted during the service of the Provisional TPO that a number of trees had evidence of Ganoderma brackets, which would indicate significant internal decay. Rather than being removed from the site, these are being managed so they can be retained for as long as possible. Smaller trees on site would also indicate that the NIHE is actively maintaining and enhancing this area through landscaping where necessary. The Council was initially informed on 21st December 2018 that trees were being felled, however maintenance work was being carried out to remove a broken branch that had become dangerous.

It is considered that these trees are not under threat and given that the trees stand in an area of open space they derive a degree of protection from development under Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation. To confirm this TPO will not only incur a significant survey fee, but will result in further ongoing costs for work requests to the trees, some of which are noted to be in poor health. If it was considered that at some point in the future the trees were considered to be at risk from felling, the decision not to confirm the provisional TPO at this point would not prohibit the service of a new Provisional TPO in the future.

RECOMMENDATION: that the Tree Preservation Order is not confirmed.

Prepared by: Barry Diamond, Principal Planning Officer

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

ITEM 3.4

PREDETERMINATION HEARING ON APPLICATION LA03/2015/0173/F

The following Major planning application was presented to the May 2018 meeting of the Planning Committee with an Officer recommendation to grant permission.

APPLICATION NO: LA03/2015/0173/F
PROPOSAL: Housing Development comprising 44 No. dwellings and associated site works, landscaping with access from Trench Lane, Mallusk
SITE/LOCATION: Lands at Trench Lane to the east of Ballymartin Water adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey, BT36 4PA
APPLICANT: Galanta No 2 Ltd

In introducing the application Members were advised that should they concur with the Officer recommendation to approve then the Council would be obliged to notify the Department for Infrastructure (DfI) that the Council proposed to grant permission in circumstances where a statutory consultee had raised significant objections to the proposal. In this particular case DfI Rivers had raised objections to the proposal because of the potential impact of reservoir flooding affecting the site. Following notification the DfI would have 28 days to decide whether it wished to call in the application for its determination. Following consideration of the application by the Committee the Officer recommendation to grant planning permission was endorsed.

The Council subsequently wrote to the DfI, in accordance with the provisions of the Planning (Notification of Applications) Direction 2017, notifying it of the Council's intention to grant planning permission.

A report was then presented to the July 2018 meeting of the Planning Committee advising that a Direction Order had been served by DfI restricting the Council from issuing a decision until such time as it decided whether or not to call in the application for its determination i.e. the 28 day call-in period was effectively extended.

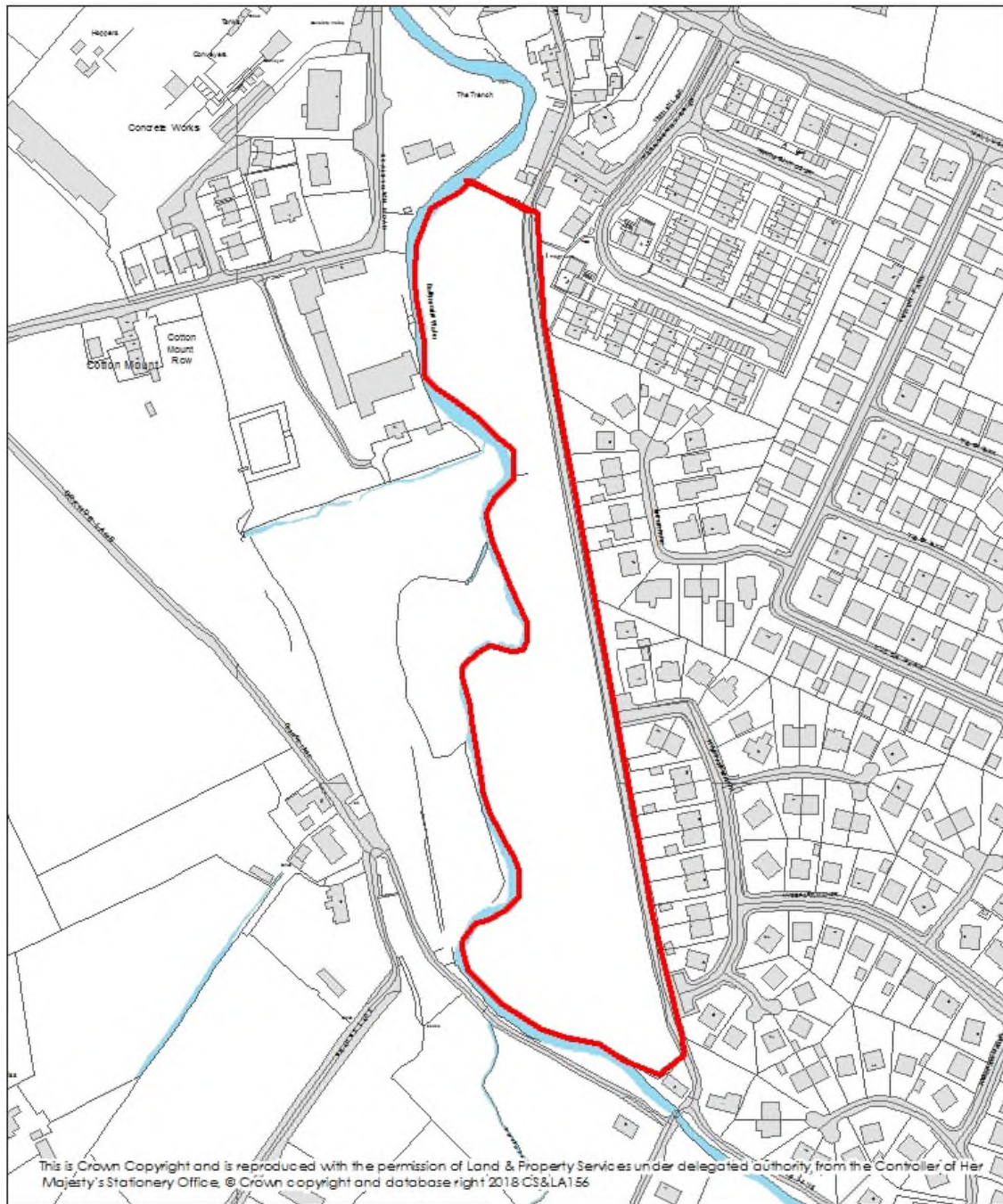
Following the submission of clarification information on a number of issues in December 2018, DfI has now written to the Council confirming that it has decided **not** to call in this application (see **copy enclosed**). In reverting this application back to the Council, and as indicated in the July 2018 report, the Council is however statutorily obliged under Section 30 of the Planning Act (NI) 2011 to undertake a Pre-determination Hearing prior to the application being returned to the Committee for final determination.

To ensure that this application is processed expeditiously it is proposed to hold the Pre-Determination Hearing at 5.30pm on 6th June 2019 with the intention that the application will then be brought forward at the June Planning Committee meeting for final determination.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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




Location Map

Application Reference: LA03/2015/0173/F



Lands at Trench Lane to the east of Ballymartin Water

44 No. dwellings with access from Trench Lane Mallusk (with additional access onto Trench Lane from Hyde Park Manor)

 Site Boundary

For Information Only



ITEM 3.5

P/PLAN/025 NORTHERN IRELAND PLANNING MONITORING FRAMEWORK

Over recent months the Department for Infrastructure has been working towards the production of a Planning Monitoring Framework which will apply to all Councils in Northern Ireland. Whilst there are currently three statutory indicators, this framework will capture additional data on planning-related activities, such as the percentage of applications determined under delegated powers and the number of claims for costs received by the Planning Appeals Commission and number of claims awarded. A copy of the letter from the Chief Planner and the Planning Monitoring Framework, the first results on which will be published in September 2019, are enclosed.

RECOMMENDATION: that the report be noted.

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

ITEM 3.6

CORRESPONDENCE FROM THE DEPARTMENT FOR INFRASTRUCTURE RE PLANNING FEES

The Department for Infrastructure (Dfi) has written to the Council (copy **enclosed**) to advise that it intends to introduce Regulations later this year that will apply a one year inflationary uplift of approximately 1.99% across all planning fee categories. The correspondence also advises that the Department intends to bring forward arrangements for annual inflationary uplifts.

Whilst the increase in planning fees is welcomed, this is the first inflationary increase introduced by the Department in some 5 years. As such it is disappointing that no consideration has been given to a greater increase at this time, given the increased pressure on financial resources as planning fees have not kept pace with inflation. The Council may therefore wish to respond to the Department welcoming the increase, but requesting that consideration be given to a larger increase at this time (in the region of 5%) to reflect the fact that fees have fallen considerably behind inflation in recent years.

RECOMMENDATION: the Committee's instructions are requested.

Prepared by: John Linden, Head of Planning

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

ITEM 3.7

LOUGH NEAGH SAND EXTRACTION – ENFORCEMENT NOTICE REFERENCE: EN/2015/0109 ISSUED BY THE DEPARTMENT FOR INFRASTRUCTURE AND APPLICATION REFERENCE: LA03/2017/0310/F – A REGIONALLY SIGNIFICANT PLANNING APPLICATION

The Committee has previously been advised about the Enforcement Notice served by the Department for Infrastructure (DfI) in May 2015 in relation to ongoing sand dredging operations at Lough Neagh as well as the regionally significant planning application submitted in March 2017 (details below) that is currently being processed by DfI.

Application Reference: LA03/2017/0310/F

Proposal: Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km², in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.

Location: Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas

Applicant: Lough Neagh Sand Traders Ltd

Full details of the application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

Following an appeal lodged against the DfI Enforcement Notice, the Planning Appeals Commission has now issued its decision (copy **enclosed**) which is to uphold the Notice as varied. In summary the key changes to the Notice are as follows:

- (i) All working of minerals outside the 3.1km² dredging areas, which were identified by the Sand Traders and which are located in the Mid Ulster Council area, is to cease within one day of the date of the PAC decision (7 May 2019);
- (ii) All working of minerals within the 3.1km² dredging areas shall cease within 12 calendar months of the date of the PAC decision i.e. by 7 May 2020; and
- (iii) All barge movements associated with the working of minerals within the 3.1km² area which take place outside the hours of daylight are to cease within one day of the date of the PAC decision.

Ultimately, this decision allows for ongoing dredging operations over the next 12 months and this timescale was considered reasonable by the PAC to allow for a managed wind down of the operations.

Linked to this decision on the Enforcement Notice the PAC has also issued its advisory report to DfI following an inquiry in relation to the current planning

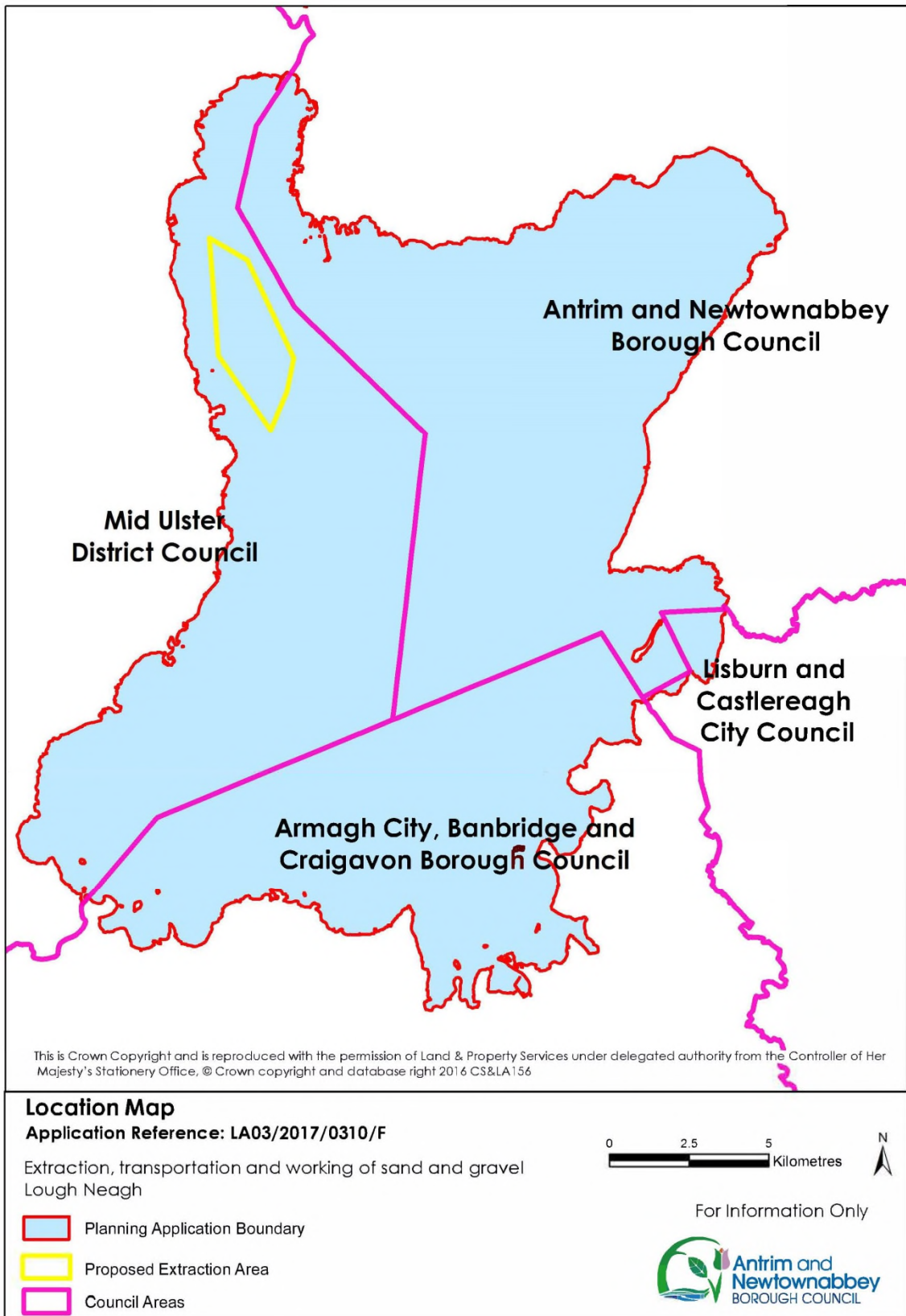
application which is seeking planning permission to continue dredging operations for a 15 year period in the 3.1 km² dredging areas, identified by the Sand Traders and which as indicated above are located in the Mid Ulster Council area.

The PAC Report (see copy **enclosed**) has recommended that planning permission should be granted. However Members will be aware that the final decision on this application now rests with DfI who will take account of the PAC Report.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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



PART TWO

DECISIONS ON PLANNING APPLICATIONS

COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2019/0010/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed driver training centre and rally school including steel container with lean-to extension and fencing and provision of new access
SITE/LOCATION	Lands 625m SW of Nutts Corner roundabout to west of Moira Road, Ballydonaghy, Glenavy
APPLICANT	Mr J Crozier, Superdrive
AGENT	PHP Architects
LAST SITE VISIT	03 April 2019
CASE OFFICER	Johanne McKendry Tel: 028 903 Ext 40420 Email: johanne.mckendry@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is 9.5 hectares in area and is located within the countryside at Nutts Corner beyond any designated settlement limit as outlined in the Antrim Area Plan 1984-2001. The site is located on the western side of Moira Road, approximately 625 metres southwest of Nutts Corner Roundabout. The site is situated opposite the Nutts Corner Sunday Market and the Nutts Corner Stock Car Raceway adjoins the southwestern boundary of the site. The surrounding landscape is relatively flat and open. The site boundaries consist of a post and wire fence to the northeastern, northwestern and southwestern site boundaries and a wooden post ranch style fence along the southeastern site boundary.</p> <p>A single access from the Nutts Corner Road is proposed to serve the site, which was until very recently operating as a driver training centre and rally school which was using existing hardstand areas that formed part of the runways and taxiways of the former Belfast Nutts Corner Airport (formally RAF Nutts Corner) which operated until 1960. The existing hardstands are proposed to form the driver training circuit. There was previously an existing steel container serving as a reception area with an attached lean-to covered viewing area and an adjoining portable toilet on the site, which has been removed following submission of the current planning application. There is a lorry trailer located close to the roadside along the northeastern site boundary.</p> <p>There are approximately 35 residential properties within 500 metres of the application site and the closest dwelling is approximately 370 metres from No. 63 Nutts Corner Road.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2018/0916/PAN	

Location: 625m South West of Nutts Corner Roundabout to West of Moira Road, Ballydonagh, Glenavy
Proposal: Retention of a driver training centre and rally school including steel container with lean to extension and fencing and provision of new access to site from Nutts Corner Road
Decision: PAN is acceptable 24.10.2018

Planning Reference: LA03/2018/0827/PAN
Location: 41 Moira Road, Ballydonagh, Glenavy
Proposal: Proposed driver training centre and rally school
Decision: PAN is unacceptable 25.09.2018

Planning Reference: LA03/2018/0143/F
Location: 41 Moira Road, Ballydonagh, Glenavy
Proposal: Proposed driver training centre which includes single storey reception building with lean-to covered area
Decision: Invalid 13.02.2018

Planning Reference: LA03/2016/0812/PAN
Location: Nutts Corner, Moira Road, Ballydonagh, Glenavy
Proposal: Driver Training Centre to address the road death figures on our roads. Also a British Association of Rally Schools (BARS) Centre for training and licencing for competition.
Decision: PAN is acceptable 22.09.2016

Planning Reference: LA03/2016/0305/PAN
Location: Moira Road, Ballydonagh, Glenavy
Proposal: Proposed driver training centre
Decision: PAN is unacceptable 11.04.2016

Planning Reference: T/1996/0483
Location: Lands Between Moira Road and Dundrod Road, Nutts Corner, Crumlin
Proposal: Site of Extension to Council Motorsports Centre
Decision: Withdrawn 12.11.1997

Planning Reference: T/1989/0243
Location: Moira, Nutts Corner, Crumlin
Proposal: Stockcar Stadium with ancillary buildings
Decision: Permission refused 20.12.1989

Planning Reference: T/1975/0219
Location: Nutts Corner, Crumlin
Proposal: Site of Agricultural Broiler Unit
Decision: Permission approved 04.11.1975

Planning Reference: T/2004/1363/LDE
Location: 47 Moira Road, Nutts Corner, Crumlin
Proposal: Stock Car Racing Track
Decision: Permission approved 30.06.2006

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.

