



11 March 2020

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew and T Campbell
Councillors – J Archibald, H Cushinan, S Flanagan,
R Kinnear, M Magill, S Ross, 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 16 March 2020 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 – MARCH 2020

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

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

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

PART ONE

- 3.1 Delegated planning decisions and appeals February 2020
- 3.2 LDP - Coastal Forum Working Group Minutes
- 3.3 LDP – Data Sharing Agreement – DfI Rivers
- 3.4 Section 76 Planning Agreement for LA03/2019/0615/F – New Mossley
- 3.5 LDP – Steering Group - **In Confidence**
4. Any Other Business

PART TWO - Decisions on Planning Applications

- 3.6 Planning Application No: LA03/2019/0479/F
Social Housing Scheme consisting of 2 no. apartment blocks (2 x 21 units with a mix of general needs and elderly apartments) and 11 no. 2 storey semi-detached houses, 8 no. 2.5 storey semi-detached houses and 2 no. wheelchair bungalows (total 63 units) on lands at 41 Knockenagh Avenue, Newtownabbey
- 3.7 Planning Application No: LA03/2019/0617/F
Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access on lands to the rear of No. 10 through to 16 Shanes Street, Randalstown.
- 3.8 Planning Application No: LA03/2018/1097/F
New 2-storey dwelling attached as an end-terrace property in the same design and style of No. 108 on lands 10m east of and beside No. 108 Glenview Park Whiteabbey Newtownabbey

3.9 Planning Application No: LA03/2019/0516/F

Extension to curtilage of dwelling to provide garden at 67 Whitehouse Park, Whitehouse, Newtownabbey

3.10 Planning Application No: LA03/2019/0649/F

Proposed garden decking at 67 Whitehouse Park, Whitehouse, Newtownabbey

3.11 Planning Application No: LA03/2019/1050/F

Erection of 3no. dwellings with detached garages and associated landscaping/site works (includes change of house type of 2no. dwellings from that previously approved under application LA03/2019/0629/F) on lands approximately 13m NE of 164 Ballycorr Road, Ballyclare

3.12 Planning Application No: LA03/2019/0902/F

Infilling of farm land with inert material (topsoil) for land improvement on lands 50m north east of No. 8 Station Park, Toomebridge

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 16 MARCH 2020**

PART ONE

GENERAL PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during February 2020 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/FP/LDP/113, 114 & 115 DAERA/DFI COASTAL FORUM WORKING GROUP

Members will recall that Agenda Item 3.3 of the February 2020 Planning Committee provided an update on the latest meeting of the DAERA/DfI Coastal Forum Working Group, which took place on 28 January 2020.

Officers indicated that the minutes of this meeting would follow in due course and these are now **enclosed** for Members information.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.3

P/FP/LDP/111 – LDP DATA SHARING AGREEMENT – DFI RIVERS

Members are reminded that the Planning Act (NI) 2011 sets out the general requirements for preparing the Council's Local Development Plan. Section 3 of the Act (Survey of District) requires a Council to keep under review the matters which may be expected to affect the development of its district or the planning of that development. Those matters include the principal physical, economic, social and environmental characteristics as well as population, communications, transport and traffic.

Survey information and research is essential to build the evidence base required to inform the plan preparation process. The Planning Section therefore requires spatial data from a variety of external organisations. To gather this information generally requires the completion of a data sharing agreement.

Members previously agreed in January 2017 that authority to sign such agreements be delegated to Officers and that Members subsequently be notified of these.

The Department for Infrastructure (DfI) Rivers recently wrote to the Council to renew their existing Data Sharing Agreement with regards to data on Reservoir Flood Mapping (copy **enclosed**). This agreement has now been signed by the Council's Head of Planning and returned to DfI.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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

ITEM 3.4

SECTION 76 PLANNING AGREEMENT FOR APPLICATION LA03/2019/0615/F – SOCIAL HOUSING SCHEME, NEW MOSSLEY

A planning application was submitted by Connswater Homes Ltd in July 2019 for a social housing scheme located on part of an area of existing open space within the New Mossley estate the details of which are set out below.

Application Reference: LA03/2019/0615/F
Proposal: Construction of 49 dwellings along with associated site works and landscaping.
Location: Lands 50m east of 17 Ballyearl Green and south of Milewater Drive
Applicant: Connswater Homes 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

The Planning Section has been processing the planning application and anticipates that it will shortly be in a position to issue a grant of full permission under delegated powers subject to the receipt of a Private Streets Determination from DfI Roads and the completion of a planning agreement to secure the provision of compensatory open space.

The Council is empowered to use a planning agreement under Section 76 of the Planning Act (NI) 2011 to overcome obstacles to the grant of planning permission where these cannot be addressed through the normal use of planning conditions. As indicated in the Strategic Planning Policy Statement, such an Agreement may facilitate or restrict the development or use of land in any specified way and, amongst other matters, may be considered appropriate:

- to enable the development in question to proceed;
- is designed to secure an acceptable balance of uses;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not be permitted without it; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development; or

As indicated above, the application site in question comprises part of an area of existing open space within the New Mossley estate. Members will be aware that there is normally a presumption against the development of existing open space lands in accordance with Policy OS1 of Planning Policy Statement 8. However, in this specific case, the applicant has been able to demonstrate that there is a need for social housing provision in the area and in addition Policy OS1 makes provision for certain limited exceptions to the general presumption against the loss of open space areas. This includes the potential development of existing open space sites less than 2 hectares in size where alternative and compensatory open space

provision is to be made available elsewhere in the local area that will meet the needs of the community.

In this specific case, the application site is less than two hectares and the local community has identified an alternative area of undeveloped land nearby, which is currently under the ownership of NIHE, for the use of walking trails and a wildflower meadow. The area of land in question is currently zoned for housing in the Belfast Metropolitan Area Plan (2014).

The Planning Section accepts that there is a need for further housing provision in the area and that the Plan has allocated land for such a purpose. However, the specific area identified for the provision of housing and the land allocated for open space in the Plan conflicts with the development aspirations of the local community which wishes to see the area developed in an alternate manner. Consequently, while the current development proposal is contrary to the provisions of the current Plan, it would nevertheless meet with the broad objectives of the Plan which seeks to secure additional housing provision and maintain adequate open space provision within the area. It is considered that the development proposed is in accordance with the aforementioned exception set out in Policy OS1 of PPS8 and furthermore would assist in meeting social housing need. For these reasons the Planning Section is content in principle to approve the current proposal under delegated powers subject to the provision and subsequent retention of the alternative and compensatory open space lands offered by the applicant with the support of the local community.

Following discussion between the Council's Planning Section and Legal Services Section it has been agreed that a Section 76 Planning Agreement is the most appropriate way of securing the alternative open space in this case.

As indicated above, this empowers the Council to enter into a legal agreement within any person with an estate in land, to use that land in a particular way or to carry out specified activities on the land. As a consequence, a legal agreement between NIHE, Connswater Home Ltd and the Council has been drafted (copy enclosed) and attention is specifically drawn to the following provisions which state:

The NIHE hereby covenants with the Council as follows:

- (1) That the open space site will not be developed for any purpose other than for a community purpose and will remain an open space irrespective of any previous planning consents or designations in a statutory development plan.
- (2) To give the Council immediate written notice of any change in ownership of any of its interests in the open space site such notice to give details of the transferee's full name and registered office (if a company or usual address if not), together with details of the nature and extent of the interest disposed of.

In conclusion, a Section 76 Planning Agreement is the most appropriate way of securing the use and subsequent retention of an alternative and compensatory amenity open space area on lands currently zoned for housing. Such an Agreement will be legally enforceable against both the current and any future owners of the land and its completion will enable the issuing of a grant of full planning permission

by the Planning Section to application LA03/2019/0365 for 49 social housing units on lands at Ballyearl Green and south of Milewater Drive.

RECOMMENDATION: that a Section 76 Planning Agreement be entered into by the Council to secure the provision and subsequent retention of alternative amenity open space land at New Mossley prior to the issuing of full planning permission to application LA03/2019/0615/F.

Prepared by: Barry Diamond, Principal Planning Officer

Agreed by: John Linden, Head of Planning

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



Location Map

Application Reference: LA03/2019/0615/F

Lands 50m east of 17 Ballyearl Green and south of Milewater Drive, Newtownabbey
Construction of 49 dwellings along with associated site works and landscaping

- Site Boundary
- Open Space



For Information Only



PART TWO

PLANNING APPLICATIONS

COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2019/0479/F
DEA	MACEDON
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Social Housing Scheme consisting of 2 no. apartment blocks (2 x 21 units with a mix of general needs and elderly apartments) and 11 no. 2 storey semi-detached houses, 8 no. 2.5 storey semi-detached houses and 2 no. wheelchair bungalows, total 63 units.
SITE/LOCATION	41 Knockenagh Avenue, Newtownabbey, BT36 6AQ
APPLICANT	Mainline Contracts Ltd
AGENT	Rolston Architects
LAST SITE VISIT	February 2020
CASE OFFICER	Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands at 41 Knockenagh Avenue. This is an area of land within the development limits of Metropolitan Newtownabbey. The site is an area of previously developed land which was formerly occupied by a two storey building with a large footprint that functioned as a children's home. The building has been demolished and the site currently has no use. The site comprises an area of approximately one (1) hectare of land.</p> <p>The topography of the application site is generally flat, however, when moving from the western boundary in an easterly direction towards the mid-point there is a steep embankment which drops by approximately 10 metres towards the eastern boundary of the application site, which is contiguous with Ardranny Drive. The northern portion of the eastern boundary is characterised by dense vegetation comprising trees and mature hedgerow. The southern section of the eastern boundary is defined by a linear stand of mature deciduous trees, which are approximately 18 metres tall. The southern boundary of the site is generally open to Knockenagh Avenue with several dispersed trees located at the eastern side. The western boundary is defined, in part, by paladin fencing edging the Rathfern Social Activity Centre which is located immediately west of the application site, with the remainder being mature trees and other forms of vegetation associated with the edge of Carnmoney Hill. The northern boundary is defined by dense and mature vegetation with a number of trees located within the confines of the application site and to the rear of No.2A Fernlea Park. This is a 1.5 storey dwelling positioned in very close proximity to the foot of the embankment which separates this dwelling from the application site.</p>	

The context of the receiving environment is formed by the varying types of existing residential development associated with the Rathfern Housing Estate and Fernlea Park to the east, south and north with Carnmoney Hill and the Rathfern community centre to the west.