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

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

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

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

PPS 4: Planning and Economic Development: sets out planning policies for economic development uses.

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

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

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

CONSULTATION

Council Environmental Health Section – Objection due to failure to demonstrate that residential amenity will be adequately protected from noise arising from the proposed development

NI Water – No objection

DfI Roads – No objection subject to conditions

DAREA Natural Environment Division: - No objection

DAREA Water Management Unit: - No objection subject to conditions

Historic Environment Division – No objection

Shared Environmental Services – No objection

DfI Rivers – No objection

Belfast International Airport – No objection

UK Crown Bodies D.I.O L.M.S – No objection

REPRESENTATION

Thirty-nine (39) neighbouring properties were notified and thirty-four (34) letters of objection have been received from twenty (20) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Previous refusal on the site for motor sport proposal;
- Car tyres along the race track;
- Inadequate street lighting;
- Contrary to PPS 3: Access, Movement and Parking;
- Inadequate site entrance;
- Applicant does not have control of land required for visibility splays;
- Increase in traffic and congestion;
- Inadequate parking;
- Intensification of site will prejudice road safety;
- Removal of hedgerows for visibility splays;
- Impact on flora and fauna;
- Insufficiencies in the Preliminary Ecological Assessment;
- Insufficiencies in the Noise Impact Assessment;
- No detailed noise modelling has been provided;
- Noise pollution;
- Air pollution;
- Impact on residential amenity and quality of life;

- Failure by applicant to invite neighbours to Pre-application Community Consultation meeting;
- The track is marketed as a rally experience track and not a rally school;
- Current proposal does not cover all the existing operations on the site;
- Hours of operation proposed in the Design and Access Statement differ to current hours of operation 7 days a week;
- Impact on character of the area;
- No economic or social benefit to the area;
- Contrary to PPS8: Open Space, Sport and Outdoor Recreation;
- Contrary to PPS21: Sustainable Development in the Countryside;
- Another race track in the area is not justified;
- Devaluation of property; and
- Impact on health.

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
- Flood Risk
- Archaeology
- Natural Heritage
- Access 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.

Section 25.0 'Nutts Corner' of the Antrim Area Plan 1984-2001 states that this is essentially a rural area isolated from the nearest town or village. The area is not suitable for industrial/commercial activities since Water Service (now Northern Ireland Water) has indicated that it could only supply limited quantities of water, insufficient for the needs of industrial processing. Further, any substantial development of this area would add to the danger and inconvenience of traffic in the vicinity of this important roundabout. It goes on to state that it is the Planning Authority's policy to encourage large scale commercial and industrial uses to locate within the District Town, in this case Antrim, where there is a readily available supply of fully serviced sites. Paragraph 25.5 goes on to state that planning permission will normally be given for small scale commercial and industrial activities in existing buildings such as disused agricultural or commercial buildings or on derelict sites provided there are no objections such as unsightliness, noise, smell and excessive or dangerous traffic generation.

The 'Open Space, Sport and Outdoor Recreation' section of the SPPS sets out the regional strategic objectives for open space, sport and outdoor recreation, which

aim to: safeguard existing open space and sites identified for such future provision; ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity; facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents; ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities; achieve high standards of siting design and landscaping for all new open space areas and sporting facilities; and ensure that the provision of new open spaces and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Paragraph 6.207 of the SPPS states that the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Paragraph 6.208 goes on to state that particular attention should be paid to those development proposals which generate high levels of noise such as motorsports, which are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses such as residential neighbourhoods. It also states that such sports or activities can also be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment, as well as local character and concludes that these developments must only be permitted where there is no unacceptable level of disturbance.

Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development'. Policy CTY 1 states that planning permission will be granted for non-residential development in the countryside if it is an outdoor sport and recreational use in accordance with PPS 8.

The relevant policies within PPS8 include Policy OS 3 'Outdoor Recreation in the Countryside', Policy OS 4 'Intensive Sports Facilities' and Policy OS 5 'Noise Generating Sports and Outdoor Recreational Activities'.

Policy OS 3 states that proposals for outdoor recreational use in the countryside will only be permitted where all the following criteria are met: there is no adverse impact on features of importance to nature conservation, archaeology or built heritage; there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities; there is no adverse impact on visual amenity or the character of the local landscape and the development can be easily absorbed into the local landscape by taking advantage of existing vegetation and/or topography; there is no unacceptable impact on the amenities of people living nearby; public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed; any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment; the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and the road network can safely handle the extra vehicular traffic the

proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

Policy OS 4 states it will only permit the development of intensive sports facilities where these are located within settlements. It states that in all cases the development of intensive sports facilities will be required to meet all the following criteria: there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency, or timing of the sporting activities proposed, including any noise or light pollution likely to be generated; there is no adverse impact on features of importance to nature conservation, archaeology or built heritage; buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment; the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Policy OS 5 states that the development of sport and outdoor recreational activities that generate high levels of noise will only be permitted where all the following criteria are met: there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; there is no unacceptable level of disturbance to farm livestock and wildlife; and there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

The principle of a driver training centre and rally school including the ancillary elements stands to be considered on its individual merits against regional planning policy. These matters are addressed below.

Design and Impact on Character and Appearance of the Area

Policy CTY 13 of PPS 21 refers to design and integration of buildings in the countryside and thus it is important that the buildings and structures associated with the proposed development are located and designed as sensitively as possible. In addition, Policies OS 3, OS 4 and OS 5 of PPS 8 state that proposals for outdoor recreational use in the countryside will only be permitted where: there is no adverse impact on visual amenity or the character of the local landscape; the development can be easily absorbed into the local landscape by taking advantage of existing vegetation and/or topography; and any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

An existing single access from Nutts Corner Road is proposed to serve the application site, which until recently was operating as a driver training centre and rally school and was using existing hardstand areas that formed part of the runways and taxiways of the former Belfast Nutts Corner Airport as the driver training circuit. This application proposes to resume the previous use.

The provision of visibility splays of 2.4 x 160 metres at Nutts Corner Road requires the removal of mature roadside hedges and trees for a distance of approximately 50 metres at each side of the existing access. It is indicated on Drawing Number 03 date stamped 04 February 2019 that a new fence is proposed to replace the roadside vegetation. No details of the proposed fence have been provided. The surrounding landscape is relatively flat and open and with the removal of the roadside hedge along Nutts Corner Road, without provision of compensatory planting, the approximately 20 metre wide access will be visually exposed and will have a detrimental impact on the character of the area.

The proposal includes the erection of a steel container, which is 3.27 metres in height, 3.05 metres in width and 6.14 metres in length and has four window openings with steel security shutters on the southwestern elevation. This building serves as a reception area. The structure has an attached metal deck roofed lean-to covered viewing area which projects 4.09 metres from the northeastern elevation, is partially enclosed by a 1.2 metre high close boarded timber fence and fronts onto the proposed driving circuit. A portable toilet is proposed to be located adjacent to the northwestern elevation of the reception building. The colour of the proposed structures has not been specified on the drawing.

The southeastern site boundary abuts the Moira Road and the proposed structures are to be set approximately 34 metres back from the roadside at an approximate 45 degrees angle. The design and finishes of the temporary and steel structures by their industrial nature are considered to be incongruous in the rural area and will have a visual intrusion into the rural landscape. The visual impact of the structures is exacerbated due to poor siting relative to local topography, inadequate screening and a lack of appropriate landscape mitigation proposed. Subsequently the proposal is considered to have a negative impact on the rural character of the area.

Neighbour Amenity

The impact of noise is an important issue when assessing proposals for activities such as motor sports as the noise associated with such activities can cause disturbance to residential amenity. Policies OS 3, OS 4 and OS 5 of PPS 8 state that outdoor sport or recreational activities should have no unacceptable impact on the amenities of people living nearby.

The Council's Environmental Health Section (EH) was consulted with respect to the submitted 'Noise Impact Assessment December 2015' (NIA) (Document 05 date stamped 08 January 2019).

The cover title of the NIA refers to the retention of the 'driver training centre and rally school', however, the description contained within the NIA, prepared by F.R. Mark & Associates, dated December 2015, describes the proposal as a rally car driving experience and 4x4 driving, on both a gravel and tarmac track.

EH has stated that the development proposal under the current planning application for the driver training centre and rally school on lands at Moira Road, Nutts Corner was operating at the site when the planning application was first submitted. EH has confirmed that it has received a number of noise complaints from nearby residents relating to the activity, which included engine revving, harsh braking, tyre squeal,

rapid acceleration, loud exhausts, all of which can cause significant disturbance at large separation distances.

EH has found the submitted NIA to be insufficient because the limited data presented and relied upon by the applicant is now over 3 years old. EH had previously recommended that any NIA submitted should have regard to the relevant standards and guidance, including: BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound'; and 'BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'.

It is stated on Page 6 of the NIA that it is the opinion of the noise consultant that it is not appropriate to apply the principles of BS4142:2014 or the revised British Standard when setting appropriate criteria for assessing motor sports and presents BS8233:2014 and WHO Guidelines on Community Noise 1999 as the appropriate assessment tools in determining suitable indoor and outdoor ambient noise target levels. However, EH has stated that these standards relate to steady, continuous noise sources and motorsport noise is neither steady nor continuous, due to rapid acceleration followed by harsh braking and tyre squeal etc.

EH referencing BS:8233 and WHO Noise Guidelines is relevant for internal noise standards. EH considers that measurements of motorsport noise cannot be directly comparable to external absolute limits in BS8233:2014 or WHO Guideline values and has stated that this opinion is supported by the Planning Appeals Commission's decision in July 2013 for Appeal Reference 2012/E021 for the material change of use of land for motor cycle racing, motor cycle racing including trials of speed and practising for these activities at Moira Road, Nutts Corner (adjacent and SW of stock car tracks) in which Commissioner J.B. Martin, following a site visit to the motorcross track, stated:

'The appellant's noise consultant considered the character of the noise produced from use of the appeal site was the same as road traffic noise. From my visit to the site it is apparent that motorcross cycles do not produce a steady continuous noise but rather are characterised by fluctuating noise levels with appreciable tonal variations. I do not find their noise comparable in any meaningful way to road traffic noise in the environs of the site.'

The NIA refers to the 'Predicted Impact at Nearest Proposed Property', however, no details are provided on the exact location of this 'proposed property'. Reference is made on Page 2 of the NIA to the nearest dwellings being on Moira Road, yet Figure 1 on Page 2 of the NIA indicates the nearest dwelling to the application site being located at Nutts Corner Road to the north of the site. EH has confirmed that although the location of nearest noise sensitive properties has now been clarified as being No. 63 Nutts Corner Road, which is about 370 metres from the track edge, it remains to have no confidence in the findings of the submitted NIA for the following reasons:

- no background sound survey has been carried out;
- reliance on historic, snap-shot measurements of activity noise;
- reference only to absolute noise criteria relevant to steady continuous noise sources;

- no consideration of the highly characteristic noise associated with rally cars; and
- no measured noise levels at receptor locations while the driver training centre and rally school is operational.

The Acoustic Consultancy has stated that it is relying on absolute limits from BS 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and WHO Guidelines on Community Noise rather than a comparison of noise from the track with the daytime background sound level at the nearest dwelling.

EH has stated that the external absolute limit of 50dB referred to in BS 8233:2014 is insufficient to protect residents and are of the opinion that an assessment of the predicted noise impact should be compared to the current typical background noise environment in order to provide a relative impact assessment. This will give a better indication of whether the amenity of nearby dwellings will be affected by the proposed development. EH remains of the opinion that the applicant has not demonstrated how residential amenity will be adequately protected from noise disturbance attributable to the proposed driver training centre and rally school.

EH has raised no concerns with regard to air pollution in relation to the proposed development.

Flood Risk

The Drainage Assessment (Document 04 dated February 2018 and date stamped received 08 January 2019) states that the temporary structure will be on impermeable tarmac, therefore there will be no additional surface water discharge from the proposal.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within the application site. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DfI Rivers has reviewed the submitted Drainage Assessment and has not raised an objection to the proposed development from a drainage or flood risk perspective.

DAERA's Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to conditions and adhering to Standing Advice, and any relevant statutory permissions being obtained.

Archaeology

DfC Historic Environment Division has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

Natural Heritage

The impact of noise is an important issue in assessing proposals for activities such as motor sports. The noise associated with such activities can cause disturbance to local residents as well as being disruptive to livestock and wildlife and have a detrimental effect on the natural environment.

Concerns were raised with respect to insufficiencies in the Preliminary Ecological Assessment and the impact on flora and fauna. DAERA's Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests. NED notes that the Preliminary Ecological Appraisal (Document 02 date stamped received 08 January 2019) states that the site has the potential to support newts, however, it goes on to state that the area of the site that has newt potential is subject to extensive motor activities. NED is in agreement with the ecologist in that the habitat has been rendered negligible for its potential to support newts.

NED also notes that the ecologist has recorded the presence of curlew on site, however it was considered unlikely that the species is nesting onsite as the habitat was considered unsuitable. NED is content that the site is unsuitable to support any species or habitats protected by national/international legislation and considers the protective provisions set out in the SPPS and PPS2 'Natural Heritage' that pertain to issues of natural heritage are not engaged. On the basis of the information provided, NED has stated that it has no concerns and has provided no objection to the development.

Shared Environmental Services (SES), having considered the nature, scale, timing, duration and location of the project has stated that the development could not have any conceivable effect on the selection features, conservation objectives or status of any European site. SES has advised that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and has concluded that the proposal would not be likely to have a significant effect on the features of any European site.

Access and Parking

Concerns were raised with regards to: an increase in traffic resulting in congestion; a lack of parking provision; inadequate site entrance; the applicant not having control of land required for visibility splays; an increase in traffic and congestion; inadequate parking provision; and intensification of use of the site prejudicing road safety.

DfI Roads has considered the letters of objection through the consultation process. With respect to the site entrance, DfI has stated that the 85th percentile speed assessed by DfI Roads was 62mph, which is substantiated by speed surveys carried out close to the proposed access in 2011 and a further survey in 2016. The 85th percentile speeds were 62.4mph and 58.8mph in 2011 and 58.3mph in 2016, which results in the requirement for 160 metre visibility splays, which the applicant is proposing. The P1 form accompanying the planning application indicates that 14 vehicles per day will be attracted to the site, which gives rise to 28 traffic movements per day at the site, which results in the requirement for 2.4 metres set back which the applicant is proposing. DfI Roads has subsequently raised no objections to the proposed access arrangements.

Certificate C within the P1 Form has been completed, which states that notice was served on the relevant land owners, namely the owner of the site and the owner of the access road and visibility splays. No objection has been submitted by either land owner.