RELEVANT PLANNING HISTORY

No relevant planning history.

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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. The Plan offers no specific guidance on this proposal.

Draft Belfast Metropolitan Area Plan (Published 2004) (dBMAP): The application site is located within the settlement limit of Metropolitan Newtownabbey. Lands to the immediate west of the application site are designated in the Plan as being a Site of Local Nature Conservation Importance (MNY 39/02), a Local Landscape Policy Area (MNY 44) and an Area of High Scenic Value (COU 6/3).

Draft Belfast Metropolitan Area Plan (Published 2014) (BMAP 2014): The application site is located within the settlement limit of Metropolitan Newtownabbey. Lands to the immediate west of the application site are designated in the Plan as being a Site of Local Nature Conservation Importance (MNY 31/02), a Local Landscape Policy Area (MNY 36) and an Area of High Scenic Value (COU 5/03).

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

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

PPS 6: Planning, Archaeology and the Built Heritage: sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage. Paragraph 2.24 states that development plans will, where appropriate, designate local landscape policy areas and contain local policies and guidance to maintain the intrinsic environmental value and character of such areas.

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

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

PPS 8: Open Space, Sport and 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's Environmental Health Section – No objection.

Northern Ireland Water – No objection.

Department for Infrastructure Roads – No objection subject to conditions.

Department for Infrastructure Rivers – No objection.

Northern Ireland Environment Agency:

- **Drainage and Water** – No objection.
- **Land, Soil and Air** – No objection subject to condition.
- **Natural Environment Division** – No objection.

REPRESENTATION

Forty Two (42) neighbouring properties were notified and four (4) letters of objection have been received from three (3) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal does not cater for the needs of large families in Rathfern and the NIHE are deliberately choosing not to meet housing need.
- The proposal will have an unacceptable impact on No. 5 Fernlea Park as it will invade privacy as dwellings are looking into the front of the property including a bedroom, kitchen and living room.
- The proposed flats will overlook properties at Ardranny Drive.
- Ten (10) additional car parking spaces provided at Ardranny Drive will make it more difficult for existing residents to park their cars at this location, which is already difficult.

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 of the Development on Carnmoney Hill
- Development Quality
- Open Space
- Neighbour Amenity
- Access, Movement and Parking
- Flood Risk
- Natural Heritage
- Contaminated Land Remediation
- 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.

With reference to the adopted BUAP the application site is an area of white land with no designations or zonings applicable. Carnmoney Hill, which lies immediately adjacent to and west of the application site, is designated in BUAP as being reserved for landscape, amenity or recreation use. Planning Policy R7 'Carmmoney Hill' seeks to encourage the development of Carnmoney Hill as a Country Park. The development proposal being assessed does not impact this planning policy and it is not therefore relevant to the assessment of this development proposal.

Both dBMAP and BMAP designate Carnmoney Hill as a Site of Local Nature Conservation (SLNCI), a Local Landscape Policy Area (LLPA) and an Area of High Scenic Value (AoHSV). Given the very close proximity of the application site to Carnmoney Hill it is considered that planning policy associated with these designations is applicable to the assessment of this development proposal. The Planning Appeals Commission report on the Strategic Plan Framework (PAC report) of dBMAP is also relevant.

The application site is an area of undesignated land within the development limit of Metropolitan Newtownabbey and was previously used as a care home, a residential type land use. The context of the receiving built environment is largely residential and given these circumstances it is considered that the principle of residential development is acceptable on the site with the details of the scheme to be considered against the prevailing regional policy as outlined below.

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

In respect of the proposed development, there is no conflict or change of policy direction between the provisions of the SPPS and that contained in the following PPS's which provide the relevant regional policy context for consideration of the proposal;

- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas;
- PPS 2: Natural Heritage;
- PPS 3: Parking and Movement;
- PPS 8: Open Space, Sport and Outdoor Recreation; and
- PPS 15: Planning and Flood Risk.

The policy provisions of both versions of BMAP are also relevant to the assessment of the development proposal.

Impact of Development on Carnmoney Hill

Planning policy for the management of development in Areas of High Scenic Value (AoHSV's) are referred to at Policies COU7 and COU6 of dBMAP and BMAP respectively. The policy headnote in dBMAP states that "Planning permission will not be granted to development proposals that would adversely affect the quality, character and features of interest in AoHSV's". Following the recommendations of the PAC report the policy headnote in BMAP was adjusted to read "Planning permission will not be granted for development proposals that would be likely to have a significant adverse effect on the quality, character and features of interest in AoHSV's". In accordance with the requirements of both versions of the Plan, the agent has submitted a Landscape Analysis describing the likely effects of the proposal on the landscape.

The analysis selected eight (8) locations in the local area surrounding the application site by which to assess the visual impact of the proposal on Carnmoney Hill. These

locations include O'Neill Road, Station Road, Doagh Road and locations on Knockenagh Avenue on approach to the proposed development. With reference to the analysis provided it is considered that varying parts of the proposed four storey building will be visible from a limited number of differing viewpoints but that in each example the visual, spatial and physical separation distance from Carnmoney Hill is such that the proposal is not considered as either adversely affecting or as being likely to have a significant adverse effect on the quality, character and features of interest in the AoHSV.

In addition, to the analysis provided by the agent it is noted that a critical view of the application site is attainable from the shops at Kings Crescent, some 400 metres to the east. From this view the proposed development reads as being in close proximity to Carnmoney Hill. Notwithstanding this point, it is accepted that the development seeks to retain the overwhelming majority of existing planting enveloping the application site, with the linear stand of mature trees at the eastern edge of the application site functioning to effectively screen a large percentage of the apartment blocks from this critical view, particularly during summer months. Additionally, it is considered that the scale, mass and aesthetics of the proposed development are comparable and therefore in keeping with the existing context of the receiving built environment and the proposal is considered as having been designed and orientated using site features, trees and planting to decrease the visual impact of the proposal on Carnmoney Hill, which is otherwise surrounded by existing built development on all sides. In comparison with the previous care home that occupied the application site, a two storey building with a pitched roof and large footprint, the visual impact of the apartment buildings is not dissimilar, albeit that the apartments are orientated differently and are located closer to the eastern edge of the application site, and therefore further away, from Carnmoney Hill.

In summary, it is not considered that the proposal would either adversely affect or would be likely to have a significant adverse effect on the quality, character and features of interest on Carnmoney Hill, an AoHSV. For the reasons set out above the proposal is considered acceptable in this regard.

With reference to Carnmoney Hill being designated as a SLNCl and the relationship between dBMAP, the PAC report and BMAP, it is noted that the policy context provided by Pol ENV2: Sites of Local Nature Conservation Importance of dBMAP was deleted from BMAP given the introduction of PPS2: Natural Heritage in July 2013. Policy NH4 of PPS2 which is entitled 'Sites of Nature Conservation Importance – Local'.

Irrespective of the wording of either Policies ENV2 or NH4 it is not considered that this development proposal is likely to have an adverse effect nor liable to have a significant adverse impact on nature conservation interests. As discussed later in this report, the consultation response of Natural Environment Division requires that the western boundary of the application site, which is in part defined by mature trees and other forms of vegetation, be retained as an asset for natural heritage interests through the use of an appropriately worded planning condition. For these reasons it is considered the proposal meets with the relevant policy provisions of dBMAP, the Strategic Planning Policy Statement and PPS2 and is therefore acceptable.

Local Landscape Policy Areas (LLPA's) are referred to in dBMAP at Policy ENV3 and in BMAP at Policy ENV1. The PAC report recommended a change to the wording of the policy that was accepted by DoE Planning in its Adoption Statement and which was published in BMAP.

The first paragraph of the policy headnote of ENV3 in dBMAP states that "In designated LLPA's, planning permission will not be granted for development that would be liable to adversely affect those features, or combination of features, that contribute to environmental quality, integrity and character."

In BMAP the first paragraph of the policy headnote is adjusted to read "In designated LLPA's planning permission will not be granted for development that would be likely to have a significant adverse effect upon those features, or combination of features, that contribute to environmental quality, integrity and character."

In both versions of the Plan the third paragraph of the policy headnote reads "Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA." Additionally, the justification and amplification section of both versions of BMAP refer to attractive vistas, localised hills and other areas of local amenity importance as well as areas of local nature conservation importance including areas of woodland and important tree groups as being features that are worthy of protection from undesirable or damaging development.

As noted above, it is not considered that this development proposal will have a negative or otherwise adverse impact upon natural heritage interests. Given the contribution the planted part of the application sites western boundary makes to the environmental quality of the area it is not considered that an additional landscape buffer is required to supplement this existing planting to further protect and distinguish the LLPA from the application site. The planted area can be retained through the use of an appropriately worded planning condition. With respect to the relationship of the proposal with Carnmoney Hill it has been noted above that the visual relationship of the proposal with Carnmoney Hill is considered to be acceptable and not detracting from any attractive vistas of this part of the Belfast Hills when viewed from critical viewpoints along the O'Neill Road, Station Road, Doagh Road, Monkstown Avenue, Kings Crescent or Kings Road.

Notwithstanding the variation in the wording of the LLPA policy in either version of BMAP and as referred to above, it is not considered that this development proposal would either be liable to adversely affect or likely to have a significant adverse effect on the features, or combination of features, that contribute to the environmental quality, integrity and character of the LLPA. The proposal is therefore acceptable in this regard.

Development Quality

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and that within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

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

As noted above the proposal seeks full planning permission for a social housing scheme consisting of 2 no. apartment blocks (2 x 21 units with a mix of general needs and elderly apartments) and 11 no. 2 storey semi-detached houses, 8 no. 2.5 storey semi-detached houses and 2 no. wheelchair bungalows totalling 63 units.

The first criterion of Policy QD1 requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

The proposed layout of the development sees the range of house types and apartment buildings laid out in a linear pattern along both sides of the internal estate road, which leads from the vehicular access point which is located centrally along the southern boundary of the application site. The existing access is to be permanently closed.

There is a broad range of house types and sizes which includes detached and semi-detached dwellings of both single and two storey heights. Two larger split level apartment blocks (part 3 storey/part 4 storey) are located at the eastern side of the application site with an area of open space set between the apartments and Ardranny Drive.

Several of the dwellings and apartments have been specifically designed to accommodate disabled people/wheelchair users, the first of which are single storey bungalows located on either side of the vehicular access point. Moving into the site along the western side of the development layout there is a bank of two storey semi-detached dwellings of varying sizes with pitched roofs extending towards and around the turning head at the northern end of the application site. At the northern side of the hammerhead the larger of the dwellings in this area is sited in the more spacious plots with a bespoke two storey detached dwelling placed at the end of the sequence in the smaller sized plot of land. As the development continues to move around the hammerhead and onto the eastern side of the development layout the two apartment buildings are located with the development pattern then changing again to provide a two storey dwelling as an attached neighbour to the wheelchair bungalow on the eastern side of the vehicular access.

Each of the dwellings has provision for incurtilage car parking with an adjoining amenity area which assists in breaking up the hardstanding areas and enables the 'greening' of the street scene. All car parking spaces are indicated as being of a different coloured asphalt when compared with the internal estate road and an appropriately worded planning condition can control this matter. This feature will improve the visual quality and attractiveness of the overall development.

Additionally, all units have private amenity space set to the rear of the dwelling footprint, each of which are of a size that is consistent with the guidance set out in Creating Places, whilst simultaneously providing for choice given the varying sizes of these amenity space areas.

The apartment blocks are three storeys in height when viewed from within the proposed development and four storeys in height when viewed from Ardranny Drive. The reason for this is the significant change in levels in and around this particular area of the application site. A notable design feature of the apartment blocks is having an active frontage to both sides of the buildings. This is an attempt to avoid the apartment blocks 'backing on' to Ardranny Drive and is considered to be a positive feature of the development proposal.

The apartment blocks are of a unique design appearance and clearly draw on the local traditions of form, materials and detailing exhibited by properties in the Fernagh housing area and also the apartment blocks at Abbot's Cross, which are in relatively close proximity to the application site. Key characteristics of the design appearance of the apartment buildings are the flat roofs, the simple repetition of a restricted palette of materials and elements projecting from the wall plate to increase visual interest.

Dwellings on corner and more prominent plots have been specifically designed in order to demonstrate dual aspects which ensures a positive outlook onto the public roadway or over the proposed area of public open space.

The proposed development reads as a logical and cohesive development with a qualitative design appearance given the simple repetition of the limited range of high quality finishing materials throughout the overall development. The dwellings and apartments are to be finished with white rendered blockwork and grey clay facing brick with black concrete ridge tiles for the dwellings and a black fascia/soffit board for the apartment blocks. An appropriately worded planning condition can require the external brick finish to be agreed with the Council prior to the commencement of development on the site.

A boundary treatment plan has been submitted which demonstrates that high quality materials are to be used in areas of the development layout which are visible from public vantage points on Knockenagh Avenue. At the head of the site next to Fernlea Park and Lane, a close boarded timber fence is to be used to define the curtilage of the dwellings with planted elements on the outside edge to soften the visual appearance of the development from vantage points in this area. At lands adjacent to the Rathfern Community Centre a brick wall is to be used to define the rear of the curtilage of properties in this area. Similar materials are to be used to define and secure the private amenity space areas of the wheelchair bungalow and its attached neighbour on the eastern side of the proposed development.

A landscaping proposal accompanies the development proposal which outlines the intentions of the developer with respect to boundary retention, augmentation and new areas of planting to serve the development. These matters can be controlled by appropriately worded planning conditions.

Overall, it is considered that the proposed design and layout of development in terms of its form, materials and detailing is acceptable, will respect its surrounding context and is appropriate to the character and topography of the site in terms of scale, massing and appearance of buildings, landscaped and hard surfaced areas.

Open Space

Policy OS2 of PPS8 is entitled 'Public Open Space in New Residential Development'. The policy headnote states that the planning authority will only permit proposals for new residential development of 25 or more units, or on sites of 1 hectare or more, where public open space is provided as an integral part of the development. The policy headnote also states that where the provision of open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context. A normal expectation will be at least 10% of the total site area to be used as open space. An area less than 10% may be acceptable where the residential development is close to and would benefit from ease of access to (other) areas of existing open space or provides accommodation for special groups, such as the elderly or people with disabilities.

An exception to the requirement for providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.

While it is accepted that approximately 10% of the application site area is offered for the purposes of public open space provision, the Council's Planning Section is concerned that this area has a steep gradient, as evidenced by the number of stair cases shown in the site plan, and that it will function as a visual amenity rather than an area which can function for active recreational purposes. Notwithstanding this concern about the quality of this public open space provision the application sites proximity to Carnmoney Hill and its network of pathways and green spaces is noted. Carnmoney Hill is located immediately west and adjacent to the application site and is in very close walking distance to the proposed development. A direct pedestrian linkage to Carnmoney Hill from the application site is to be provided as an integral part of the development. It is also noted that there are several other open green areas in close proximity to the application site which could provide for active recreation all of which are within short walking distance.

In summary, it is accepted that this development proposal provides for a form of specialised housing (social) which accommodates both elderly and disabled people. While there is concern with respect to the active recreational value of the public open space to be provided within the application site boundaries it is accepted that the open space area does provide an amenity value function and that it promotes permeability through the site and is easily and safely accessed.

Additionally, the proposed development benefits from the very close proximity of Carnmoney Hill and the level of accessibility to it and other open green areas within the wider estate which are in close proximity to the application site. For these reasons it is considered the proposal meets with the requirements of the relevant policy provisions of the Strategic Planning Policy Statement and PPS8. The proposal is therefore acceptable in this regard.

Neighbour Amenity

Letters of objection received from No.5 Fernlea Park and 29 Ardranny Drive comment that the proposal will result in overlooking and privacy intrusion of existing residential property at these locations.

No.5 Fernlea Park is approximately forty (40) metres away from the northern boundary of the application site. Residential units proposed in the area of the application site closest to this location are two storey dwelling houses and have back gardens of at least ten (10) metres in depth. This increases the separation distance to at least fifty (50) metres. It is noted that the principal rooms of the proposed dwellings are all located on the ground floor and that the proposed boundary treatments at the northern boundary comprise wooden fencing and planting. These boundary treatments will prohibit a line of sight towards No.5 Fernlea Park. In light of these circumstances it is considered that No.5 Fernlea Park will not be overlooked by the principal rooms of dwellings at the northern side of the application site. Although the proposed dwellings are two storeys in height it is considered that views towards No.5 Fernlea Park from the bedrooms, which are all located on the first floor, will not cause an unacceptable adverse impact by reason of overlooking to that property given the significant separation distance of at least fifty (50) metres.

With respect to the relationship of the development proposal with the dwelling at No.2a Fernlea Lane, which sits immediately north of the application site, it is considered that given that the existing dwelling is sited at a significantly lower finished floor level and in very close proximity to the embankment which separates it from the application site, that any views towards this dwelling are 'out and over' the property and not 'down and into' it. For this reason, it is considered that no unacceptable adverse residential amenity impact will be experienced by this dwelling.

With reference to the objection from No.29 Ardranny Drive it is accepted that the apartment blocks will be orientated towards residential properties at Ardranny Drive and that principal rooms of the apartments are located at its eastern side with an aspect towards these properties. Notwithstanding this point it is noted that the separation distance between the apartment blocks and dwellings at Ardranny Drive is approximately fifty (50) metres. This is considered to be a significant separation distance and while a level of intervisibility between the apartments and dwellings at Ardranny Drive is likely, the relationship between both axes of development is a 'front-to-front' relationship, which is considered to be entirely normal in an urban area. It is not considered that the proposal will prompt an unacceptable adverse impact on existing residents at Ardranny Drive by reason of overlooking or privacy intrusion.

For the reasons set out above it is considered that the proposal will not result in an unacceptable impact to the residential amenity of residents at either Fernlea Park/Lane or Ardranny Drive and is therefore acceptable in this regard.

Access, Movement and Parking

The development proposal seeks planning permission for a total of 63 no units in varying residential arrangements to include apartments, bungalows and two storey semi-detached dwelling houses, including four (4) wheelchair accessible properties. The existing access point serving the application site is to be permanently closed and

a new access formed to modern standards in a central position along the southern boundary.

A total of sixty nine (69) car parking spaces have been provided within the confines of the application site with a further ten (10) car parking spaces provided in an existing parking area located just east of the application site at the foot of the embankment and to the west of No's 21 – 33 Ardranny Drive. This amounts to an overall provision of seventy nine (79) car parking spaces.