The Nutts Corner Road is not a Protected Route and as such DfI Roads has no objection to the proposal or any intensification of use of the existing access onto the Nutts Corner Road nor does it consider the access as a proliferation of access points along the Nutts Corner Road as the site access is currently in existence.

With regards to traffic generation, parking provision, congestion and road safety, DfI Roads was consulted as the competent authority in relation to these matters and has indicated no objections to the proposal in terms of road safety and in terms of trips generated by the development. Overall it is considered that adequate provision has been made for movement within the site and parking to serve the proposed development.

Other matters

Failure by applicant to invite neighbours to the Pre-application Community Consultation event

Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application, if the development falls within the major category as prescribed in the Development Management Regulations.

Regulation 5(2) of the Development Management Regulations indicates that the prospective applicant must hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant regarding the proposed development.

A Pre-Application Community Consultation (PACC) Report (Document 03 date stamped 08 January 2019) accompanied the current planning application, which contains copies of notices advertising the pre-application community consultation event, notifications to local Councillors, a list of properties within a minimum 500 metre radius of the site who were hand delivered notification of the proposals and a report stating that a total of two residents attended the morning community consultation event and one resident attended the evening event.

A number of residents listed within the PACC and included in the neighbour notification scheme responded to state that they were not informed of the PACC event. The Council has accepted the information provided within the PACC Report in good faith. Although there is no verifiable evidence that notification of the event to properties within a 500 metre radius of the application site did occur there is also no conclusive evidence that it did not occur.

It is important to note that the carrying out of PACC is the responsibility of the applicant. It is in the applicant's interest to carry it out in the appropriate manner in order to understand the local communities who may be affected by the planning application and utilise a variety of methods to ensure that all sections of the community can engage effectively in the planning process as early as possible and are provided with the opportunity to be better informed about the development proposal early in the process.

The development proposal has been advertised in the local press and following the alleged lack of notification of the PACC event, the neighbour notification scheme was extended to include properties within 500 metres of the application site.

Therefore it is considered that no prejudice has occurred in respect of the development proposal.

Another race track in the area is not justified

Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan, prevailing planning policies and other material considerations. Where a development proposal complies with the development plan and planning policies, it is not necessary for the applicant to demonstrate a need for the development proposal in this case.

No economic or social benefit to the area

As stated above planning applications are determined on their individual merits in accordance with the development plan, planning policies and material considerations, which may include the economic benefit of the development. Where a development proposal complies with the development plan and prevailing planning policy it is not necessary for the applicant to demonstrate that the proposal creates a social or net economic benefit.

Devaluation of property

The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application. In any case no specific or verifiable evidence has been submitted to indicate what exact effect this proposal is likely to have on property values. As a consequence there is no certainty that this would occur as a direct consequence of the proposed development nor is there any indication that such an effect would be long lasting or disproportionate. Accordingly it is considered that that this issue should not be afforded determining weight in the determination of this application.

Impact on health

In relation to possible impact on human health, no evidence has been presented to suggest human health will be adversely impacted by this proposal. In addition, the EH of the Council was consulted on the proposal and has indicated no objection on health grounds.

Current proposal does not cover all the existing operations on the site

The current planning application was submitted in response to an Enforcement Notice served in respect of unauthorised development on the site. The description of the development proposal reflected the unauthorised operations and structures on the site. In response to the enforcement action taken in relation to the unauthorised development all building structures on the site were removed and operations on the site ceased. The application was subsequently re-advertised for the proposed use as opposed to the initial description of development which referred to the retention of the development which was previously operating from the site.

Hours of operation proposed in the Design and Access Statement differ to the current hours of operation 7 days a week

In response to enforcement action relating to the unauthorised development on the application site, operations have ceased. When considered appropriate, conditions can be applied restricting the hours of operation and provision of mitigation to

reduce to a minimum adverse impacts on arising from noise in order to safeguard the amenities of neighbouring properties.

Car tyres along the race track

The car tyres within the application site do not form part of the development proposal and are subject to an enforcement notice for their removal.

Inadequate street lighting

Street lighting does not form part of the development proposal. DfI Roads has been consulted and has not raised concern with regards to the provision of street lighting.

CONCLUSION

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

- The principle of the development is not considered acceptable in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
- the applicant has not demonstrated how residential amenity will be adequately protected from noise disturbance;
- The design and finishes of the proposed buildings are considered to be incongruous in the rural area;
- the proposed buildings are a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape;
- the proposed buildings fail to blend with the landform; and
- the siting and design of the buildings would be unduly prominent in the landscape and would further erode the rural character of the countryside.

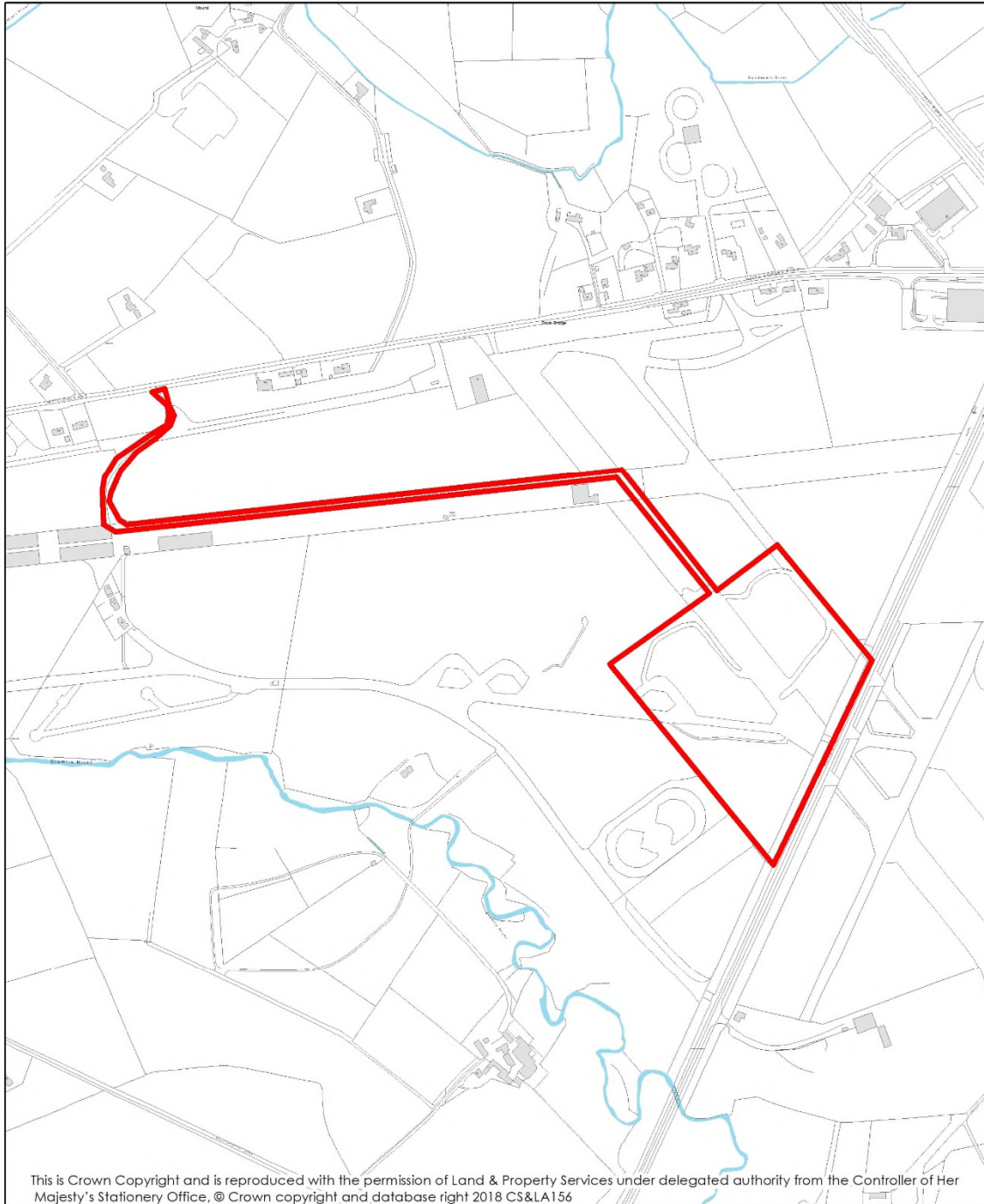
RECOMMENDATION : REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS), the Antrim Area Plan 1984-2001 and Policy CTY1 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 of the Strategic Planning Policy Statement (SPPS), the Antrim Area Plan 1984-2001 and criterion (iv) and (v) of Policy OS3 'Outdoor Recreation in the Countryside' and criterion (i) of Policy OS 5 'Noise Generating Sports and Outdoor Recreational Activities' of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' in that it has not been demonstrated that the proposed development would not result in the unacceptable impact on the amenities of people living nearby due to the noise disturbance associated with the proposed driver training centre and rally school.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and criterion (iii) and (vi) of Policy OS3 'Outdoor Recreation in the Countryside' of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' and Policy CTY13 of Planning Policy Statement 21 'Sustainable Development in the Countryside' in that: the design and finishes of the buildings

are inappropriate for this site in the rural area; the proposed buildings are a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape; the proposed buildings rely primarily on the use of new landscaping for integration; and the proposed buildings fail to blend with the landform.

4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and criterion (iii), (v) and (vi) of Policy OS3 'Outdoor Recreation in the Countryside' of Planning Policy Statement 8 'Open Space, Sport and Outdoor Recreation' and to Policy CTY14 of Planning Policy Statement 21 'Sustainable Development in the Countryside' in that the siting and design of the buildings would, if permitted be unduly prominent in the landscape and would damage and further erode the rural character of the countryside.



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Location Map

Application Reference: LA03/2019/0010/F

Lands 625m SW of Nutts Corner roundabout to west of Moira Road, Glenavy

Proposed driver training centre and rally school including steel container with lean to extension and fencing and provision of new access

 Site Boundary



For Information Only



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2019/0188/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Infill dwelling and garage (site 1)
SITE/LOCATION	Between 30 and 32 Lislunna Road, Kells
APPLICANT	Mr K Graham
AGENT	FMK Architecture
LAST SITE VISIT	27.03.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located between No's 30 and 32 Lislunna Road, Kells which is within the rural area and outside any designated settlement limits as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site is a rectangular section of a larger agricultural field. The northern and western boundaries are physically undefined, whilst the eastern and southern boundaries are defined by post and wire fence, and trees approximately 6 metres in height.</p> <p>The surrounding land uses are predominately residential and agricultural. The land directly to the south of the application site comprises a residential dwelling, No. 30 Lislunna Road, whilst the land directly to the west of the application site is agricultural fields. To the northwest of the application site lies a group of farm buildings and an associated farm laneway. Directly to the northeast of the application site lies an agricultural field, and further to the northeast of the application site lies a residential dwelling, No. 32 Lislunna Road.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2019/0189/O Location: Between 30 & 32 Lislunna Road, Kells, Proposal: Infill dwelling and garage (Site 2) (North side of site) Decision: Under Consideration (Concurrent application)	
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</p>	

Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

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

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

CONSULTATION

Northern Ireland Water – No Objection

Department for Infrastructure Roads- No Objection

REPRESENTATION

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

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

- Dwellings would obscure views currently achieved from No. 33 Lislunna Road.
- The proposal would result in ribbon development
- Increased access on to the Lislunna Road – Traffic concerns
- There is no need for more houses along the Lislunna road as there are sufficient houses available to purchase
- The gap is too large between the existing curtilages of the existing buildings.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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

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

- (a) The gap site is within an otherwise substantial and continuously built up frontage;
- (b) the gap site is small sufficient only to accommodate up to a maximum of two houses;

(c) the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size; and

(d) the proposal meets other planning and environmental requirements.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise *substantial and continuously built up frontage* and *provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size* and meets other planning and environmental considerations. Policy CTY 8 defines a substantial and built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

It is accepted for the purposes of the policy that there is not a substantial and continuously built up frontage along the Lislunnan Road. There are two agricultural buildings and a residential dwelling (No. 30 Lislunnan Road) located to the south of the application site which are separated by a private laneway. There is also a residential dwelling and garage (No. 32 Lislunnan Road) located to the north of the application site, which is also separated from the application site by an agricultural laneway. Due to the existing development located along this stretch of the Lislunnan Road being separated by two laneways, and the large extent of the gap site (measured from building to building is 160 metres) it is considered the site represents a substantial visual break in the existing development and therefore it is considered that there is no continuous or substantial built up frontage in existence along this stretch of the Lislunnan Road.

A letter of objection stated that the gap is too large for an infill opportunity. The policy requires the gap site to be small capable of accommodating a maximum of two dwellings within the resulting gap. The justification and amplification of Policy CTY8 states at paragraph 5.34 that the gap site must be between houses or other buildings. In this case the gap between No. 30 to No. 32 Lislunnan Road measures 160 metres. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots. The plot sizes along the Ballynashee Road vary in size. No. 30 Lislunnan Road's plot width measures 26 metres, whilst No. 32 Lislunnan Road measures 60 metres, and No. 33 Lislunnan Road measures 70 metres. Therefore the average plot width along this stretch of the Lislunnan Road is 52 metres. It is considered that the existing gap of 160 metres could accommodate more than two dwellings while still respecting the character of the area as indicated in criterion (b) and it is therefore considered the gap is too large to meet the requirement of a 'small gap site'.

In the circumstances the proposed development cannot meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8.

Integration and Impact on Character and Appearance of the Area

Policy CTY13 - Integration and Design of Buildings in the Countryside; states a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. Paragraph 5.57 of the justification and amplification of Policy CTY 13

states that any new dwellings should blend sympathetically with their surroundings and should not appear incongruous in the landscape. In addition paragraph 5.60 states the widespread views generally available in flat landscapes makes it increasingly important to ensure new buildings integrate well with their surroundings as they could have an adverse impact on visual amenity and rural character.

The topography of the application site and the surrounding area is relatively flat, with slight sloping from the south to north. The application site has established vegetation that defines the southern and eastern boundaries of the application site. The eastern boundary of the application site abuts the Lislunnan Road and in order to provide visibility splays for the application site this boundary may be subject to partial removal, therefore the site will not benefit from any screening when travelling along the Lislunnan Road. The site does not benefit from any long established vegetation along the western and northern boundaries and the surrounding landscape of the application site to the west is relatively open and exposed. Therefore there is no vegetation that could act as a backdrop and aid integration of a dwelling into the surrounding area.

As noted earlier in the report, it is considered that the existing pattern of development is not a substantial and continuously built up frontage as defined in the policy, and the size of the gap site, it is considered that a dwelling on the application site would be a prominent feature in the landscape and would have an adverse impact on visual amenity and the rural character of this area. The proposal fails to comply with the policy criteria set out in Policy CTY 13.

Policy CTY14 - Rural Character (PPS21) indicates that a new building will be unacceptable where it creates or adds to a ribbon of development. The words 'visual linkage' that are found in Paragraph 5.33 of the justification and amplification text, are used in reference to what can constitute a ribbon of development. A letter of objection received stated that, if the infill dwellings were approved, it would result in ribbon development along this section of the Lislunnan Road.

Policy CTY14 points out that *a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked.*

Notwithstanding the lack of a continuous and substantial frontage, it is considered the infilling of this gap will be detrimental to the rural character of the area and would result in the creation of a linear form of ribbon development along the Lislunnan Road especially when considered in conjunction with a concurrent planning application LA03/201/0189/O. The proposal is therefore contrary to criterion 'd' of Policy CTY 14 and would result in ribbon development.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is retained. There are significant separation distances between the application site and the neighbouring properties, therefore it is considered neighbouring properties would not be affected.

An objection letter received by the Council stated that views from No. 33 Lislunna Road towards the Antrim Hills, Sperrins and North Antrim would be obscured by the development of two new dwellings. The existing character of development for this rural area is a mix of residential dwellings and agricultural buildings located at either side of the Lislunna Road. It is not uncommon for dwellings in this area to experience views of other buildings situated at the adjacent side of the road. It is considered significant weight cannot be given to the views experienced by the residents of No. 33 Lislunna Road.

Other Matters

Representation received indicated traffic concerns with the additional traffic on the public road arising from the development of the application site. DFI Roads were consulted and raised no issues of concern regarding road safety, subject to a condition requiring visibility splays to be provided on any grant of planning permission. It is considered if appropriate visibility splays were in place, there would be no impact on public safety.