The supplementary planning guidance document 'Parking Standards' provides a guide to the ratio of car parking spaces required per unit for residential development. Each of the twenty one (21) dwellings is indicated as having two (2) incurtilage car parking spaces provided. Given the provided parking ratio there is an identifiable under provision of two (2) car parking spaces for the overall quantum of dwellings.

Forty two (42) apartment units are to be provided and a total of fifty eight (58) car parking spaces are required. Twenty seven (27) of these spaces are provided within the confines of the application site with a further ten (10) spaces located to the east on Ardranny Drive. There is an identifiable under provision of twenty one (21) car parking spaces for all the apartments.

In total, there is an under provision of twenty three (23) car parking spaces to serve the development in accordance with guidance set out in 'Parking Standards'.

In mitigation of the under provision of car parking the agent comments that PPS3 (Policy AMP7) states that a reduced level of car parking may be acceptable where the development is in a highly accessible location well served by public transport or where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking. The agent also points out that Development Control Advice Note 8: Housing in Existing Urban Areas states that where the site benefits from a high level of pedestrian accessibility to local facilities and public transport a reduced level of car parking is permissible.

The agent indicates that this development proposal is to serve identifiable social housing need in the area and that traditionally this form of specialised housing carries with it a lesser demand for car parking spaces when compared to a private housing development. Although the agent suggests that a 1:1 parking ratio is appropriate for this type of residential development there is no evidence to substantiate this claim. The agent seeks to demonstrate the merit of the proposed car parking provision by indicating that in addition to parking availability at Ardranny Drive there is notable capacity for on-street car parking on Knockenagh Avenue in close proximity to the application site. He also indicates that the application site is within a highly accessible area, is well served by public transport with a bus stop not more than 250 metres away and that there are a range of varying local services located in proximity to the application site in and around the junction of the Doagh Road, O'Neill Road and Station Road, approximately 500 metres away to the southeast.

With respect to the points made by the agent it is accepted that there is a need for social housing in the area, that this type of specialised residential accommodation does not normally attract the same demand for car parking spaces as a private

residential development. There is available on-street parking capacity on Knockenagh Avenue, that the area is highly accessible and well served by public transport and that there are a range of local services approximately 500 metres away from the application site.

A letter of objection raises concerns with the difficulty that the existing residents of Ardranny Drive will experience in parking their cars in this area due to the increased demand prompted by the development proposal. While it is accepted that the introduction of an additional ten cars into the specific area will increase the demand for parking it is noted by the agent in his parking survey and witnessed by the planning officer during several site visits at varying times throughout the day that the specific area appears underutilised. Although the proposal will increase demand for car parking spaces in this specific area this is not considered to eliminate the opportunity for existing residents to be able to park their cars in this area, irrespective of any perceived increased difficulty.

For the reasons set out above the car parking provision serving the proposed development is considered to be adequate and therefore acceptable.

It is noted that the car parking spaces within the application site are indicated as being coloured asphalt. It is considered this is a positive aspect to car park design and will function to promote the overall quality of the proposal by softening the visual appearance of this hardstanding area. This aspect of the development proposal including the specific colour to be used can be controlled by planning condition and be resolved to the satisfaction of the Council prior to the commencement of development.

In its response DfI Roads has offered no objections to the development proposal subject to planning conditions.

For the reasons set out above it is considered that the proposal complies with the relevant provisions of the Strategic Planning Policy Statement, PPS3 and the supplementary planning guidance documents Parking Standards and Housing in Existing Urban Areas.

Flood Risk

A Drainage Assessment (DA) and Drainage Design Report have been submitted in support of the planning application and in accordance with the policy provisions of PPS15.

Policy FLD3 states that development and surface water flood risk outside flood plains will be permitted where it is demonstrated through the drainage assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

The proposed drainage scheme seeks to accommodate surface water run-off through storage attenuation of 120 cubic metres and to control the discharge rate to the culverted water course at the northern boundary of the application site through the use of a hydro-brake to be equivalent to green field run-off rates. The DA describes this as replicating the pre-development flow rate.

In its consultation response DfL Rivers state that it accepts the logic of the submitted DA and has no reason to disagree with its conclusions. Given the conclusion of DfL Rivers it is considered that the proposal will effectively mitigate the flood risk to the proposed development and from the development elsewhere. For the reasons set out above the proposal is considered to be compliant with the relevant policy provisions of the Strategic Planning Policy Statement and PPS15.

Natural Heritage

A Preliminary Ecological Appraisal has been submitted in support of the planning application. The assessment of the potential impact of the proposed development upon legally protected natural heritage species concluded that there was no evidence of badger activity, smooth newts or bats but that bats may use existing hedgerows for foraging and commuting.

In its response the Department for Agriculture, the Environment and Rural Affairs suggests the use of a planning condition in order to retain existing boundary treatments during and after the construction stage. This is in the interests of retaining the potential utility of these hedgerows for bats. An appropriately worded planning condition can control this matter.

Contaminated Land Remediation

A Preliminary and Generic Quantitative Risk Assessment has been submitted in support of the planning application. The conclusion of the report is that the application site is generally not subject to contamination which is likely to present a risk to future residential development, with one potential exception at the southeast corner of the application site. The recommendation made is that localised removal and confirmatory validation of the sampling of soils in that area will be carried out to ensure that any risk to future site users is appropriately mitigated.

Imported inert materials will be used to make good the excavation area and these materials will be chemically tested to ensure suitability. A validation/verification report is to be prepared detailing the remedial works which will be submitted to the Council for its approval prior to occupation of the development.

In its response the Department for Agricultural the Environment and Rural Affairs: Land, Soil and Air offer no objections to the proposed remediation works subject to the use of planning conditions.

Other Matters

Letters of objection received from 194 Doagh Road comment that large families are being ignored by the Housing Executive when its own statistics demonstrate that there are a similar number of people on the waiting list for large family housing.

While it is not disputed that there may be demand for provision of social housing to accommodate large families it is evident within this proposal that a broad range of house types and sizes are being provided which meets with the objectives of PPS7 and Creating Places. While the proposed mix of residential units is not to the satisfaction of the objector it is considered nonetheless that an identifiable need for the range of proposed housing does exist as confirmed by the Housing Executive. For these reasons determining weight in the decision making process is not being attributed to the point of objection as made.

CONCLUSION

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

- The principle of residential development on the application site is acceptable given the previous use of the land and that the context of the receiving built environment is predominantly residential.
- The relationship of the proposed development with Carnmoney Hill is considered acceptable.
- The development is considered to be of an acceptable quality and will provide a high quality and sustainable residential environment.
- There are a range of varying types of open space in close proximity to the application site, including Carnmoney Hill, which can be used by residents in addition to the area of public open space provided by the development.
- There are no determining residential amenity issues.
- The vehicular access, internal road layout and parking provision are considered to be acceptable.
- The proposal has demonstrated that it will likely not be subject to flooding nor will it exacerbate flooding elsewhere.
- The proposal will not have an unacceptable adverse impact to natural heritage interests.
- Areas of contaminated land can be successfully remediated.
- Letters of objection received by the Council have been assessed and are not considered to be determining.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 13/4, date stamped received 5th February 2020.

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

3. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Numbers 13/4, date stamped received 5th February 2020.

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

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

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

5. Prior to the commencement of the development hereby permitted, the developer shall submit to the Council for its written approval the details of the colour scheme or schemes applicable to the coloured asphalt indicated in drawing 02/3, date stamped received 5th February 2020, as being used to define all car parking areas within the development layout. The coloured asphalt car parking areas shall be carried out in accordance with that approval.

Reason: In the interests of the visual amenity and quality of the development.

6. Prior to the commencement of the development hereby permitted, a sample of the grey clay brick which is to be used as a finishing material for the dwellings and apartments shall be submitted to and approved in writing by the Council. The brick finishes of the development shall be carried out in accordance with the approved sample.

Reason: To ensure that the external appearance of the building is satisfactory.

7. As indicated in drawing 02/3, date stamped received 5th February 2020, twenty (20) of the units in apartment block 1 hereby permitted shall be provided for the exclusive occupation and use of persons of 55 years of age or over and other members of their family or other persons providing care and support to them.

Reason: To accord with the application as submitted and to ensure the provision of twenty (20) apartments for people of 55 years or over for the lifetime of the development.

8. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy provided in WYG's Preliminary and Generic Quantitative Risk Assessment report, Ref: A113852, dated 11th October 2019 (Document 13), have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: In the interests of the protection of environmental receptors to ensure the site is suitable for use.

9. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately.

Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

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

Reason: In the interests of the protection of environmental receptors to ensure the site is suitable for use.

10. After completing the remediation works required under Conditions 8 & 9 and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at; <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable.

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

Reason: In the interests of the protection of environmental receptors to ensure the site is suitable for use.

11. The existing trees, hedgerow and other forms of vegetation along the western, northern and eastern boundaries of the site, as indicated on drawing reference 18/1, date stamped received 17th February 2020, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to the removal of those screenings.

Reason: To safeguard the amenities of neighbouring occupiers, in the interests of visual amenity, to ensure that the proposed development does not prejudice the appearance of the locality and in the interests of retaining foraging and commuting corridors for natural heritage interests.

12. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

13. 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.

14. All hard and soft landscape works shall be provided in accordance with the approved landscape layout drawing, drawing ref: 18/1, date stamped received

17th February 2020. The works shall be carried out during the first available planting season after the occupation of any part of the development or in accordance with a programme to be in agreed in writing with the Council.

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

15. 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.

16. No development shall take place until measures have been agreed in writing with the Council to protect existing trees and hedgerows identified as being retained in drawing 18/1, date stamped received 17th February 2020, from damage during the construction period. The agreed measures shall be put in place before the commencement of the development and retained throughout the construction period.

Reason: To ensure that the tree (s) and hedgerows to be retained are not damaged or otherwise adversely affected by building operations.

17. Hard surfaces close to trees shall be laid in accordance with the recommendations set out in Section 11 of BS5837 (Trees in Relation to Construction) 2012. An Arboricultural Method Statement for the construction shall be submitted to and approved in writing by the Council prior to commencement of site works.

Reason: To protect trees to be retained.

18. All boundary treatments as indicated in drawing 16/2, date stamped received 5th February 2020, shall be provided in accordance with the details set out in that drawing.

Reason: In the interests of a high quality and sustainable residential environment.

19. Prior to the occupation of any dwellings approved herein, a landscape management plan shall be submitted to and approved by the Council setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved.


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

20. Prior to the occupation of any unit within apartment blocks 1 and 2, the open space area and pedestrian pathways indicated in drawing 02/3, date stamped received 5th February 2020 shall be laid out and thereafter retained in perpetuity for the lifetime of the development.

Reason: In the interests of visual amenity and to meet the open space needs of the development in accordance with the policy provisions of PPS 8 'Open Space, Sport and Outdoor Recreation'.




Social Housing Scheme consisting of 2 no. 2.5 storey apartment blocks (2 x 21 units with a mix of general needs and elderly apartments) and 11 no. 2 storey semi-detached houses, 8 no. 2.5 storey semi-detached houses and 2 no. wheelchair bungalows & total 63 units. (Reduced proposal/Additional Information)

Scale: 1:1250 

Application Ref: LA03/2019/0479/F

41 Knockenagh Avenue, Newtownabbey, BT36 6AQ

 Site Boundary

For information purposes only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2019/0617/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access
SITE/LOCATION	Lands to the rear of No. 10 through to 16 Shanes Street, Randalstown, BT41 2AD
APPLICANT	Butler's Mobile Systems
AGENT	CMI Planners
LAST SITE VISIT	15 th August 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 within the development limits of Randalstown as defined in the Antrim Area Plan 1984 – 2001. Part of the application site is also located within the Eastern Sector of Randalstown Conservation Area, which is characterised by a mixture of single and two-storey buildings interspersed with a small number of non-residential premises.</p> <p>The site, which is located on the northeastern side of Shanes Street, comprises lands to the rear of Nos. 10, 16, and 18, extending back approximately 110 metres from the public road. The majority of the site is laid out in hardcore standing, which appears to be a recent addition.</p> <p>The northern boundary is comprised primarily of an existing hedgerow/tree line located at the southern end of Shanes Court. On the same plain, the common boundary between the site and the rear garden of No. 9 is delineated by timber fencing. The eastern boundary of the site is formed by an existing tree line/hedgerow. The existing buildings associated with the applicant's ongoing business, form the southern boundary of the site, which is otherwise undefined by any distinguishable features. However, these buildings are situated outside the application site. A small workshop, which adjoins the aforementioned buildings, is located in the southeastern corner of the site.</p> <p>Access to the site is taken via the existing access between Nos. 10 and 16 Shanes Street. A small structure adjoining No. 10, which appears to be a garage or storage unit, is located within the application site at this point, and is earmarked for demolition which was previously approved under LA03/2017/1011/DCA.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2017/1012/O

Location: Lands to the rear of 10 through to 16 Shanes Street, Randalstown

Proposal: Site of proposed new store/showroom, assembly building with additional parking, lorry turning facilities and alterations/upgrade to the existing site access

Decision: Permission Granted – 20th February 2019

Planning Reference: LA03/2017/1011/DCA

Location: 10 Shanes Street, Randalstown

Proposal: Demolition of rear return and small lean too structure to the south eastern side

Decision: Permission Granted – 22nd February 2019

Planning Reference: T/2015/0115/DCA

Location: 10 Shanes Street, Randalstown

Proposal: Demolition of single storey lean to and part of 2 storey dwelling and to include alterations

Decision: Permission Granted – 17TH August 2016

PLANNING POLICY AND GUIDANCE

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

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

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

Antrim Area Plan 1984 – 2001: The application site is located within the settlement limits of Randalstown.

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 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 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 – Awaiting Response

Northern Ireland Water – No objections

Department for Infrastructure Roads- No objections

Department for Infrastructure Rivers – No objection

Department for Communities Historic Environment Division – No objection.

REPRESENTATION

Twenty four (24) neighbouring properties were notified and three (3) letters of representation have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- The proposal will have a detrimental impact on the character of the area (including the Randalstown Conservation Area).
- The proposal will have a negative impact on property values.
- The proposal will lead to increased levels of noise pollution.
- The proposal will cause overshadowing of the property at No. 16 Shanes Court.
- The proposal will result in the deprivation of hedge growth along the boundary of the application site which in turn will impact on the privacy of the residents at No. 16 Shanes Court.
- The proposal does not include any details on industrial lighting.
- Industrial lighting will impact on the amenity of residents within Shanes Court and Beechmont Park.
- Concerns in relation to CCTV cameras and the potential impact on privacy.
- Concerns in relation to proposed car parking having an impact on neighbour amenity in terms of overlooking.
- Demolishing part of a listed building to provide access to an industrial facility does not act as an enhancement to a residential area located on the edge of a Conservation Area.
- Concerns in relation to structural damage to neighbouring properties.
- Concerns that effluent/wastage would impact on the health and safety of neighbouring residents.
- Health and safety concerns regarding the storage and usage of commercial/industrial gases.
- Concerns in relation to the erection of ad-hoc structures and parking of mobile catering units- without planning permission.

- Concerns in relation to mobile units parked on site attracting vermin.
- Concerns in relation to road safety and congestion.
- Concerns in relation to pedestrian safety.
- The proposal will create a change in the ambiance of Shanes Court which is one of the main selling points for potential rental customers.
- Concerns in relation to noise from the 'assembly area'.
- The acoustic barrier does not protect properties within Shanes Court.
- Suggestion that a condition is attached to the grant of planning permission that assembly activities are restricted to a designated area adjacent to the acoustic barrier.
- Suggestion that no assembly/ fit out work should be permitted outside the warehouse to ensure minimal nuisance occurs.
- The Noise Impact Assessment has not sufficiently considered potential noise impact from articulated lorry movements and the additional cars.
- Concern that times of operation have not been stipulated.
- Concern that noisy activities may be carried out within the store from the use of mechanical handling equipment.
- Light pollution has not been considered.
- Reduction in privacy at the properties within Shanes Court.
- Loss of visual amenity for the residents at Shanes Court from further expansion of Butlers Mobile Systems.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

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

Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) sets out that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period, planning authorities will apply existing policy contained within the retained planning policy documents together with the SPPS.

In respect of the proposed development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained within Planning Policy Statement 4: Planning and Economic Development (PPS 4), PPS 3: Access, Movement and Parking (PPS 3) and PPS 6: Planning, Archaeology and The Built Heritage (PPS 6).

This application seeks full planning permission for a proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access.

In relation to the application site there is an extensive planning history apparent dating back to the 1980's/1990's. The most recent approval is however the most relevant to this application. Planning Application Reference: LA03/2017/1021/O was granted outline planning permission in February 2019 for the site of a proposed new store/showroom, assembly building with additional parking, lorry turning facilities and alterations/upgrade to the existing site access.

Policy PED 1 of Planning Policy Statement 4: Planning and Economic Development relates to economic development in settlements. With regard to Class B1 (Light Industrial) and Class B2 (General Industrial) uses, this advises that a development proposal for such a use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location. Where a proposed development is located elsewhere in cities and towns, Policy advises that they will be determined on their individual merits.

As the proposed development is not located within an area zoned for industrial or employment use within the Local Development Plan, nor is it located in an area of existing industrial/employment area, the application will be determined on its individual merits.

Owing to the recent extant planning permission on site, the previous planning history, the current uses of buildings on adjacent sites (with regard to workshops, production and storage uses currently carried out by the applicant), the policy context outlined by Planning Policy Statement 4: Planning and Economic Development, it is considered that the proposal is acceptable in principle, subject to assessment of all other matters material to the application.

The main considerations for this application relate to the design and site layout, impact on the character and appearance of the local area; and other matters relating to neighbour amenity, noise impact and landscaping.

Site layout and design

As noted above the application seeks full planning permission for a new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access. The new store/showroom/assembly building noted as the 'proposed shed' on Drawing No. 03/2 bearing the date stamp 8th January 2020 is located in the site's most western corner. It is located approximately 9 metres from the common boundary with No. 16 Shanes Court (which lies to the northwest of the application site) and approximately 6.5 metres from the common boundaries with the properties at Beechmount Park (which lie to the north east of the application site).

The proposed shed has a maximum width of 22 metres and a depth of 20.9 metres. It has a pitched roof with a ridge height of 7.4 metres. There are 2 no. large roller shutter doors and a small pedestrian door present on the front elevation which faces in a westerly direction into the existing site. There is another large roller shutter door proposed on the buildings southeastern facing façade. A small pedestrian doorway is located on the rear elevation of the proposal and there are no openings proposed on the northwestern facing façade.

The finishes for the proposed shed are as follows; the roof and side panels will be finished in brown coloured insulated panels with red trims; the lower section of the walls is finished in brickwork with roller shutter doors finished in a silver/grey colour.

The lorry loading and turning area is sited forward of the proposed shed. The 10 no. parking bays are located adjacent to the sites northwestern boundary. The proposal includes proposed planting along the northwestern and northeastern site boundaries. The existing hedging along the northeastern boundary is also to be retained as part of the proposal.