A letter of objection stated there was no need for any additional dwellings along the Lislunna Road as there are enough houses available for purchase. In assessing any application account must be taken of any relevant material considerations. The availability of dwellings for purchase is not a material consideration, however the relevant statutory policies which require a need to be established in accordance with Policy CTY 1 of PPS 21 is a requirement. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There are no other overriding reasons for a dwelling at this location and the proposal did not meet the policy requirements under CTY8 for an infill dwelling. Therefore the proposal is considered to be unacceptable.

CONCLUSION

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

- The principle of the development has not been established as the proposed development does not meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8.
- A dwelling would be a prominent feature in the landscape and have an adverse effect on the amenity and rural character of the area and is contrary to the policy provisions set out in Policy CTY 13.
- The proposal would result in the creation of a linear form of ribbon development along the Lislunna Road especially when considered in conjunction with a concurrent planning application LA03/201/0189/O. The proposal is therefore contrary to criterion'd' of Policy CTY 14 and would result in ribbon development.

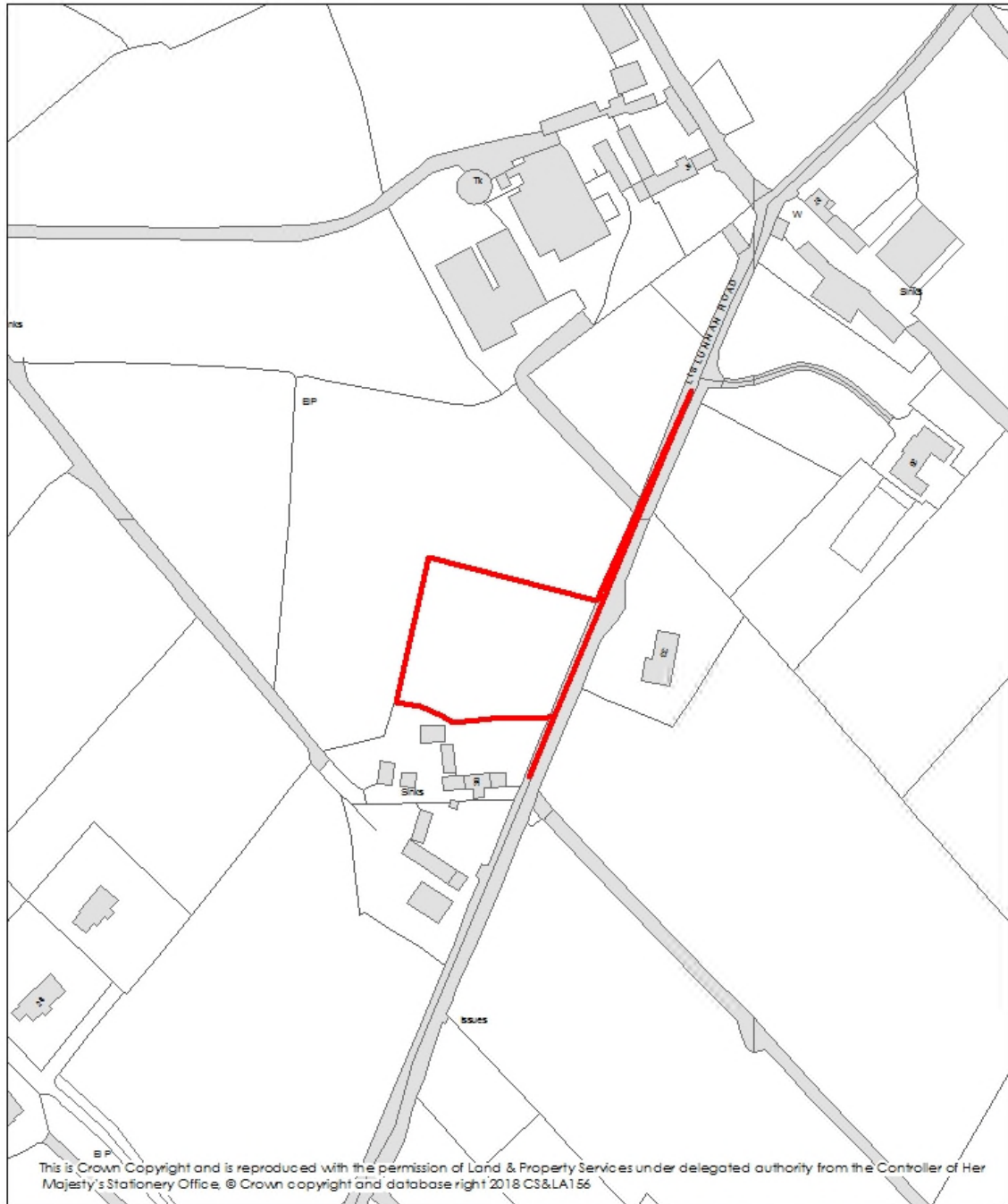
RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of 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 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved at this location, it would be a prominent feature in the landscape and would have an adverse impact on visual amenity and rural character of this area.
4. This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would result in the creation of a linear form of ribbon development along the Lislunnan Road especially when considered in conjunction with a concurrent planning application LA03/201/0189/O. The proposal is therefore contrary to Policy CTY 14 and would result in ribbon development.

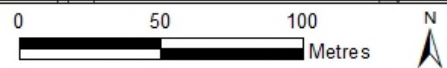


Location Map

Application Reference: LA03/2019/0188/O

Between 30 & 32 Lislunna Road, Kells

Infill dwelling and garage (Site 1)



 Site Boundary

For Information Only



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2019/0189/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Infill dwelling and garage (site 2)
SITE/LOCATION	Between 30 and 32 Lislunna Road, Kells
APPLICANT	Mr K Graham
AGENT	FMK Architecture
LAST SITE VISIT	27.03.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located on lands between No's 30 and 32 Lislunna Road, Kells which is within the rural area and outside any designated settlement limits as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site is an irregular section of a larger agricultural field. The northeastern and southeastern boundaries are defined by a post and wire fence. There is sparse hedging and trees located along the southern section of the southeastern boundary. The remaining boundaries, the southwestern and northwestern boundaries are physically undefined.</p> <p>The surrounding land uses are predominately residential and agricultural. The land to the south of the application site is agricultural land, and further south is a residential dwelling, No. 30 Lislunna Road. The land directly to the west of the application site is agricultural fields. To the north of the application site lies a group of farm buildings and an associated farm laneway which runs along the northeastern boundary of the application site. Directly to the northeast of the application site lies a residential dwelling, No. 32 Lislunna Road.</p>	
RELEVANT PLANNING HISTORY	
Planning Reference: LA03/2019/0188/O Location: Between 30 & 32 Lislunna Road, Kells, Proposal: Infill dwelling and garage (Site 1) (South side of site) Decision: Under Consideration (concurrent application).	
PLANNING POLICY AND GUIDANCE	
Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.	

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

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

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

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

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

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

CONSULTATION

Northern Ireland Water – No Objection

Department for Infrastructure Roads- No Objection

REPRESENTATION

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

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

- Dwellings would obscure views currently achieved from No. 33 Lislunna Road.
- The proposal would result in ribbon development
- Increased access on to the Lislunna Road – Traffic concerns
- There is no need for more houses along the Lislunna road as there are sufficient houses available to purchase
- The gap is too large between the existing curtilages of the existing buildings.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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

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

(a) The gap site is within an otherwise substantial and continuously built up frontage;

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

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise *substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size* and meets other planning and environmental considerations. Policy CTY 8 defines a substantial and built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

It is accepted for the purposes of the policy that there is not a substantial and continuously built up frontage along the Lislunnan Road. There are two agricultural buildings and a residential dwelling (No. 30 Lislunnan Road) located to the south of the application site which are separated by a private laneway. There is also a residential dwelling and garage (No. 32 Lislunnan Road) located to the north of the application site, which is also separated from the application site by an agricultural laneway. Due to the existing development located along this stretch of the Lislunnan Road being separated by two laneways, and the large extent of the gap site (measured from building to building is 160 metres) it is considered there are substantial visual breaks in the existing development and therefore it is considered that the existing development pattern is not continuous or substantial.

The objection letters stated that the gap is too large for an infill dwelling. The policy requires the gap site to be small capable of accommodating a maximum of two dwellings. The justification and amplification text at Paragraph 5.34 of Policy CTY 8 is clear that the gap site must be between houses or other buildings. In this case the gap between Nos. 30 to 32 Lislunnan Road measures 160 metres. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots. The plot sizes along the Ballynashee Road vary in size. For example, No. 30 Lislunnan Road's plot width measures 26 metres, whilst No. 32 Lislunnan Road measures 60 metres, and No. 33 Lislunnan Road measures 70 metres. Therefore the average plot width along this stretch of the Lislunnan Road is 52 metres. It is therefore considered that the existing gap of 160 metres could easily accommodate more than two dwellings while still respecting the character of the area as indicated in criterion (b) and it is therefore considered that the gap is too large to meet the requirement of a 'small gap site'.

In the circumstances the proposed development cannot meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8.

Integration and Impact on Character and Appearance of the Area

Policy CTY13 - Integration and Design of Buildings in the Countryside; states a new building will be unacceptable where it is a prominent feature in the landscape; the site lacks long established natural boundaries or is unable to provide a suitable

degree of enclosure for the building to integrate into the landscape and it would rely primarily on the use of new landscaping for integration.

Paragraph 5.57 of the justification and amplification of the policy states that new dwellings should blend sympathetically with their surroundings and should not appear incongruous in the landscape, in addition paragraph 5.60 states the widespread views generally available in flat landscapes makes it increasingly important to ensure new buildings integrate well with their surroundings as they could have an adverse impact on visual amenity and rural character.

The lack of established vegetation within the site makes the site open and exposed. As there is very little vegetation that defines any boundaries of the application site it is considered that in order for a dwelling to integrate into the surrounding area it would rely primarily on proposed landscaping in order to integrate, which policy CTY 13 states is unacceptable.

As noted earlier in the report, it is considered that the existing pattern of development is not a substantial and continuously built up frontage as defined in the policy, and the size of the gap site, it is considered that a dwelling on the application site would be a prominent feature in the landscape and would have an adverse impact on visual amenity and the rural character of this area. The proposal fails to comply with the policy criteria set out in Policy CTY 13.

Policy CTY14 - Rural Character (PPS21) indicates a new building will be unacceptable where it creates or adds to a ribbon of development. The words 'visual linkage' that are found in Paragraph 5.33 of the justification and amplification text, are used in reference to what can constitute a ribbon of development. Representation received stated that, if the infill dwelling was approved, it would result in ribbon development along this section of the Lislunna Road.

Policy CTY14 of PPS 21 states that *a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked.*

Notwithstanding the lack of a continuous and substantial frontage, it is considered that the infilling of this gap will be detrimental to the rural character of the area and would result in the creation of a linear form of ribbon development along the Lislunna Road especially when considered in conjunction with a concurrent planning application LA03/201/0188/O. The proposal is therefore contrary to criterion 'd' of Policy CTY 14 and would result in ribbon development.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is retained. There are significant separation distances between the application site and the neighbouring properties, therefore it is considered neighbouring properties would not be affected.

Representations received by the Council stated that views from No. 33 Lislunna Road towards the Antrim Hills, Sperrins and North Antrim would be obscured by the

development of a new dwelling. The existing character of development for this rural area is a mix of residential dwellings and agricultural buildings located on either side of the Lislunnan Road. It is not uncommon for dwellings in this area to experience views of other buildings situated at the adjacent side of the road. It is considered significant weight cannot be given to the views experienced by No. 33 Lislunnan Road.

Other Matters

Representation received indicated traffic concerns with the additional traffic on the public road arising from the development of the application site. DFI Roads were consulted and raised no issues of concern regarding road safety, subject to a condition requiring visibility splays to be provided on any grant of planning permission, it is considered if appropriate visibility splays were in place, there would be no impact on public safety.

A letter of objection stated there was no need for any additional dwellings along the Lislunnan Road as there are enough houses available for purchase. In assessing any application account must be taken of any relevant material considerations. The availability of dwellings for purchase is not a material consideration, however the relevant statutory policies which require a need to be established in accordance with Policy CTY 1 of PPS 21 is a requirement. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There were no other overriding reasons for a dwelling at this location and the proposal did not meet the policy requirements under CTY8 for an infill dwelling. Therefore the proposal is considered to be unacceptable.

CONCLUSION

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

- The principle of the development has not been established as the proposed development does not meet with the policy criteria for an infill dwelling in accordance with Policy CTY 8.
- A dwelling would be a prominent feature in the landscape and have an adverse effect on the amenity and rural character of the area and is contrary to the policy provisions set out in Policy CTY 13.
- The proposal would result in the creation of a linear form of ribbon development along the Lislunnan Road especially when considered in conjunction with a concurrent planning application LA03/201/0189/O. The proposal is therefore contrary to criterion 'd' of Policy CTY 14 and would result in ribbon development.

RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of 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 of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved at this location, it would be a prominent feature in the landscape and would have an adverse impact on visual amenity and rural character of this area.
4. This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would result in the creation of a linear form of ribbon development along the Lislunna Road especially when considered in conjunction with a concurrent planning application LA03/201/0189/O. The proposal is therefore contrary to Policy CTY 14 and would result in ribbon development.

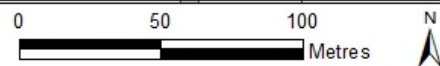


Location Map

Application Reference: LA03/2019/0189/O

Between 30 & 32 Lislunna Road, Kells

Infill dwelling and garage (Site 2)



 Site Boundary

For Information Only



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2019/0106/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed site for infill dwelling and garage
SITE/LOCATION	Site between 28b and 28a Ballyhill Lane, Nutts Corner, Crumlin
APPLICANT	Dr. Annabel Scott
AGENT	Raymond J Mairs Chartered Architects
LAST SITE VISIT	29 th March 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside as defined within the Antrim Area Plan 1984 – 2001. The site is a large rectangular shaped site with a width of approximately 60 metres and a depth of 90 metres, access to the site is achieved via an existing laneway off Ballyhill Lane which also serves No. 28a Ballyhill Lane. The application site is cut out of a much larger agricultural field and as such the boundary to the west is undefined, whilst the boundaries to the north and east are defined by post and wire fencing and mature trees and hedgerow define the southern boundary. The private laneway is defined to the north by a mature hedgerow with post and wire fencing defining the southern boundary of the laneway. The topography of the site is flat.</p> <p>The land use in the surrounding area is predominately agricultural with a number of agricultural buildings located to the immediate southeast of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0830/O Location: Site approx. 30m north of 28B Ballyhill Lane, Nutts Corner, Crumlin, Proposal: Proposed site for dwelling on a farm along with domestic garage. Decision: Permission Granted (21.12.2018)</p> <p>Planning Reference: LA03/2015/0134/CA Location: 30 Ballyhill Lane, Ballyhill Upper, Nutts Corner, Crumlin, Antrim, BT29 4ZR, Proposal: Unauthorised mobile home Decision: Enforcement Case Closed (06.11.2015)</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>	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objections

Northern Ireland Water – Statutory Response

Department for Infrastructure Roads- No objections subject to conditions

Belfast International Airport – Response outstanding

REPRESENTATION

Three (3) neighbouring properties were notified and one (1) letter of objection has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal is creating a ribbon of development
- Does not fit the criteria for infill
- There is not a substantial and continuous built up frontage including a line of 3 or more buildings along a road frontage

- Buildings at 28b are not accessed off the private laneway
- A gap is left between the application site and No. 28a therefore it is not an infill site.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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

Whilst the main thrust of Policy CTY8 is to resist ribbon development as this is detrimental to the character, appearance and amenity of the countryside, the

policy exceptionally provides for the development of a gap site where the following four specific criteria are met:

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

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 a frontage to the road if the plot in which it stands abuts or shares a boundary with the road. A letter of objection raised concerns that the proposal fails to meet with the requirements of CTY 8 as there is no continuous and built up frontage.