It should be noted that a small portion of the building at No. 10 Shanes Street is to be demolished to facilitate the development. Demolition consent has previously been approved for these works under planning application reference LA03/2017/1011/DCA.

It is acknowledged that following discussions with the Planning Section, the applicant has made amendments to the scheme which was initially submitted to the Council. These amendments have included a reduction in the size and scale of the proposed building and have also seen the building being moved further from the neighbouring boundary with the properties at Shanes Court and Beechmont Park.

It is considered that the site layout together with the size, scale, design and location of the proposed store/showroom/assembly building is now considered acceptable.

Impact on Character of the Area

As noted above the application site is partially located within Randalstown Conservation Area. However, the main portion of the site to be developed lies outside of this conservation area and within an enclosed yard to the rear of the existing Butlers commercial premises. Due to the location of the proposed store/showroom/assembly building and the presence of a number of existing manufacturing outbuildings associated with the Butlers business, it is considered that the proposal will not have an unacceptable impact on the character of the Conservation Area. Furthermore it is considered that any views between No. 10 Shane Street and the existing Butlers premises at No. 16 Shane Street would be short and fleeting. The proposal can therefore be seen to comply with Policy BH 12 of PPS 6.

The Department of Communities- Historic Environment Division (HED) have indicated that they are content with the proposal. HED has considered the impact of the proposed building on HB20/04/027A - 1 Shane's Terrace, Shane's Street, Randalstown, Co. Antrim, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

Having reviewed the submitted drawings and photomontages, HED Historic Buildings considers the proposal satisfies SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. Overall it is considered that there will be no significant impact on the adjacent historic buildings or on the Randalstown Conservation Area.

Neighbour Amenity

As noted above the proposal has been amended from what was initially submitted to the Council. The amended proposal has seen a reduction in the size (primarily the width) of the proposed store/showroom/assembly building and has also seen an increase in the separation distance between this building and the neighbouring properties at No. 16 Shanes Street and 64/65/66/67 Beechmount Park. The proposed building is now located approximately 11 metres from the side elevation of No. 16 Shanes Court and approximately 9 metres from the common boundary. The part of the building closest to No. 16 will be used as a store room and possesses no windows or doors facing towards this neighbouring property. Concerns have been raised in relation to overshadowing, however, given the ridge height of 7.4 metres and the enhanced separation distance it is not considered that the proposed building would result in a significant level of overshadowing at the properties within the Shanes Court development. A mature hedge line exists along the sites common boundary with Shanes Court which is to be supplemented with new trees. This will also help in addressing concerns that were raised in relation to car parking along the sites northwestern boundary impacting on amenity. This hedging together with the additional new trees will screen the car parking and ensure that there is no significant impact to adjacent neighbours and their privacy.

It is noted that objectors residing in the Shanes Court Development have also raised various concerns in relation to potential noise impact. The Council's Environmental Health Section (EHS) has reviewed the application and have suggested a number of conditions that should be attached to any approval in order to protect the amenity of nearby residential properties. It is noted that EHS have requested a review of the Noise Impact Assessment to be completed to include consideration of the loading/unloading activities and vehicle movements. The Planning Section has chosen not to request this from the applicant given the existing outline planning approval (LA03/2017/1012/O) on the site which remains live on the application site. It is considered unreasonable to request this additional information at this stage as no specific concerns had been raised in relation to loading/vehicle movements during this previously approved outline application or earlier in the consultation process of this application. Furthermore, it is stated within Document 03 bearing the date stamp 17th July 2019 "While the application is for additional parking and lorry turning facilities, these operations already occur and will not change as part of this planning approval." As noted above, EHS have suggested that noise rating levels shall not exceed a certain level at a number of residential properties around the application site. If the noise generated by vehicle movements or loading exceeds these rating levels, this should be reported to the Councils Planning Section and Environmental Health Section who will take the appropriate action.

Given the enhanced separation distance, the proposed boundary treatment and given that EHS have not raised any concerns in relation to amenity at the properties in Shanes Court, it is considered that the proposal would not result in any significant detrimental impact on amenity at the adjacent properties within Shanes Court.

The proposed building is located approximately 6.5 metres from the boundary with the properties at Nos. 67, 66, 65, and 64 Beechmount Park. This boundary is presently defined with hedging which is approximately 3 metres in height along most parts. As per Drawing No. 03/2 bearing the date stamp 8th January 2020 this existing hedging will be supplemented with new trees. Following EHS advice, a 2.5 metre high acoustic wall shall be erected parallel to the boundary to the southeast of the proposed building and an upgraded roller shutter door included on the buildings southeastern elevation, to ensure that any noise generated by the works within the assembly area is reduced to a tolerable level. In order to decrease the visual impact experienced at Nos. 64 and 65 Beechmount Park of this proposed wall, it is considered appropriate to step this in from the boundary to the position as shown on Drawing No. 03/2 bearing the date stamp 8th January 2020 with the hedging and planting remaining behind.

A number of conditions are suggested by EHS should planning permission be granted relating to the proposed roller shutter doors, the acoustic wall, opening times, noise levels and planting in order to mitigate potential impacts on amenity. The application of these conditions will alleviate a number of concerns raised by surrounding residents.

With the above considered and the mitigation measures provided, it is considered that the proposal would not have a significant detrimental impact on neighbour amenity.

Flood Risk

The application site lies outside of the 1 in 100 year fluvial floodplain and is also outside of the 1 in 200 year coastal floodplain. There are therefore no concerns in relation to fluvial or coastal flooding addressed under Policy FLD 1 of PPS 15.

A Drainage Assessment was submitted with the application (Document 04 bearing the date stamp 17th July 2019). DfI Rivers were consulted on this document and advised that while not being responsible for the preparation of this report, that they accept its logic and have no reason to disagree with its findings. The proposal complies with Policy FLD 3 of PPS 15.

Other Matters

DfI Roads has been consulted on the application and has indicated no concerns with the access or road safety matters subject to conditions.

This section of the report will now go on to address concerns raised in objections that have not already been addressed within the main body of this report. Concerns have been raised by neighbouring properties that the proposal will have a detrimental impact on property values. The perceived impact of a development upon neighbouring property values is not generally viewed as a material consideration to be taken into account in the determination of a planning application.

In any case no specific or verifiable evidence has been submitted to indicate what 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. Accordingly it is considered that this issue would not be afforded determining weight in the determination of this application.

Representations have also noted that the proposal does not include any details in relation to lighting. The case officer has raised this concern with the applicant's agent who has confirmed that there is no additional external lighting proposed as part of the proposal (email received 19th December 2019).

Concerns have also been raised through representations in relation to CCTV cameras which may appear on the new building which may have an impact on the privacy of neighbours. The proposal does not include the erection of CCTV cameras as part of this application and as such the case officer does not consider this to be a material issue.

An objection has raised concerns in relation to potential structural damage occurring at neighbouring properties. The works proposed in this case are those associated with standard construction practices, it is considered unlikely that the construction of a building at the location proposed will have a significant impact on the adjacent properties. Should any impact be experienced by the adjacent properties this is ultimately a civil matter which should be addressed between the involved parties.

There were also health and safety concerns regarding the storage and usage of commercial/industrial gases. The applicant has not indicated that there will be any storage of commercial/industrial gases on site and as such forms no part of this consideration. Should the applicant decide to store such gases they may require a hazardous substance consent as governed by the Planning (Hazardous Substances) Regulations (Northern Ireland) 2015.

Concerns were raised that effluent/waste would impact on neighbouring residents. The agent has indicated that foul sewage will be disposed of via the existing mains sewer. Northern Ireland Water has been consulted in relation to the application and has indicated no concerns.

In addition, representations have also been made in relation to ad-hoc structures being erected and the parking of mobile catering units on site without the prior grant of planning permission and that these units were attracting vermin to the site. The representation provides detail in relation to the erection of a marquee and tipi on the site in 2018. If any development/erection of structures takes place on site that go beyond that permitted under the Planning (General Permitted Development) Order (Northern Ireland) 2015, these should be reported to Planning Enforcement and the matter will be dealt with accordingly. In relation to mobile units attracting vermin, this matter should be discussed with EHS.

The objectors have suggested a condition requiring assembly activities to be restricted to a designated area adjacent to the acoustic barrier and that no assembly/fit-out work should be permitted outside the warehouse to ensure minimal nuisance occurs to the adjacent residential properties. This is seen as a reasonable request and is included at condition 15.

CONCLUSION	
<p>The following is a summary of the main reasons for the recommendation:</p> <ul style="list-style-type: none"> • The principle of the development has previously been established. • The size, scale, design and location of the proposed store/showroom/assembly building is considered acceptable. • There will be no detrimental impact on the character and appearance of the Conservation Area. • There will be no significant impact on neighbour amenity resultant from the proposal. • There are no concerns in relation to flood risk. • There are no road safety concerns. 	
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSED CONDITIONS	
<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	
<p>2. The existing hedgerow and vegetation along the northern and eastern boundaries of the site as indicated on Drawing No. 03/2 bearing the date stamp 8th January 2020 shall be retained at a minimum height of 4 metres and shall be allowed to grow on or as agreed in writing with the Council</p> <p>Reason: In the interests of residential amenity.</p>	
<p>3. The proposed landscaping indicated on Drawing No. 03/2 bearing the date stamp 8th January 2020 shall be carried out within the first planting season following the completion of the development hereby approved and shall be retained in perpetuity at a minimum height of 2 metres of hedging and 4 metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.</p> <p>Reason: In the interest of residential amenity.</p>	
<p>4. The roller shutter doors positioned on the western façade and the southeastern facade of the new store, showroom, and assembly areas, shall remain in the closed position, except when used for access or egress.</p> <p>Reason: In order to protect amenity at nearby residential properties</p>	
<p>5. Prior to the building hereby approved becoming operational, the pedestrian doors must be fitted with acoustic compression seals and self-closing devices and must be kept in the closed position, except when used for ingress and egress.</p> <p>Reason: In order to protect amenity at nearby residential properties.</p>	

6. Prior to the building hereby approved becoming operational, a thermal acoustic roller door shall be fitted to the South, south-eastern façade of the development as detailed within Document Number 03/1, date-stamped 20 Sep 2019 by the Planning Section.

Reason: In order to protect amenity at nearby residential properties.

7. Prior to development hereby permitted becoming operational, an acoustic barrier of 2.5m, shall be erected in the position shown Drawing No. 03/2 bearing the date stamp 8th January 2020. The barrier shall have a surface weight of not less than 15kg/m², be of solid construction (i.e. no holes or gaps for sound to pass through), and so if it is a fence it should be of the ship-lapped design.

Reason: In order to protect amenity at nearby residential properties.

8. Outside the hours 08:00 to 18:00, Monday to Friday, the premises hereby permitted shall not remain open for business; deliveries by commercial vehicles shall not be made to and from the site; and the manufacturing and assembly operations shall not be in operation.

Reason: In order to protect amenity at nearby residential properties.

9. The Rating level of noise emitted from the development shall not exceed;

50dB LAr at Numbers 64-67 Beechmount Park;
50dB LAr at Number 16 Shanes Court; and
44dB LAr at Number 9 Shanes Court,

in accordance with Figure B, Identification of Sound Level Monitor Location and Neighbouring Dwellings, on page 7 of the Lester Acoustics report Reference Document Number 03 bearing the date stamp 17 Jul 2019 by Planning Section.

Reason: In order to protect amenity at nearby residential properties.

10. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.03/2 bearing the date stamp 8th January 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

11. The gradient of the access road shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

12. The building hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 03/2 bearing the date stamp 8th January 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

13. No retail operations shall be carried out from the premises hereby approved.

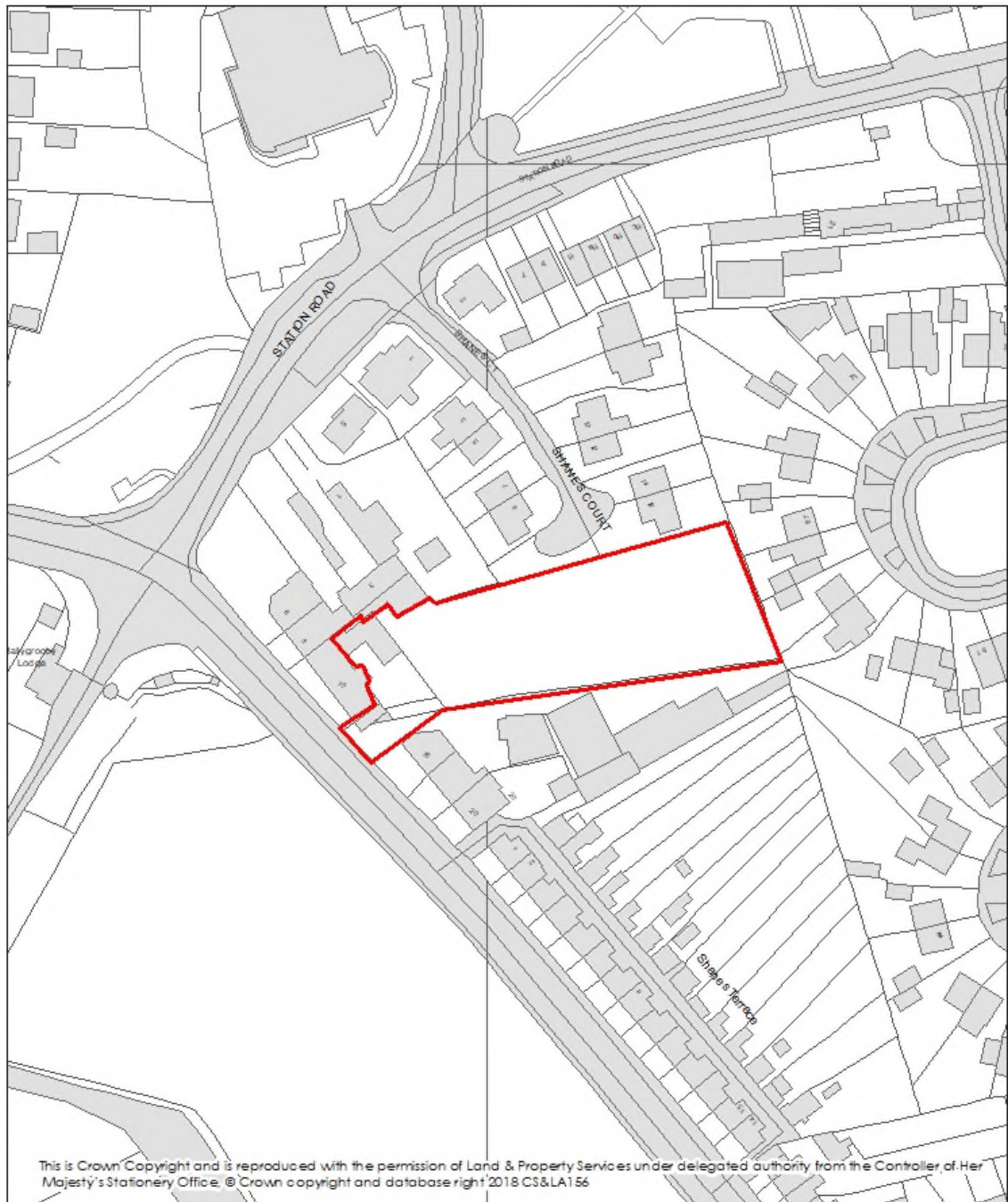
Reason: To ensure that this development, at an out of centre location, does not adversely affect the retail functions of existing centres in accordance with the Strategic Planning Policy Statement for Northern Ireland.

14. There shall be no external storage or display of materials on the site.

Reason: In the interests of the amenity of the surrounding area.

15. All storage, loading and unloading of vehicle activity associated with the development hereby approved shall take place internally.

Reason: In the interests of the amenity of the surrounding area.



Location Map

Application Reference: LA03/2019/0617/F

Lands to the rear of No.10 through to 16 Shanes Street Randalstown.

Store/Showroom/Assembly building.

 Site Boundary

0 5 10 20 30 40
Metres



For Information Only



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2018/1097/F
DEA	MACEDON
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	New 2-storey dwelling attached as an end-terrace property in the same design and style of No. 108
SITE/LOCATION	Land 10m east of beside No. 108 Glenview Park Whiteabbey Newtownabbey Co. Antrim BT37 0TG
APPLICANT	Paul Cargill
AGENT	Paul Anderson Chartered Architect Ltd
LAST SITE VISIT	27th June 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340 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>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>This planning application was previously presented to the Planning Committee in February 2020 with a recommendation to refuse planning permission. The application was deferred for one month to allow for clarification from the Council's Environmental Health Section and also to allow for consideration of five other properties referred to in the applicant's latest Noise and Vibration Assessment – Document 04, dated 4th December 2019. In addition, the Committee requested details of a dwelling approved at Whitehouse Park.</p> <p>The most recent Noise Assessment – Document 04 dated 4th December 2019 lists five properties which the agent advises all have similar separation distances from the adjacent railway lines. Each of these properties and their relevant planning history are listed below.</p> <ul style="list-style-type: none"> • 5 Dillons Court - A dwelling on this site was granted permission under application U/1996/0334/F with an extension to the dwelling granted under application U/2009/0566/F. • 1 Dillons Court - A dwelling on this site was granted under application U/1989/0279/F. • 1 Abbeyville Park - any recent approvals relate to works to upgrade the existing dwellings LA03/2016/0598/F. • 8 Abbeyville Place - Planning application LA03/2017/0505/F granted permission for a proposed residential development of 35 No. dwelling units. • 52 Dillons Avenue - No recent approvals. 	

- 14 Whitehouse Park. The development at this location was raised by one on the Members. Planning application LA03/2017/0714/F was granted permission for a replacement dwelling and garage.

The principle of a dwelling at each of the properties referred to above by the applicant within Document 04 were granted planning permission under historic applications, approved by the then DOE Planning. The exception to this is the granting of applications LA03/2017/0505/F (lands at Abbeyville Place for 35 dwellings) and LA03/2017/0714/F (lands at 14 Whitehouse Park for a replacement dwelling).

In relation to lands at Abbeyville Place, a Noise Assessment was submitted to the Council in support of this application. Consultation was carried out with the Council's Environmental Health Section (EHS) who concurred with the report and accepted the mitigation measures contained within the report. Subsequent to this response relevant conditions were imposed on the grant of planning permission.

The site at Whitehouse Park was approved as a replacement dwelling. As such the principle of a dwelling at this site had previously been established and could not be revisited. EHS raised no objections in relation to the proposed replacement dwelling, however, it advised that an informative should be placed on any permission advising that "The proposed development is in close proximity to an existing railway line which may at times give rise to noise."

Additionally, it should be noted that all applications submitted to the Council are considered on their own merits. Notwithstanding this the developments referred to by the applicant, as outlined above, are not considered to be directly comparable with the current application, due to the fact that there are four railway lines adjacent to the application site and the said railway lines are located on a substantially raised embankment.

The applicant also makes reference within Document 04 to five properties where the proposed mitigation measures within the report have been successfully adopted. Each of these properties are located outside the Council Borough and were approved by the then DOE Planning several years previously and do not set a precedent for the assessment of applications by Antrim and Newtownabbey Borough Council.