The first criteria of Policy CTY 8 requires that a substantial and continuously built up frontage exists. In this case, the application site is located along a shared private laneway off Ballyhill Lane, paragraph 5.33 of the justification and amplification of Policy CTY 8 advises that a road frontage includes a footpath or private lane. The application site is located between Nos. 28a and 28b Ballyhill Lane, the applicant on drawing No. 02 makes reference to a line of six buildings along the laneway. Three of the buildings are located to the northeast of the site at 28a Ballyhill Lane, which is located at the end of the laneway, acting as a bookend to the laneway. The remaining three buildings are located to the southwest of the application site and consist of a mobile home and two agricultural buildings, which are referred to as No. 28b Ballyhill Lane. The mobile home and two agricultural buildings do not have a frontage onto the private shared laneway and are separated from this laneway by an area of agricultural land. In addition the mobile home and agricultural buildings are accessed off Ballyhill Lane which is the public road and are not accessed of the shared private laneway utilised by the application site or the buildings located at No. 28a. Therefore the buildings to the west of the application site cannot be included in the assessment of a 'substantial and built up frontage'.

Notwithstanding, that there is no substantial or built up frontage, the second element of Policy CTY 8 requires the gap site to be a small gap sufficient only to accommodate a maximum of two dwellings. The conceptual layout, drawing No. 02 submitted by the applicant makes reference to plot frontages, with the application site having a frontage of 60 metres, whilst the adjacent indicative plot has a frontage of 54 metres. The justification and amplification text at paragraph 5.34 is clear that the gap site is between houses or other buildings, as such for the purposes of policy the gap between the buildings at No.28a and the mobile home constitutes the gap site. The overall gap that exists between the said buildings measures 156 metres which is considered to be a large gap sufficient to accommodate more than 2 dwellings whilst respecting the existing development pattern in terms of size, scale siting and plot size.

It should be noted that an extant planning permission for a farm dwelling, approved under application LA03/2018/0830/F, exists approximately 40 metres to the east of the application site. Development had not commenced on site prior to the site visit on

29th March 2019. The previous grant of planning permission on this site does not form part of the assessment of this application.

The application fails to fulfil the requirements of Policy CTY 8 in that there is no substantial and built up frontage, the gap site could accommodate more than 2 dwellings whilst respecting the existing pattern of development.

Impact on Character and Appearance of the Area

All dwellings in the countryside must integrate in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. A letter of objection raised concerns that the proposal fails to meet with the requirements of Policies CTY 8 and CTY 14 as the proposal will result in a ribbon of development. As outlined above the application site is located along a private laneway off Ballyhill Lane. Public views of the site are limited to the lane itself and are achieved when travelling along the laneway in both directions. As the application seeks outline permission, no details have been provided regarding the proposed design or layout, however, policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. In this case the application site is cut out of a larger agricultural field and lacks any defined boundaries along the northern, eastern and western boundaries. It is considered that there are insufficient established natural boundaries to aid integration and any development on the site would rely on the use of new landscaping for integration.

Additionally, policies CTY 8 and CTY 14 indicate that development which creates or adds to a ribbon of development will be unacceptable. A dwelling on the application site will result in an additional dwelling along this stretch of laneway which would be visually linked with the existing buildings and would represent a linear form of development creating a ribbon of development. Policy CTY 14 also emphasises that any proposal which causes a detrimental change to or further erodes the rural character of an area will be resisted. Taking into consideration the existing development along this stretch of private laneway, the addition of a dwelling on this site would cumulatively lead to a suburban style of build-up. The application site and lands to the east of the site provide an important visual break in the developed appearance of the area.

It is considered that for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and CTY 8, 13 and 14 of PPS 21.

Neighbour Amenity

As the application seeks outline permission, no details have been provided regarding the proposed design or layout. It is however considered that given the location of the neighbouring properties and the separation distances which exist between buildings that a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of neighbouring properties is not negatively impacted upon.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of CTY 8 of PPS 21.

- The proposal will result in ribbon development and will result in a suburban style build-up of development when viewed with existing and approved buildings.
- The proposal will fail to satisfactorily integrate and relies primarily on the use of new landscaping for integration.

RECOMMENDATION : **REFUSE OUTLINE PLANNING PERMISSION**

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and CTY 8 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 and it fails to meet with the provisions for an infill dwelling in accordance with CTY 8 of PPS 21.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a ribbon of development resulting in a suburban style of build-up, resulting in a detrimental change to and further eroding the rural character of the area.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that it the site lacks long established natural boundaries and relies of the use of new landscaping for integration.



Location Map

Planning Reference: LA03/2019/0106/O

Location: Site between 28b and 28a Ballyhill Lane
Nutts Corner, Crumlin

Proposal: Infill Dwelling and Garage



For Information Only



COMMITTEE ITEM	3.16
APPLICATION NO	LA03/2019/0138/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Infill dwelling and garage
SITE/LOCATION	Adjacent to 378 Ballyclare Road, Newtownabbey, BT36 4TQ
APPLICANT	Mrs Denise Dykes
AGENT	H R Jess Ltd
LAST SITE VISIT	6 th March 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located adjacent to 378 Ballyclare Road, Newtownabbey and within the countryside as defined within the draft Newtownabbey Area Plan and both versions of draft BMAP.</p> <p>The application site lies to the south of Ballyclare Road and consists of a dwelling, 378 Ballyclare Road and a joinery business 378a Ballyclare Road, access to these buildings is achieved via a paired access of the Ballyclare Road branching off to two laneways. The site is a large site measuring 195 metres in depth with a width of 50 metres along the frontage. The existing dwelling is a two storey dwelling set back off the public road with a front garden stretching down to the northern boundary of the site along the Ballyclare Road. The joinery business (No. 378a) is located within a yard area to the southwestern section of the site, previous boundary treatment dividing the yard from the parcel of agricultural land to the north has been removed, and as such this boundary is undefined. An additional shed is also located to the southwest of the application site which is not shown on the plans.</p> <p>The site is located within a rural area with the land use being predominately agricultural. There are a number of detached properties located within the immediate vicinity.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2018/0994/O Location: Site 20 metres west of 378 Ballyclare Road Newtownabbey BT36 4TQ Proposal: Infill dwelling and garage Decision: Application Withdrawn (21.01.19)</p> <p>Planning Reference: LA03/2016/1118/O Location: 378A Ballyclare Road, Newtownabbey, BT36 4TQ Proposal: Single dwelling, domestic garage and store Decision: Application Refused (21.06.17)</p>	

Planning Reference: LA03/2017/0248/LDE

Location: 378A Ballyclare Road, Newtownabbey

Proposal: Joinery Business (shop fitting & design, building, maintenance, renovation, joinery manufacture)

Decision: Permitted Development (21.06.17)

Planning Reference: LA03/2018/0417/CA

Location: 378A Ballyclare Road, Newtownabbey

Proposal: Alleged unauthorised shed

Decision: Case Closed (23.01.19)

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 and Draft Belfast Metropolitan Area Plan: The application site is located outside any settlement limit and lies in the countryside as designated by these Plans which offer no specific policy or guidance pertinent to this proposal.

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

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

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.

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

CONSULTATION

Council Environmental Health Section – Additional information requested

Northern Ireland Water – Statutory Response

Department for Infrastructure Roads- Amendments requested

Department for Communities Historic Environment Division – No objections

REPRESENTATION

Eight (8) neighbouring properties were notified and one (1) letter of objection has been received from one (1) property. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Traffic safety/insufficient visibility splays
- Control of 3rd party lands necessary for visibility splays
- Absence of existing shed within the site layout
- Increase of traffic onto public road from joinery business
- Inaccuracies with sight lines provided
- No road frontage exists from the joinery business at 378a Ballyclare Road
- The proposal does not respect the existing pattern of development in relation to plot sizes.
- Impact of ancillary works and area of hardstanding in the rural area
- Impact on character of the area and suburban style of build up
- The proposal does not comply with Policies CTY 8 or 14 of PPS21
- The proposal does not comply with Policy AMP 2 of PPS3
- The proposal is no different to the previous application LA03/2018/0994/O with the exception of a minor change regarding visibility splays.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

the Act, regard is to be had to the Local Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the countryside outside any settlement limit. The application site also lies within a Local Landscape Policy Area MNY 33 as designated within dBMAP adopted 2014.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS's). 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 which will contribute to the aims of sustainable development. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

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

(a) the gap site is within an otherwise substantial and continuously built up frontage;

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

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. A letter of objection raised concerns that the proposal fails to meet with the requirements of CTY 8 as there is no continuous and built up frontage and the proposal does not respect the existing development pattern in relation to plot sizes.

An indicative layout, drawing No. 02, shows the proposed dwelling located between properties at No. 378 Ballyclare Road and the existing joinery business known as 378a Ballyclare Road. Additional properties, No. 374 Ballyclare Road is located to the east of the application site and property No. 384 is located to the west of the application site. It is considered that whilst both Nos. 374 and 378 which are located to the east of the proposed site for the dwelling have a frontage onto the Ballyclare Road, 378a (joinery business) and No. 384 and associated buildings do not have a frontage onto the Ballyclare Road. Supporting document 01, indicates that the applicant considers the existing joinery building as having a road frontage onto the Ballyclare Road by virtue of its associated front grassed area, driveway and features which abut and share a boundary with the road.

The existing building serving the joinery business at 378a Ballyclare Road is situated within a yard area which is set back off the Ballyclare Road. The curtilage of the joinery business was previously clearly defined by a band of mature trees which separated the joinery business and plot of land to the front which extends to the Ballyclare Road. The subject area of land which extends to the Ballyclare Road is an area of agricultural land which the applicant contends should be considered as the frontage of No. 378a. As outlined above this area of land was formerly separated from No. 378a by a band of mature trees, additionally, the subject area of land was also not maintained as a grassed area. Evidence of this can be seen through google imagery dated April 2017. Additionally if the subject area of land is, as the applicant contends, an increase in curtilage associated with No.378a Ballyclare Road, a planning application to regularise this has not been granted. It is considered that the joinery business (No. 378a) is located on separate plot with no frontage onto the Ballyclare Road.

For the reasons outlined above it is considered that there is no substantial and continuously built up frontage along this stretch of the Ballyclare Road and as such the proposal fails the first element of Policy CTY 8.

The third element of Policy CTY 8 requires that the proposal respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposed plot is 14 metres in width and is a subdivision of the plot of the joinery business at 378a which reduces that plot from 36 metres to 22 metres. The dwelling on site at No. 378 has a plot width of 65 metres. As a result of this the proposal would not respect the existing development pattern along the frontage of the Ballyclare Road.

Given the reasons outlined above, there is no infill development opportunity in accordance with Policy CTY 8.

Impact on Character and Appearance of the Area

All dwellings in the countryside must integrate in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. A letter of objection raised concerns in relation to the proposal not complying with CTY 14 in that the proposal will result in a suburban style of build-up and the impact of ancillary works will have a negative impact on the rural character of the area.

As the application seeks outline permission, no details have been provided regarding the proposed design or layout, however, levels throughout the site have been provided, as has an indicative layout of the location of the proposed dwelling. The proposed dwelling is set back 120 metres of the public road, on an elevated position approximately 6 metres above the existing level of the Ballyclare Road. There are public views of the site experienced from along the Ballyclare Road. Policy CTY 13 requires that a new building in the countryside will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure. In this case the application site lacks significant vegetation along the northern, eastern and western boundaries and would rely primarily on new landscaping for integration.

Additionally, Policy CTY 8 and CTY 14 indicate that development which creates or adds to a ribbon of development will be unacceptable. A dwelling on the application site will result in an additional building along this stretch of the Ballyclare Road which would be visually linked with the other existing buildings and would represent a linear form of development resulting in a ribbon of development. Policy CTY 14 also emphasises that any proposal which causes a detrimental change to or further erodes the rural character of an area will be resisted. Taking into consideration the existing development along this stretch of the Ballyclare Road, the addition of another dwelling on this site would cumulatively lead to a suburban style of build-up, particularly with the removal of the mature band of trees from in front of the joinery business, resulting in the joinery building being highly visible. Additionally, the impact of the ancillary works in the form of an additional area of hardstanding to the north of the joinery business and a suburban style laneway on an open and exposed site would result in three laneways in close proximity to one another which is considered detrimental to the character of this rural area.

It is considered for the reasons outlined above that the proposal fails to meet the requirements of the SPPS and CTY 8, 13 and 14 of PPS 21.

Neighbour Amenity

As the application seeks outline permission, limited details have been provided regarding the proposed design, however an indicative layout, drawing No 02 has been provided. It is considered that given the separation distance from adjacent neighbouring property at No. 378 a dwelling could be appropriately designed for the site to ensure that the privacy and amenity of the existing property at No.378 Ballyclare Road is not negatively impacted on.

Drawing 02, shows the proposed dwelling located 1 metre to the east of No.378a, an existing joinery business. It is considered that a dwelling in such close proximity to a

joinery business has the potential to create significant negative impacts upon the proposed dwelling in relation to noise and general disturbance. The Council's Environmental Health section was consulted on the proposal and requested the submission of a Noise Impact Assessment. The assessment was not requested from the applicant as the principle of development has not been established.

Access, Movement and Parking

The application site is currently accessed via an existing paired access on the Ballyclare Road, which then branches off and provides two laneways through the site, to access both No's 378 and 378a Ballyclare Road. The proposal involves the creation of a new access point on to the Ballyclare Road. A letter of objection raised concerns that the full visibility requirements have not been provided and third party lands would be required in order to facilitate the full requirement. Additionally the letter of objection raised concerns that there are inaccuracies with the visibility splays provided on the plans.

DfI Roads was consulted on the proposal and requested amendments to the proposal. These amendments were not requested from the agent as the principle of development has not been established.

Other Matters

A previous application LA03/2018/0994/O was submitted to the Council for the same proposal with the exception of the provision of visibility splays along the Ballyclare Road which are now provided under the current application. The previous application LA03/2018/0994/O was due to be presented to the January 2019 Planning Committee, however, the application was subsequently withdrawn prior to the Committee meeting.

A letter of objection raised concerns relating to a building to the rear of the joinery business not being annotated on the submitted plans and if this building is permitted development. The building is not required to be shown on the submitted plans for the purposes of this application. An enforcement case was closed on the subject building on 23rd January 2019 as there did not appear to be any breach of planning control.

CONCLUSION

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

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 8 of PPS 21.
- The proposal will result in a ribbon development and a suburban style build-up of development when viewed with existing and approved buildings.
- The proposal will fail to satisfactorily integrate and relies primarily on the use of new landscaping for integration.
- The impact of ancillary works is considered to be detrimental to the character of this rural area.
- It has not been demonstrated that the proposal will not create significant negative impacts on the proposed dwelling in relation to noise and general disturbance.
- It has not been demonstrated that the required sight lines can be achieved.

RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
PROPOSED REASONS OF REFUSAL	
<ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 and CTY 8 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 and it fails to meet with the provisions for an infill dwelling. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a dwelling on this site would, if permitted, create a ribbon of development resulting in a suburban style of build-up, and the impact of ancillary works would result in a detrimental change to and further erode the rural character of the area. 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, in that the site lacks long established natural boundaries and relies on the use of new landscaping for integration and the ancillary works do not integrate with their surroundings. 4. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed dwelling in terms of noise disturbance from the adjacent industrial premises. 5. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking, in that it has not been demonstrated that the required sight lines can be achieved and that the proposal will not prejudice road safety. 	



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Location Map

Application Reference: LA03/2019/0138/O

Adjacent to 378 Ballyclare Road
Newtownabbey

Infill dwelling and garage

 Site Boundary

For Information Only

0 110 220 Metres



COMMITTEE ITEM	3.17
APPLICATION NO	LA03/2019/0263/O
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed infill site for 2no. dwellings and garages
SITE/LOCATION	Lands 20m east of 714 Antrim Road, Templepatrick, Ballyclare
APPLICANT	Johnston Kirkpatrick
AGENT	Slemish Design Studio LLP
LAST SITE VISIT	16 th April 2019
CASE OFFICER	Sairead de Brún Tel: 028 903 40406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located in the countryside outside of any settlement development limit as defined in the Antrim Area Plan 1984 – 2001. It is a roadside site, occupying the northern portion of an agricultural field located between Nos. 710 and 714 Antrim Road, Templepatrick. This agricultural field has been notionally split in half to create two potential infill sites. The site is relatively flat, bounded to the northeast and northwest by a grass verge, post and wire fence and some sparse hedging and trees. A row of tall, mature conifer trees runs along the western boundary; between the application site and No.714 Antrim Road. The eastern and rear boundaries of the site are defined by low hedging. There is no formal boundary definition between site 1 and site 2.</p> <p>Despite being only 250m southwest of the M2 motorway, and around the same distance from the small settlement of Millbank, the area surrounding the application site is relatively rural in character, and characterised by single dwellings on roadside plots.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No response

Northern Ireland Water – No response

Department for Infrastructure Roads- No objection

REPRESENTATION

Three (3) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

The application site is located within the countryside outside any settlement limit defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

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

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

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

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

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.

This roadside application site is located along the Antrim Road in Templepatrick, and is sited between Nos. 710 and 714. The dwelling at No. 714, is a single storey dwelling with attached garage; while No. 710 contains a two storey dwelling with a separate garage to the rear. Both existing dwellings are roadside and both buildings have a frontage to the public road. The garage at No. 710 however, is set too far back in the plot to be considered as having a frontage to the road and cannot be counted as

one of the three buildings required to create a substantial and continuously built up frontage. As there are only two buildings with frontage to the Antrim Road, there is not a substantial and continuously built up frontage; therefore the application site does not meet criterion (a).

The entire gap site, i.e. the distance between Nos. 710 and 714, measures approximately 160m. Given that the average plot size of the surrounding developments is 43m in length, it is considered that the proposed gap site could accommodate more than the maximum of two houses as stipulated in criterion (b). Consequently, the development does not meet this criterion and in return, it would fail to respect the existing development pattern in terms of size, scale, siting and plot size. The proposal does not meet criterion (c).

Taking into account consultation responses, the proposal meets with other planning and environmental requirements and criterion (d).

Overall, the application site meets only one out of the four specific criteria in Policy CTY 8; however it is not in accordance with the other criterion and therefore the principle of infill development cannot be established on this application site.

Design and Appearance

Policy CTY 13 of PPS 21 states that planning permission may be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Criterion (b) of the policy indicates that a new building will be unacceptable where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

The application site is right on the roadside of the busy Antrim Road, with only low hedging acting as a backdrop. The existing vegetation surrounding Nos. 710 and 714 will provide only limited screening of the proposed dwellings and while DfI Roads has indicated that the required visibility splays can be provided within the grass verge, it will still be necessary to remove some of the roadside vegetation to create the necessary access into the application site, thereby opening the site up to critical views. These critical views will be achieved from the boundary with No. 710 right up to the boundary with No. 714 and in both directions when travelling along the Antrim Road.

Taking into account the entire length of this road frontage site, the amount of roadside vegetation to be removed, together with the low level of natural vegetation providing a backdrop, it is considered that this site cannot provide a suitable degree of enclosure for the proposed two buildings to integrate into the landscape. The development is therefore, contrary to Policy CTY 13.

Neighbour Amenity

As stated above, the overall length of the gap site is approximately 160m and is proposed to accommodate only two dwellings. As a result, the distance between the existing and the proposed dwellings is such that neither current nor prospective residents will be unduly affected by overlooking or overshadowing.

Impact on Character and Appearance of the Area

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It identifies that a new building will be unacceptable where, in relation to criterion (d) it creates or adds to a ribbon of development.

This development does not meet the criteria to be considered an exception to Policy CTY8, and if permitted would result in the creation of a linear form of development, which in turn would create a ribbon of development when viewed with Nos. 710 and 714. This suburban style build-up of development in the area would be contrary to criterion (d) of Policy CTY 14.

CONCLUSION

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

- The principle of the development is not acceptable.
- The application site is unable to provide a suitable degree of enclosure for the proposed development.
- The proposal would result in the creation of a ribbon of development along the road.

RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY1 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 of the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Antrim Road.

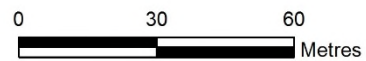


Location Map

Application Reference: LA03/2019/0263/O

Lands 20m east of 714 Antrim Road, Templepatrick
Proposed infill site for 2no. dwellings and garages

 Site Boundary



For Information Only



COMMITTEE ITEM	3.18
APPLICATION NO	LA03/2019/0125/A
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE ADVERTISEMENT CONSENT
PROPOSAL	Retention of Hoarding sign (temporary)
SITE/LOCATION	113 Ballynure Road, Ballyclare
APPLICANT	Lather 10 Developments Ltd
AGENT	JWA Design
LAST SITE VISIT	12 th March 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 113 Ballynure Road and lies within the development limits of Ballyclare as defined in the Belfast Metropolitan Area Plan 2014 (BMAP 2014). The site encompasses a single storey dwelling and its gardens which appeared to be vacant at the time of site inspection with the subject signage present on site.</p> <p>The application site is under the ownership of the developers for the 'Clements Hall' residential development which is located on lands to the rear of the dwelling house, however the application site does not form part of this housing development site (which was granted planning permission under LA03/2016/0972/F), nor can the housing development be viewed from the current application site for advertisement consent..</p> <p>The area in which the site is located is predominately residential with the exception of a small commercial unit which is located directly beside the application site to the east.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2008/0360/F Location: 113 Ballynure Road, Ballyclare, BT39 9AQ Proposal: Demolition of existing building and erection of residential development consisting of 25 units and associated car parking and landscaping Decision: Permission Granted</p> <p>Planning Reference: LA03/2016/0972/F Location: Lands 70m North West of 113 Ballynure Road and 37m South West of 61 Henryville Meadows, Ballyclare Proposal: Housing development of 9no dwellings in total, comprising 8no semi-detached and 1no detached dwelling and associated road and site works Decision: Permission Granted</p>	

PLANNING POLICY AND GUIDANCE

Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers in relation to advertisement control only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

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

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

Draft Newtownabbey Area Plan 2005 (NAP): The application site is located within the settlement limit of Ballyclare. 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 Ballyclare. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Ballyclare. The Plan offers no specific guidance on this proposal.

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

CONSULTATION

Department for Infrastructure Roads – No Objections

REPRESENTATION

Neighbour notification is not undertaken for applications for consent to display an advertisement. 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
- Amenity
- Public Safety

Policy Context

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of

Section 130 of the Planning Act (Northern Ireland) 2011. Regulation 3(1) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. Up until the publication of draft BMAP (dBMAP) in 2004 and its adoption in 2014, the draft Newtownabbey Area Plan 2005 (dNAP) and associated Interim Statement published in February 1995 provided the core development plan document that guided development decisions in this part of the Borough.

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

Both of the relevant development plans identify the application site as being within the settlement limit of Ballyclare. 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 (PPS). Amongst these is PPS 17: Control of Outdoor Advertisements. Taking into account the transitional arrangements of the SPPS, retained PPS 17 provides the relevant policy context for consideration of the proposal.

Policy AD1 of PPS 17: Control of Outdoor Advertisements states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. The policy further states that the guidance for different categories of outdoor advertisement set out in Annex A of the PPS will also be taken into account in assessing proposals.

The application seeks retrospective advertisement consent for 1 No. advertising hoarding sign. This signage is located in the front garden area of the dwelling house at No. 113 Ballynure Road and is associated with the 'Clements Hall' development which is located to the rear of this existing dwelling. In principle, it is considered that an appropriate level and type of signage may be acceptable at this location provided the signage complies with the criteria set out within Policy AD1 of PPS17.

Amenity

The main consideration in determining the acceptability of the proposed signage is the effect it may have on the amenity when assessed in the context of the general characteristics of the locality and public safety.

The application seeks retrospective advertisement consent for an advertisement sign. The 'v' board sign is located in the front garden of the dwelling at No. 113 Ballynure Road. This signage relates to the housing development at 'Clements Hall' which is located behind an existing dwelling. The signage consent is sought for a temporary period which the agent has advised will be until the last residential unit has been sold. Correspondence from the agent received on 18th April 2019 has indicated within this letter that the sign will be removed in 5-6 weeks.

The supporting text of Policy AD1 indicates that care should be taken to ensure that an advertisement does not detract from the place where it is to be displayed or its surroundings and that it is important to prevent clutter. It states that the term amenity is usually understood to mean the effect upon the appearance of the immediate neighbourhood where it is displayed or its impact over long-distance views.

In this case the subject signage is a 'v' board type sign consisting of two hard wood boards measuring 2.4 metres by 2.4 metres mounted on 3 no. steel posts. The overall height of the signage is 3.8 metres.

It is considered that the size and scale of the signage together with its location within the front garden area of No. 113 Ballynure Road and immediately adjacent to the public road is not acceptable given the dominant impact it has on the appearance of the dwelling at No. 113 and the immediate neighbourhood in which the site is located.

The Ballynure Road is a busy road and there are very open public views of the sign when travelling along this road in both directions. The area in which the subject signage is located is predominately residential and therefore it is imperative that the local character and environmental quality is retained to protect the amenity of local residents. The retention of this signage will therefore be resisted on the basis of the detrimental impact it has on the surrounding residential area.

Public Safety

DfI Roads were consulted on the application and raised no objections to the proposal. As a consequence it is not considered that public safety is being adversely affected by the sign.

CONCLUSION

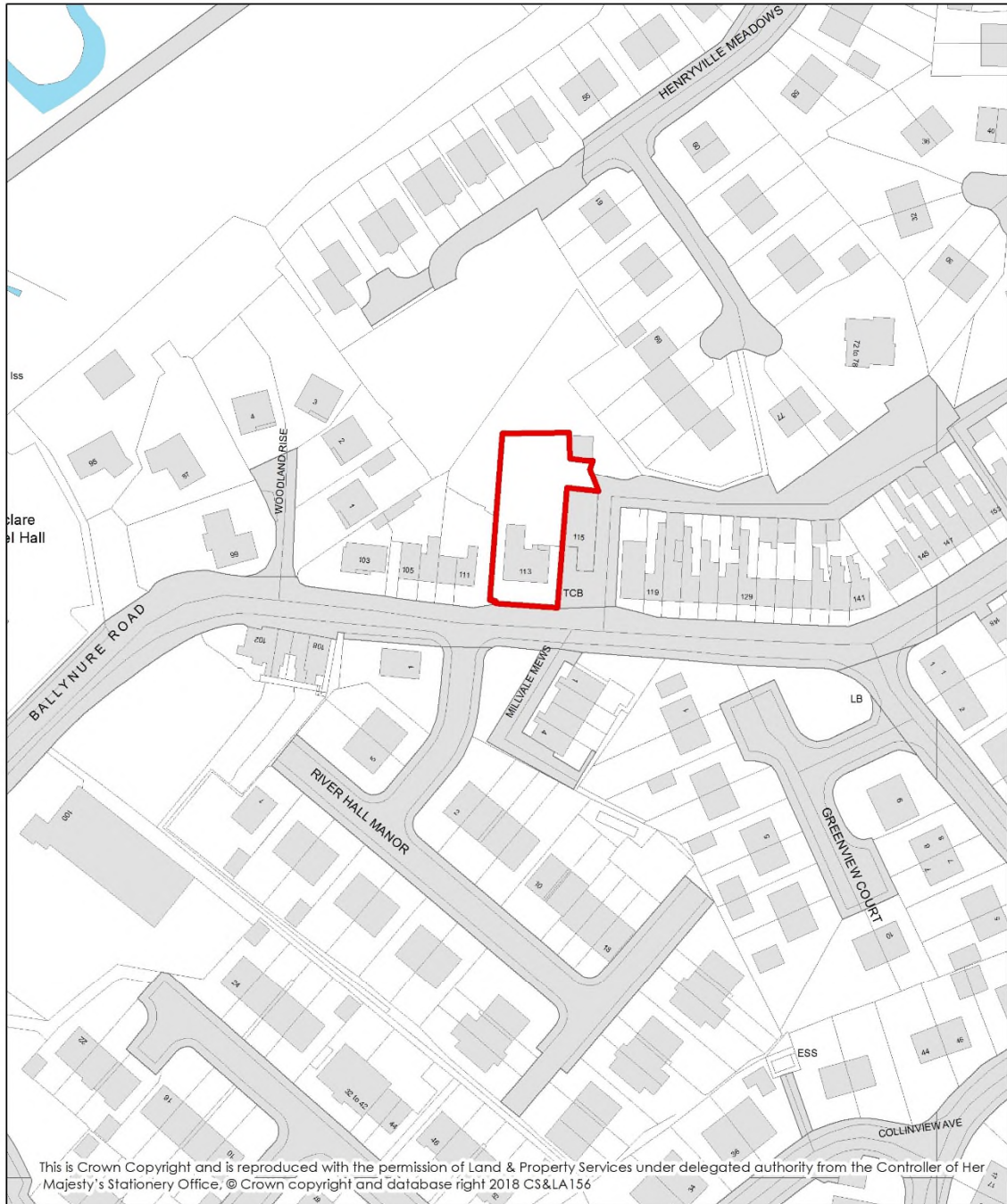
The following is a summary of the main reasons for the recommendation:

- It is considered that the signage has a detrimental impact on amenity when assessed in the context of the surrounding characteristics of the area.
- There are no concerns in relation to public safety.

RECOMMENDATION : REFUSE ADVERTISEMENT CONSENT

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of PPS 17: Control of Outdoor Advertisements, in that retention of the signage would have an unacceptable detrimental impact on the visual amenity of the surrounding residential area.



Location Map

Application Reference: LA03/2019/0125/A

113 Ballynure Road
Ballyclare

Temporary Retention of Hoarding Sign



 Site Boundary

For Information Only



COMMITTEE ITEM	3.19
APPLICATION NO	LA03/2019/0183/A
DEA	ANTRIM
COMMITTEE INTEREST	RELATED TO PREVIOUS DECISION BY COMMITTEE
RECOMMENDATION	GRANT ADVERTISEMENT CONSENT
PROPOSAL	Retention of temporary freestanding 6.65 metre sign for a period of 2 years.
SITE/LOCATION	Lands at former Enkalon Site to the north west of Enkalon Sports and Social Club and Steeple Burn watercourse south west of Enkalon Industrial Estate and north east of Plaskets Burn and Umry Gardens Randalstown Road Antrim
APPLICANT	Fermac Properties
AGENT	TSA Planning
LAST SITE VISIT	17 th April 2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located 90m southwest of 29 Randalstown Road, Antrim which is located within the development limits of Antrim Town as defined by the Antrim Area Plan 1984-2001.</p> <p>The southern boundary of the site is defined by a low 1 metre high wall, with 0.5 metre high metal fencing on top. The northern, eastern and western boundaries are physically undefined. To the rear of the site is a housing development which is currently under construction at present, with a number of the residential units already constructed.</p> <p>The sign to be retained is a 'V' shaped sign, located to the north of the southern boundary and 8 metres north of the Randalstown Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2006/0962/O Location: The former Enkalon site, on land to the west of Oriel Lodge and Enkalon Industrial Estate and to the east of Plaskets Burn, Randalstown Road, Antrim. Proposal: Proposed residential development, incorporating open space and recreational facilities. Decision: Permission Granted 21.08.2007</p> <p>Planning Reference: LA03/2017/0472/F Location: Lands adjacent and west of Enkalon Sports and Social Club, 25a Randalstown Road, Antrim and 100m east of 1 Umry Gardens, Antrim,</p>	

Proposal: Proposed residential development comprising 3 no. detached dwellings and garages (change of house type for Plot No.'s 1, 5 and 10 of planning approval T/2008/0195/F)

Decision: Permission Granted 24.08.2017

Planning Reference: LA03/2017/0908/F

Location: Lands at the former Enkalon Sports and Social Club, 25a Randalstown Road, circa 150m east of 1 Umry Gardens and directly adjacent and west of Oriel Lodge Residential Home, Randalstown Road, Antrim,

Proposal: Proposed erection of 44 no. residential dwellings (mix of detached and semi-detached), including domestic garages, open space and landscaping, right hand turn lane from Randalstown Road and all site and access works.

Decision: Permission Granted 20.06.2018

Planning Reference: LA03/2018/0098/CA

Location: Old Enkalon Social Club Site, Randalstown Road, Antrim

Proposal: Alleged unauthorised sign (housing development)

Decision: Receipt of Planning Application

Planning Reference: LA03/2018/0629/F

Location: Lands at the former Enkalon site, to the NW of Enkalon Sports and Social Club and Steeple Burn watercourse, SW of Enkalon Industrial Estate and NE of Plaskets Burn and Umry Gardens, Randalstown Road, Antrim,

Proposal: Proposed residential development of 124 no. dwellings (comprising 74 no. detached and 50 no. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and access works.

Decision: Neighbours Notified

Planning Reference: LA03/2018/0648/A

Location: Existing advertising hoarding 90m south west of 29 Randalstown Road, Antrim

Proposal: Retention of a freestanding 6.65m high (43.2sqm) V shaped temporary hoarding for period of 2 years.

Decision: Permission Refused 20.09.2018

Decision: Appeal Dismissed 11.02.2019

PLANNING POLICY AND GUIDANCE

Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers in relation to advertisement control only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

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

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

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

PPS 17: Control of Outdoor Advertisements: sets out planning policy and guidance for the control of outdoor advertisements.

CONSULTATION

Department for Infrastructure Roads – No Objections

REPRESENTATION

Neighbour notification is not undertaken for applications for consent to display an advertisement. 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
- Amenity
- Public Safety

Policy Context

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (Northern Ireland) 2011. Regulation 3(1) of the Regulations requires that the Council exercise its powers only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the advertisement is proposed. The application site is located within the settlement limit of Antrim as defined in AAP. There are no specific operational policies or other provisions relevant to the determination of the application contained in the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPS). Amongst these is PPS 17: Control of Outdoor Advertisements. Taking into account the transitional arrangements of the SPPS, retained PPS 17 provides the relevant policy context for consideration of the proposal.

Policy AD1 of PPS 17: Control of Outdoor Advertisements states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice

public safety. The policy further states that the guidance for different categories of outdoor advertisement set out in Annex A of the PPS will also be taken into account in assessing proposals.

The application seeks retrospective temporary advertisement consent for a 'V' shaped freestanding hoarding sign to promote a newly constructed residential development to the north of the application site. The Policy accepts that some advertisements are clearly temporary, such as large scale advertisements which help screen building sites. In principle it is considered that an appropriate level and type of signage would be acceptable at this location provided the signage complies with the criteria set out within Policy AD1 of PPS17.

Amenity

The SPPS states a well-designed advertisement should respect the building or location where it is displayed and contribute to a quality environment. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety. PPS17 states in relation to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.

The advertising sign is located 8 metres north of the Randalstown Road which is one of the main thoroughfares from Antrim Town towards the M2 Motorway and also the main thoroughfare from Antrim Town to Randalstown.

It is noted the Council refused advertisement consent at the same location for a much larger "V" shaped sign with each side measuring 13 metres in length and 6.65 metres in height. The total area of the refused signage was 46.8sqm. Consent was refused as the Council considered the signage would have an overly dominant impact on the area given its siting along the road edge 8 metres north of the public road and its large size and scale.

The current application also proposes to retain a "V" shaped sign, however each side measuring has been reduced to 6 metres in length (from 13 metres). The signage measures 3.6 metres in height and sits on 3.05 metre stanchions which makes the total height of the signage 6.65 metres. The proposed height of the signage has not changed from the previous refusal however, the main body of the signage has been reduced by 7 metres, a total area of 25.2sqm, a reduction of 46% which the Council considers to be an acceptable size and scale.

The main body of the signage to be retained is finished with a standard panel with ply sheeting. The actual advertisement the signage will display will change as the construction of the housing development (located to the north of the sign) progresses.

The amplification to Policy AD1 advises that display panels can have an overly dominant impact on the character of the area and they can also result in clutter when considered with other signs in the area. There is no other similar signage located in the immediate vicinity of the site along this stretch of the Randalstown Road, therefore there is no concern with clutter at this location.

Paragraph 4.5 states a well-designed and sensitively sited advertisement can contribute positively to the visual qualities of an area. However advertisements can be easily spoiled by poorly designed advertising which appears over dominant, unduly prominent or simply out of place. There are two storey dwellings located to the north of the signage and mature trees that define the north of the housing development. It is considered that the signage to be retained is of an appropriate scale in that it does not dominate the dwellings to the north, nor is it considered a dominant feature in the landscape. It is considered the signage is well designed and does not detract from the streetscape of the Randalstown Road. As the signage is integrated into the surrounding area by the existing two storey dwellings, the signage is not particularly visible except along the frontage of the housing development.

Paragraph 10 of PPS17 states that large freestanding panels (generally 48 sheet displays or greater) are commonly used to screen derelict and untidy land. These sites can be a potential eyesore and in many cases a carefully designed scheme for screening that integrates advertisement panels can often prevent fly tipping, vandalism and help ensure security. Such schemes need to be well maintained and will generally only be acceptable on a temporary basis.

With reference to the previously refused signage at this location, the Council had also considered this concern. However it was considered that the signage was unacceptable due to the size and scale of the signage which was 13 metres on both sides and had a height of 6.65 metres, which would be highly prominent and visually dominant in the area.

The current signage is however considered to be acceptable as the size and scale of the signage has been reduced from 13 metres on each side to 6 metres on each side which would be more acceptable in the context of the application site. In addition, given that the signage is for a temporary period of 2 years. It is considered the sign to be retained is not overly dominant and does not detract from the surrounding area.

Public Safety

Advertisements by their very nature are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. In assessing the impact of an advertisement on public safety the Council needs to consider its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water or in the air.

DfI Roads have been consulted on the proposal and have no objection regarding the proposal. As a consequence it is not considered that public safety is being adversely affected by the sign.

Other Matters

An earlier application (LA03/2018/0648/A) to retain a similar form of signage at this location was refused by the Council due to its impact on the amenity of the area. That decision to refuse advertisement consent was then subsequently appealed to the Planning Appeals Commission where the appeal was dismissed. The current application seeks a form of signage which is significantly reduced from the previous application and is some 46% smaller than the current proposal. Given the reduced

scale of the signage and the reduced visual impact, it is considered that the current application differs from the previous application.

CONCLUSION

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

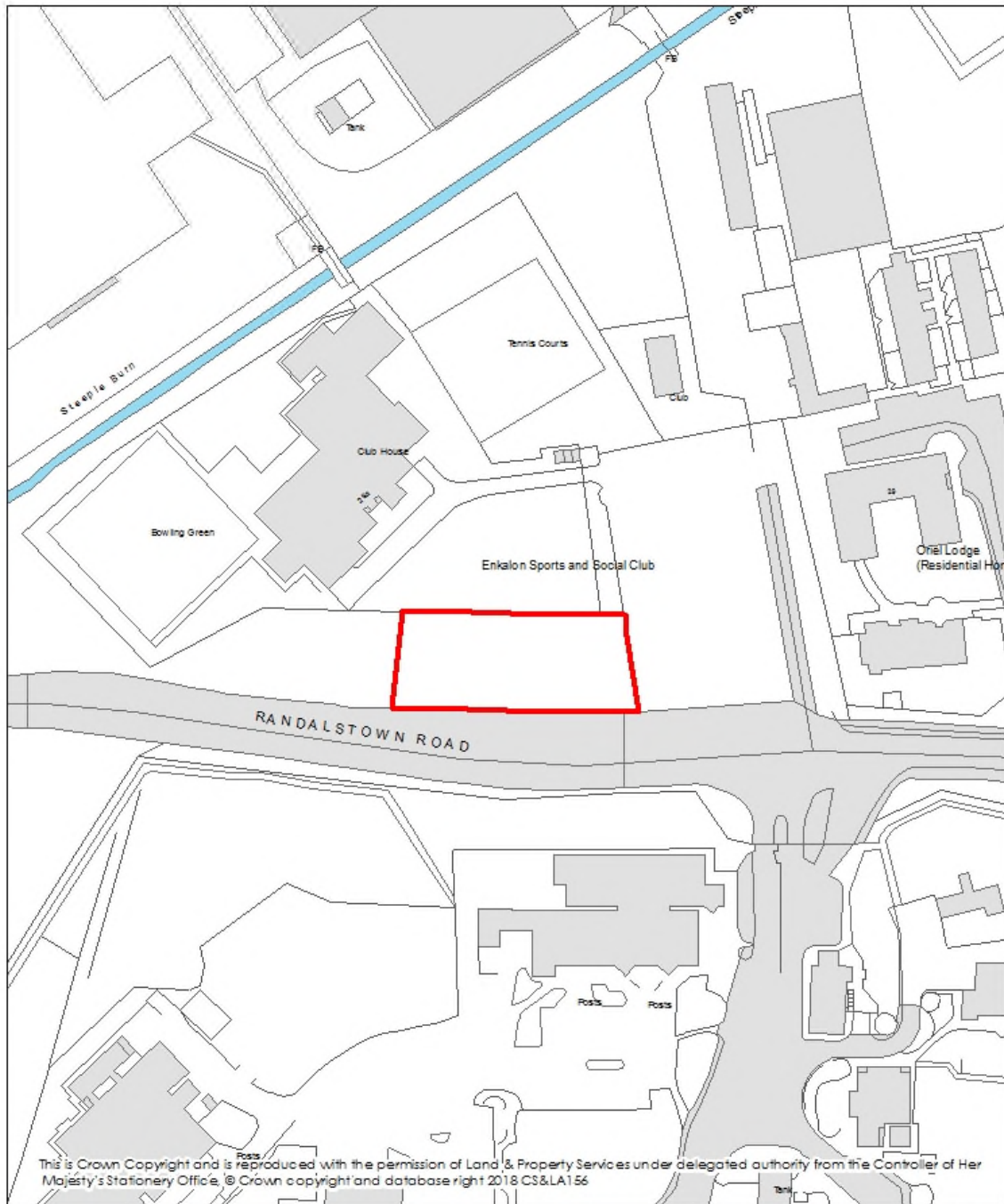
- The principle of a sign on this site is considered acceptable.
- The sign will not have a negative impact on the amenity of the area.
- The sign will not have a detrimental impact on public safety.
- The current application differs from the previously refused signage application at the same location.

RECOMMENDATION : **GRANT ADVERTISEMENT CONSENT**

PROPOSED CONDITION

1. The temporary sign, hereby permitted, shall be removed from site and the land restored to its former condition within 2 years from the date of this permission.

Reason: This type of temporary sign is such that its permanent retention would harm the character and amenity of the area.



Location Map

Application Reference: LA03/2019/0183/A

Lands at former Enkallon Site to the north west of Enkallon Sports and Social Club and Steeple Burn watercourse south west of Enkallon Industrial Estate and north east of Plaskets Burn and Umry Gardens Randalstown Road Antrim

0 30 60 Metres

Retention of freestanding 6.65m temporary hoarding sign for a period of 2 years

 Site Boundary

For Information Only



COMMITTEE ITEM	3.20
APPLICATION NO	LA03/2019/0088/F
DEA	MACEDON
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Change of use from amenity grass area to urban sports park (to include fencing, features & lighting); development of paths, lighting, swale and associated soft landscape works
SITE/LOCATION	Valley Park, Church Road, Newtownabbey (Lands adjacent and to the rear of Abbey Retail Park)
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	MWA Partnership Ltd Landscape Arch.
LAST SITE VISIT	6 th March 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within an area of existing open space within Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan and both versions of the draft Belfast Metropolitan Area Plan (dBMAP). The application site is located within a Local Landscape Policy Area MNY 47 and a community greenway MNY 48/03 as defined in BMAP.</p> <p>The application site forms part of the existing V36 Park and is located in the southeastern section of the park. The site is currently an undefined area of open space in the form of a grassed parcel of land which is accessed via an existing access onto the Church Road. The topography of the site is relatively flat.</p> <p>As outlined above the application site is located within V36 Park which facilities a number of leisure and recreational activities and open space.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2014/0197/F Location: Lands at Valley Park, Church Road, Newtownabbey, BT36 7LJ Proposal: Development of public park to include new event spaces, adventure play area, car parking, upgraded access road, public footpaths, lighting and landscaping Decision: Permission Granted (07.11.2014)</p> <p>Planning Reference: U/2013/0287/F Location: Lands at Valley Park, Church Road, Newtownabbey, BT36 7LJ Proposal: 3G synthetic turf pitch including enclosure fencing, 12m high ball stop fencing, pitch floodlighting with 6nr columns 25m high, floodlit training area with 3nr columns 15m high, paths and amenity lighting</p>	

Decision: Permission Granted (02.05.2014)
 Planning Reference: U/2007/0478/F
 Location: Lands at Valley Park, Church Road, Newtownabbey, BT36 7LJ
 Proposal: Re configuration of existing all weather pitches to provide 8 No. 3G 5-a-side football pitches/courts with associated 24 No. 8m high floodlights, 7.2m high court/pitch fencing & 2.4m high security fencing
 Decision: Permission Granted (16.11.2007)

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.

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit of Metropolitan Newtownabbey with the land zoned for landscape, amenity or recreation use.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. The application site is zoned as an area of existing open space.

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. The application site is located as an area of existing open space and within a Local Landscape Policy Area MNY 47 and a community greenway MNY 48/03.

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objections, subject to conditions

Department for Infrastructure Roads- No objections

Department for Infrastructure Rivers – No objections

Department for Communities Historic Environment Division – No objections

REPRESENTATION

No neighbours were notified of the application as no occupied properties abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

The 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. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. The application is designated as an area of existing open space within both versions of dBMAP and within a Local Landscape Policy Area (LLPA) MNY 47 and a community greenway within dBMAP (published 2014).

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). One such Policy is Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation. Policy OS 1 states that development will not be permitted where it results in the loss of open space, however, the policy goes on to state that an exception will be made where the redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.

In this case the proposal for a skate park is located within the wider V36 complex, which is 'an intensive sports facility' providing both indoor and outdoor sport and recreation facilities. The inclusion of a skate park within V36 will enhance the recreation provision already provided within the park therefore providing substantial community benefits. It is considered that the principle of development is acceptable subject to all other policy and environmental considerations being met.

Design, Layout and Impact on Character of Area

Policy OS 4 of PPS 8 relates to intensive sports facilities, although the proposal is not for an overall intensive sports facility, it is for the addition of facilities already provided within an intensive sports facility and as such it is considered that OS 4 is the applicable policy. The SPPS requires that consideration is given to the design and layout, whilst OS 4 requires that buildings and structures are designed to a high standard and are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscaping.

The scale of the overall proposal varies at different points, however, the proposal measures 53 metres by 31 metres at its widest point. The proposed development for a skate park includes the provision of an area of hardstanding for the skate park which by its very nature requires a series of concrete ramps and bowls. An area of hardstanding for the associated plaza is located to the northwest section of the site.

The boundaries to the proposed skate park are defined by a mix of decorative fencing and pedestrian guarding both 1.1 metres in height, two access points are provided with double leaf gates. A number of areas of seating are provided within the development designed with bench seating enclosed by 1.1 high block walls. Lighting, both existing and proposed is located along the pathways and around the outer edges of the park. A swale is located to the northeast of the skate park and a large number of mature trees are located to the north of the application site which are to be retained with a high level of planting proposed in the circumference of the skate park which helps to soften the visual impact of the skate park and to ensure that it remains in keeping with the overall V36 park.

Overall it is considered that the design, layout and appearance is typical to that of a skate park and is considered acceptable. As the development is located within the

V36 Park the proposal will not create any negative impacts on the character of the area, the proposal is considered an appropriate facility and design for the wider park area.

Neighbour Amenity

Policy OS 4 requires that there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated. Additionally Policy OS 5 of PPS 8 which relates to noise generating sports and outdoor recreational activities and Policy OS 7 which relates to floodlighting are applicable in ensuring that the amenity of nearby residents are protected.

Noise

Skate park's have the potential to generate levels of noise from the activity itself and from people engaging in the activity. Consultation was carried out with the Councils Environmental Health Section (EHS) which responded requesting a Noise Assessment (NA) as a number of noise sensitive receptors are located at the nearby Glenmount Manor. A Noise Assessment, Document 03 dated 11th April 2019 was received by the Council and consultation with EHS was carried out. EHS having reviewed the Noise Assessment are satisfied that any noise generated by the proposal can be suitably controlled with the imposition of conditions limiting the use of the facility between the hours of 23.00 and 06.00 hrs.

Lighting

The site for the skate park within V36, currently has a level of existing lighting along the existing paths. The proposal includes additional lighting to the proposed paths and around the skate park itself. Two different types of lighting are proposed, the lighting along the paths will match the existing lighting columns, that being a 5 metre high column with the lighting to the skate park being a 10 metre straight column with LED spotlight style lantern to each column.

A Lighting Assessment Document 01 dated 1st February 2019 was submitted with the application and consultation was carried out with EHS which requested additional information to include vertical luminance in lux. Subsequently Document 04 dated 11th April 2019 was submitted to the Council and further consultation was carried out with EHS who were satisfied that any light impacts can be suitably controlled with the imposition of conditions.

Flood Risk

PPS 15 introduces a presumption against development in fluvial floodplains. Part of the site lies within the Q100 fluvial floodplain, however, PPS15 outlines a range of exceptions to this policy presumption including the use of land for sport and outdoor recreation, additionally it is noted that the area within the Q100 fluvial floodplain is limited to an access footway only. For these reasons it is considered the proposal should be treated as an exception under Policy FLD 1 subject to appropriate mitigation measures as identified through a detailed Flood Risk Assessment.

A Flood Risk and Drainage Assessment, Document 02, dated 1st February 2019 was submitted to the Council and consultation with DfI Rivers was carried out. DfI Rivers has responded indicating that the development within the Q100 fluvial floodplain is

an access footway and the design levels remain as existing. On this basis DfI Rivers has raised no objections under Policy FLD 1.

Policy FLD 3 of PPS 15 provides policy for development and surface water (pluvial) flood risk outside of flood plains. Due to the size of the development which exceeds 1000sqm of new hardstanding FLD 3 is applicable. As outlined above, consultation was carried out with DfI Rivers. Schedule 6 Consent has already been granted by DfI Rivers to attenuate and limit the rate of discharge of surface water to pre-development greenfield runoff rate. Therefore the proposal is considered to comply with Policy FLD 3.

Other Matters

Policy AMP 2 of PPS 3 requires that access onto the public road will not prejudice road safety with Policy OS 4 of PPS8 requiring that the road network can safely handle the extra vehicular activity associated with the proposed development. Access to the site is achieved via an existing access onto Church Road. Parking and turning provisions is provided adjacent to the site within the wider V36 Park. Consultation was carried out with DfI Roads who raised no objection to the proposed access and parking arrangements.

As the application site is located within the buffer zone of a protected historic monument, consultation was carried out with Historic Environment Division who raised no objections to the proposal.

CONCLUSION

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

- The principle of the development is considered to be acceptable.
- The design, layout and appearance is considered appropriate for the site.
- The proposal will not create any negative impacts on the character of the area
- The amenity of neighbours will not be adversely impacted on.
- The proposal will not create any unacceptable impacts in relation to flood risk.

RECOMMENDATION : GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The development hereby approved, including any artificial lighting associated with the development, shall not be operational at any time between the hours of 23:00hrs and 06:00hrs.

Reason: To protect the amenity of nearby residential properties.

3. Any artificial light spillage associated with the development hereby approved shall not exceed the lux contours outlined within Drawing No. 04 bearing the date stamp 11th April 2019.

Reason: To protect the amenity of nearby residential properties.

4. The existing mature trees within the site as indicated on Drawing No 02 bearing the date stamp 1st February 2019 shall be retained and allowed to grow on unless necessary to prevent danger to the public, in which case a full explanation shall be given to the Council in writing.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

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

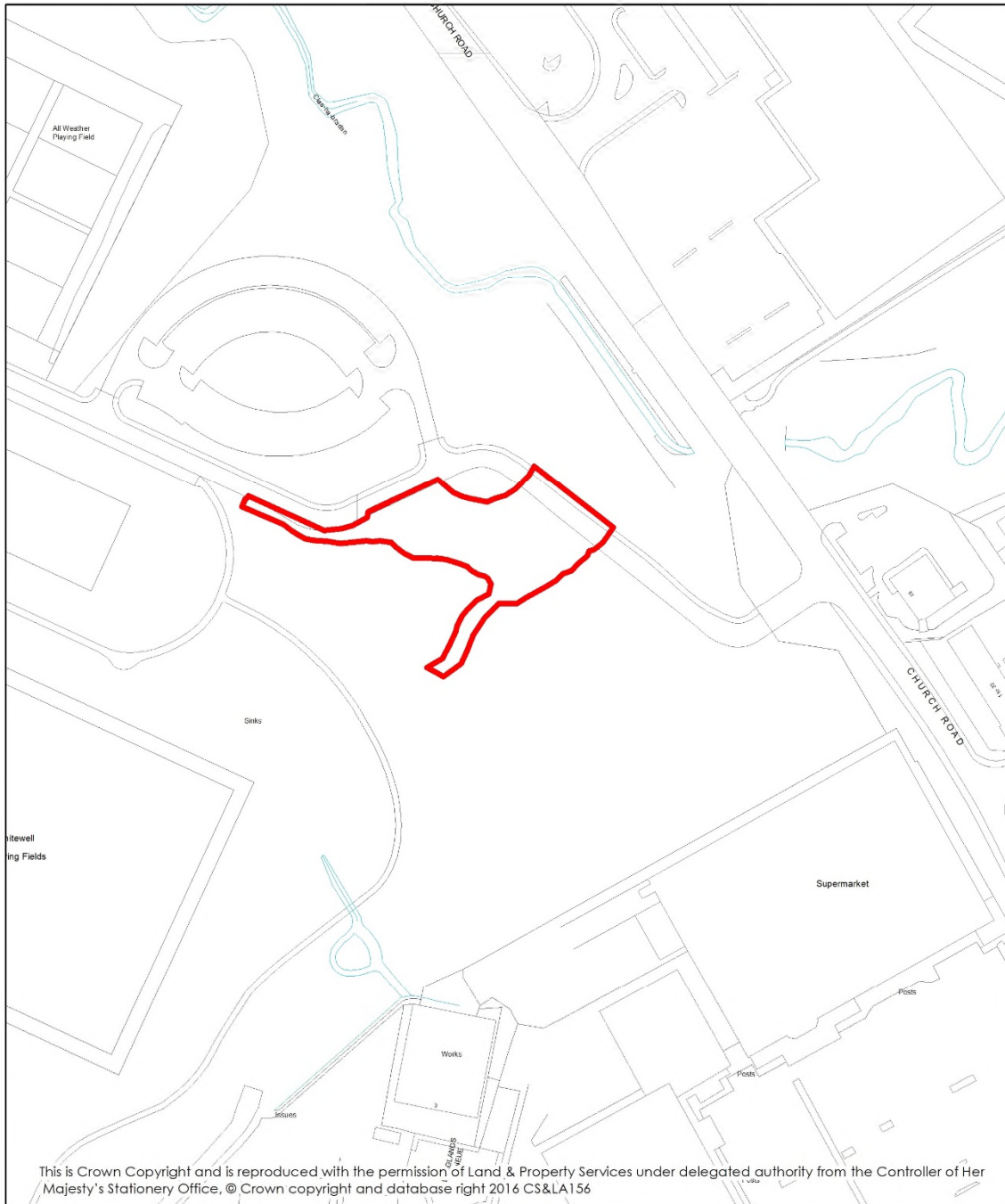
Reason: To ensure the continuity of amenity afforded by existing trees.

6. The proposed landscaping indicated on Drawing No. 02 bearing the date stamp 1st February 2019 shall be carried out within the first available planting season following the completion of the development hereby approved.

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

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

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



Location Map

Application Reference: LA03/2019/0088/F

Valley Park, Newtownabbey. Lands adj to and r/o Abbey Retail Park

Change of use from amenity grass area to urban sports park,
development of paths, lighting, swale and associated soft landscape works

For Information Only

 Site Boundary



COMMITTEE ITEM	3.21
APPLICATION NO	LA03/2017/0644/F
DEA	BALLYCLARE
COMMITTEE INTEREST	ADDENDUM REPORT ON NON-DETERMINATION APPEAL
RECOMMENDATION	TO AUTHORISE WITHDRAWAL OF REFUSAL REASON 3 AND SPEAK ON MATTERS PERTAINING TO REFUSAL REASON 1 & 2
PROPOSAL	Residential housing development of 124 no. homes comprising a mix of detached, semi-detached, townhouses and apartments including conversion of existing stone barns, public open space and landscaping, principal access from Ballycorr Road and secondary access from Ballyeaston Road, congestion alleviation measures to include parking lay-by on Ballycorr Road and signalisation of the Rashee Road/Ballyeaston Road junction and any other necessary ancillary works.
SITE/LOCATION	Land to the north of 93 to 103 Ballycorr Road, north east of 13 to 27 Elizabeth Gardens, and south east of 92 Ballyeaston Road, Ballyclare
APPLICANT	QTH
AGENT	Pragma Planning
CASE OFFICER	Kieran O'Connell Tel: 028 9034 0423 Email: Keiran.oconnell@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>Background</p> <p>Members will recall this application was presented to the Full Council in October 2018 (Item 9.3) as the applicant lodged an appeal with the Planning Appeals Commission in default of a decision being made by the Council. This is what is commonly referred to as a Non-Determination Appeal. This means that jurisdiction for determination of this application has now passed to the PAC, rather than the Council. As part of this process and on the basis of the information available at the time of the Council meeting, the Council offered three reasons for refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy AMP 6 of PPS 3 and the Key Site Requirement provisions of draft BMAP (and BMAP 2014), in that insufficient information has been submitted in the Transport Assessment accompanying the application to demonstrate: <ol style="list-style-type: none"> (a) that the proposal will not add to the existing burden on Ballyclare's road network and thereby exacerbate the congestion experienced in the town centre at peak periods; (b) what improvements are necessary to the road network / public transport / transportation facilities in the area to allow the development to proceed; and 	

- (c) that the development can proceed in advance of the delivery of the proposed Ballyclare Relief Road which is to be provided and funded in the whole through developer contributions.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', and associated guidance Creating Places in that it has not been demonstrated that through the submitted block plan and design concept statement that a quality residential development will be achieved as:
 - (a) The proposed development does not respect the surrounding context and topography of the site.
 - (b) The design and layout will have an unacceptable adverse impact on the residential amenity of existing and proposed dwellings.
 3. The proposal is contrary to the Habitats Regulations (NI), the policy provisions of the Strategic Planning Policy Statement for Northern Ireland and Policy NH 2 of PPS 2: Natural Heritage, in that it has not been demonstrated the development, if permitted, would not cause harm to bats, a European Protected Species.

Following the submission of the appellant's Statement of Case, additional environmental information has been provided in an attempt, by the appellant, to address the above reasons for refusal. The purpose of this report is to update Members and seek delegated authority to withdraw Refusal Reason 3 and speak on matters pertaining to Refusal Reasons 1 & 2.

Refusal Reason 1:

Further to the appeal being lodged, the appellant has provided additional Environmental Information to the Planning Appeals Commission to address concerns relating to the Local Development Plan, traffic impact and the Ballyclare Relief Road. This information has been consulted upon by the Commission with DfI Roads, which has indicated that it still has significant concerns with this proposal. As such, it is recommended that the Council retain its position as stated above.

Refusal Reason 2: Layout

The appellant has provided additional points of clarification within their Statement of Case addressing concerns presented with some aspects of the proposed layout. While some concerns remain with the levels of the site and the layout of the proposed development, the appellant has provided additional details which remove some of the Officers concerns within specific areas of the appeal site. As such, authority is sought from the Planning Committee to allow officers to speak on these matters at the upcoming Appeal Hearing given the layout changes which have occurred since the Council offered its draft reasons for refusal.

Refusal Reason 3: Impact on Bats.

The appellant has provided additional Environmental information pertaining to the potential impact on Bats, The Commission subsequently consulted DAERA Natural Environment Division (NED). NED has returned a response indicating that subject to conditions they have no further concerns with this proposal. In light of NED withdrawing its reason for refusal it is recommended that the Council do likewise. Authority is sought from members to withdraw this reason for refusal.

CONCLUSION

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

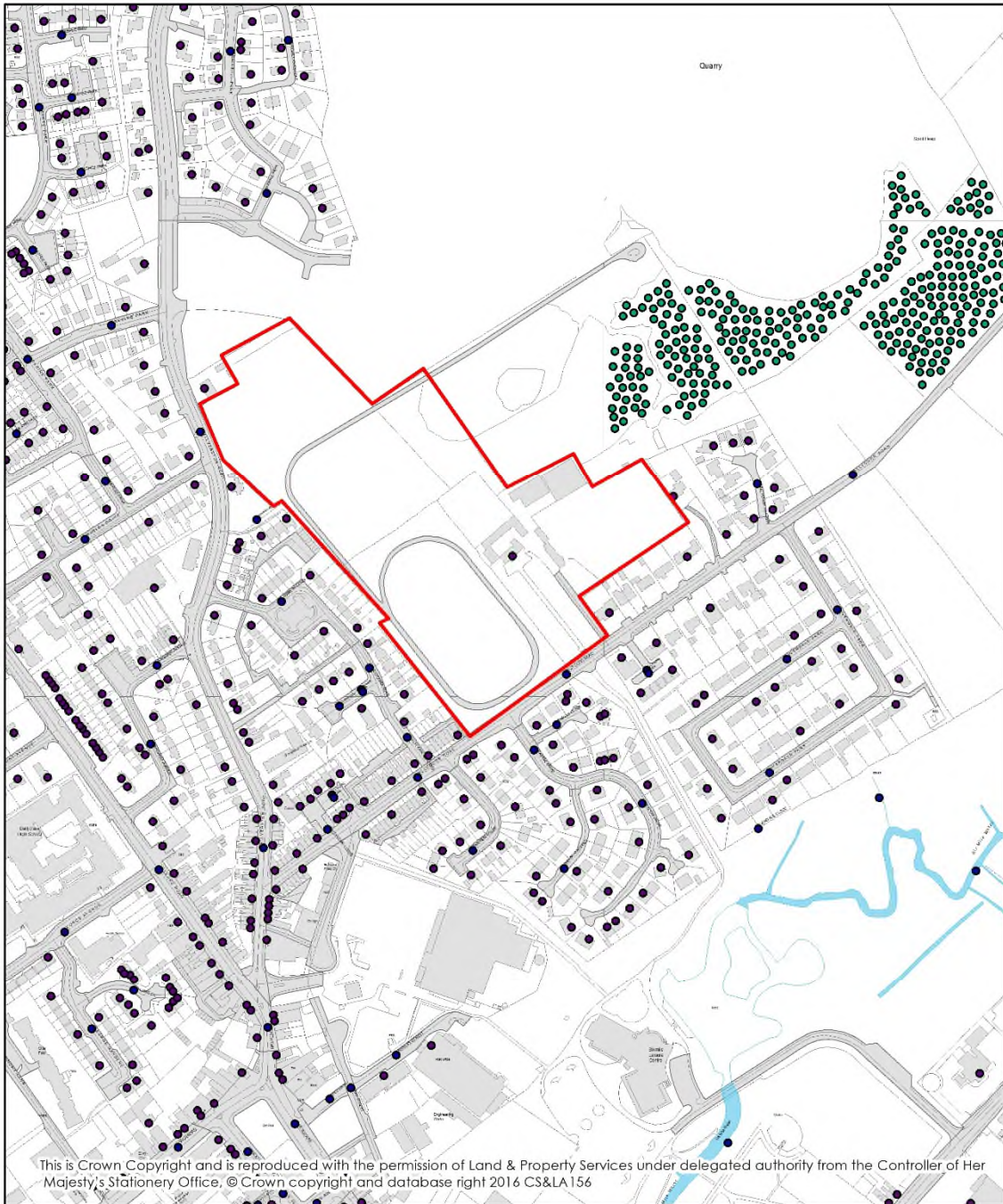
- The information submitted is not considered sufficient to withdraw refusal reason 1 as insufficient evidence has been provided to justify this proposal.
- Authority is sought to speak to the additional information that the Commissioner has allowed to be admissible in order to address refusal reason 2 regarding design and layout.
- To withdraw refusal reason 3 given the ecological information submitted and the lack of objections now expressed by Natural Environment Division.

RECOMMENDATION :

**TO AUTHORISE WITHDRAWAL OF REFUSAL REASON 3 AND
SPEAK ON MATTERS PERTAINING TO REFUSAL REASON 1 & 2**

PROPOSED REVISED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy AMP 6 of PPS 3 and the Key Site Requirement provisions of draft BMAP (and BMAP 2014), in that insufficient information has been submitted in the Transport Assessment accompanying the application to demonstrate:
 - (a) that the proposal will not add to the existing burden on Ballyclare's road network and thereby exacerbate the congestion experienced in the town centre at peak periods;
 - (b) what improvements are necessary to the road network / public transport / transportation facilities in the area to allow the development to proceed; and
 - (c) that the development can proceed in advance of the delivery of the proposed Ballyclare Relief Road which is to be provided and funded in the whole through developer contributions.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments', and associated guidance Creating Places in that it has not been demonstrated that through the submitted block plan and design concept statement that a quality residential development will be achieved as:
 - (a) The proposed development does not respect the surrounding context and topography of the site.
 - (b) The design and layout will have an unacceptable adverse impact on the residential amenity of existing and proposed dwellings.



Location Map

Application Reference: LA03/2017/0644/F

Residential Development: 124 dwellings
and associated site works.

Land to the north of 93 to 103 Ballycorr Road
north east of 13 to 27 Elizabeth Gardens
and south east of 92 Ballyeaston Road
Ballyclare

0 25 50 100 150 200 Metres

Site Boundary



For Information Only