CONCLUSION

The above supporting information submitted by the applicant has been assessed however, determining weight has not been given to this information. There is no change to the recommendation to refuse planning permission for the proposed development.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of vibration from trains using the adjacent railway lines



Location Map

Application Reference: LA03/2018/1097/F

Land 10m east of beside No. 108 Glenview Park,
Whiteabbey, Newtownabbey, Co. Antrim BT37 0TG
New 2-storey dwelling attached as an end-terrace
property in the same design and style of No. 108

 Site Boundary

0 30 60
Metres



For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2019/0516/F
DEA	MACEDON
COMMITTEE INTEREST	HEAD OF PLANNING REFERRAL
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension to curtilage of dwelling to provide garden
SITE/LOCATION	67 Whitehouse Park, Whitehouse, Newtownabbey
APPLICANT	Mr & Mrs Robert McMitchell
AGENT	Tumelty Planning Services
LAST SITE VISIT	6 th November 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined in draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site comprises an overgrown and unkept area of grassland which runs beyond the existing rear garden areas of a number of properties within Whitehouse Park including the applicants dwelling, No. 67 Whitehouse Park. The land extends eastwards and southeastwards beyond the approved curtilage of No. 67 Whitehouse Park to pathways running alongside the M5 Motorway embankment and the adjoining public open space, Gideons Green.</p> <p>The topography of the ground within the application site falls significantly from northwest to southeast and falls approximately nine (9) metres. Existing post and wire fencing and sparse hedging define the boundaries of the site to the southwest. The southeastern boundary is defined by a steel mesh fence. The northwestern boundary of the application site to the rear of No. 65 is defined by existing vegetation. The land beyond the southeastern boundary provides a subway underneath the M5 Motorway and beyond this is Gideon's Green which is an area of existing open space and the M5 Lagoon Local Landscape Policy Area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2000/0008/CA Location: 67 Whitehouse Park, Newtownabbey Proposal: Operational Development Decision: Enforcement Case Closed (02/11/2000)</p> <p>Planning Reference: U/2000/0036/F Location: 67 Whitehouse Park, Newtownabbey Proposal: Front and rear extensions to dwelling Decision: Permission Granted (13/03/2000)</p>	

Planning Reference: U/2000/0238/F
Location: 67 Whitehouse Park, Whiteabbey
Proposal: Detached double garage
Decision: Permission Refused (28/09/2000)

Planning Reference: U/2000/0466/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Wall and double gates to front of dwelling adjacent to road
Decision: Permission Granted (20.10.2000)

Planning Reference: U/2004/0021/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (18/06/2007)

Planning Reference: U/2004/0023/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (18/06/2007)

Planning Reference: U/2004/0758/F
Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Erection of detached double garage
Decision: Permission Refused (23/02/2005)

Planning Reference: U/2005/0019/CA
Location: Land to rear of No. 67 Whitehouse Park, Newtownabbey
Proposal: Change of Use
Decision: Enforcement Case Closed (01/12/2009)

Planning Reference: U/2005/0622/F
Location: 67 Whitehouse Park, Belfast
Proposal: Alterations to elevations (retrospective)
Decision: Permission Granted (02/02/2006)

Planning Reference: U/2005/0679/F
Location: 67 Whitehouse Park, Newtownabbey, Belfast
Proposal: Retention and re-contouring using inert material and topsoiling to create garden
Decision: Permission Granted (07/09/2007)

Planning Reference: U/2006/0007/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (20/10/2008)

Planning Reference: U/2007/0047CA
Location: Rear of 67 Whitehouse Park Newtownabbey (Gideons Green)
Proposal: Change of Use
Decision: Enforcement Case Closed (28/01/2010)

Planning Reference: U/2008/0077/CA

Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unauthorised infilling of land
Decision: Enforcement Case Closed (11/03/2013)

Planning Reference: U/2008/0478/F
Location: 67 Whitehouse Park, Belfast, BT15
Proposal: Erection of detached double garage
Decision: Permission Granted (23/09/2009)

Planning Reference: LA03/2018/0230/CA (Appeal 2018/E0030)
Location: Land approximately 50 metres to the south east of 67 Whitehouse Park, Newtownabbey
Proposal: The unauthorised construction of a building, raised deck and associated steps and the unauthorised extension of the residential curtilage of 67 Whitehouse Park
Decision: Enforcement Notice Upheld (04/01/19)

Planning Reference: LA03/2018/0352/CA
Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Alleged unauthorised extension of residential curtilage
Decision: Enforcement Case Closed (17/04/2019)

Planning Reference: LA03/2018/1067/LDE
Location: Land to the rear of (and SE of) 67 Whitehouse Park, Newtownabbey,
Proposal: Extension to curtilage
Decision: Permitted Development

Planning Reference: LA03/2019/0516/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Extension to curtilage of dwelling to provide garden
Decision: Current 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, 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. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

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

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

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

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

Nine (9) neighbouring properties were notified and one (1) letter of objection has been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Part of the site is located within the floodplain.
- Land ownership query.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Preliminary Matters

A number of previous planning permissions and a certificate of lawful use have been approved on part of the application site which allowed for an extension to the residential curtilage of No. 67 Whitehouse Park.

The red line of planning approval U/2005/0679/F extends some 22 metres south of the previously approved curtilage of No. 67 Whitehouse Park. The approval was granted 06 September 2007 and whilst it does not specifically make reference to an extension of the residential curtilage of No. 67 Whitehouse Park, it is described as being the retention and re-contouring using inert materials and top soiling to create a garden. This description and its retrospective nature has effectively granted an extension to the residential curtilage of No. 67.

A further planning permission was granted in November 2012 under planning application reference U/2008/0468/F at 67/69 Whitehouse Park for the re-contouring of land using existing in situ materials, top soiling using in situ top soil, all to form extended/raised gardens. These areas included lands immediately to the rear of Nos. 65 and 67 Whitehouse Park.

A Certificate of Existing Lawfulness (Ref: LA03/2018/1067/LDE) was also granted for the 'extension to curtilage' of No. 67 Whitehouse Park which includes the first 22 metres of the northern section of the application site similar to that approved under previous grant of planning permission U/2005/0679/F.

A concurrent planning application LA03/2019/0649/F seeks to erect an area of raised garden decking partially within the current application site and partially within the established garden area. This application will be decided separately.

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. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans. Therefore, the principle of the extension to the residential curtilage is considered acceptable.

Impact on Character and Appearance of the Area

The topography of the application site is such that it slopes significantly from north to south and abuts the M5 Motorway and the Gideon's Green public walkway. The use of the application site for a private residential amenity area is not likely to have a significant visual impact. However, it is considered given the public views of the area that any new building in this exposed, sloped area would require careful consideration to safeguard visual amenity. It is therefore considered necessary to add a condition to remove permitted development rights to ensure that the visual impacts of any buildings or extensions within the area can be carefully assessed. The Planning Appeals Commission (PAC) also took this view in an enforcement appeal decision (Planning Reference LA03/2018/0230/CA and Appeal Reference 2018/E0030) for a small extension to the curtilage of this property which included a decked area where a condition was stipulated to remove permitted development rights for the same reason. Following this appeal decision, a Certificate of Lawfulness of Existing Use or Development was certified (dated 1st February 2019) to extend the curtilage of this property and included the northernmost 22 metres approximately of the application site. There is currently no restriction with regards to the removal of permitted development rights for this northern section of the site and it is considered it would not be reasonable to place a more onerous restriction on this section of the site. Therefore, the condition to remove permitted development rights will refer only to an area shaded orange on the site location plan within the southern area of the application site.

It is considered that the proposal will not cause an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality as the proposal is to be used as an amenity area. It is therefore considered that the proposal will not detract from the character or appearance of this residential area.

Neighbour Amenity

This current application site includes part of the previously approved extension to curtilage and an additional area to the south. It is considered that the proposed extension to the residential curtilage would not have a significant impact on the existing residential properties abutting the site. There are no buildings proposed, nor are there any proposals to alter the ground levels of the application site. It is therefore considered that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

Other Matters

Land Ownership

Concerns have been raised through a letter of objection regarding land ownership within the site. Antrim and Newtownabbey Council retained a means of access to Gideons Green for other nearby dwellings and the applicant has amended the site location plan to reduce the red line omitting this access way along the eastern boundary of the site.

Given there would also appear to be a boundary dispute ongoing, the Planning Section raised the matter with the applicant's agent and requested an accurate site location plan outlining the land owned by the applicant only. The applicant's agent has since provided an updated site location plan (Drawing 01/1). Any land ownership disputes are a legal matter and outside the remit of planning. Therefore, while noting the objection, it is not a matter which planning can control or arbitrate upon. If permission is forthcoming, an informative can be stipulated on the decision notice advising that planning permission does not confer title and it is the responsibility of the developer to ensure that he/she controls all the lands necessary to carry out the proposed development.

Flood Risk

Concerns were also raised through letters of objection that the site is located within a floodplain. The Strategic Flood Map for Northern Ireland indicates that the site lies on the periphery of the 1 in 200-year coastal floodplain. Ponding within the application site is also indicated on the Surface Water Flood Map however, while this is accepted, there are no proposed building works within the application site and no proposed change to the ground levels within the site. In addition, the permitted development rights for the majority of the proposed new curtilage area (other than that previously certified through a Certificate of Lawful Use or Development application, Reference LA03/2018/1067/LDE) has been conditioned to be removed and therefore this will ensure any development within this area can be considered including any potential flood risk resulting from ancillary buildings.

CONCLUSION

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

- The principle of the development is considered acceptable;
- The extension to curtilage is not considered to have a significant visual impact;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents;
- The proposal will not have a detrimental impact on trees or the environmental quality of this area.

RECOMMENDATION

GRANT PLANNING PERMISSION

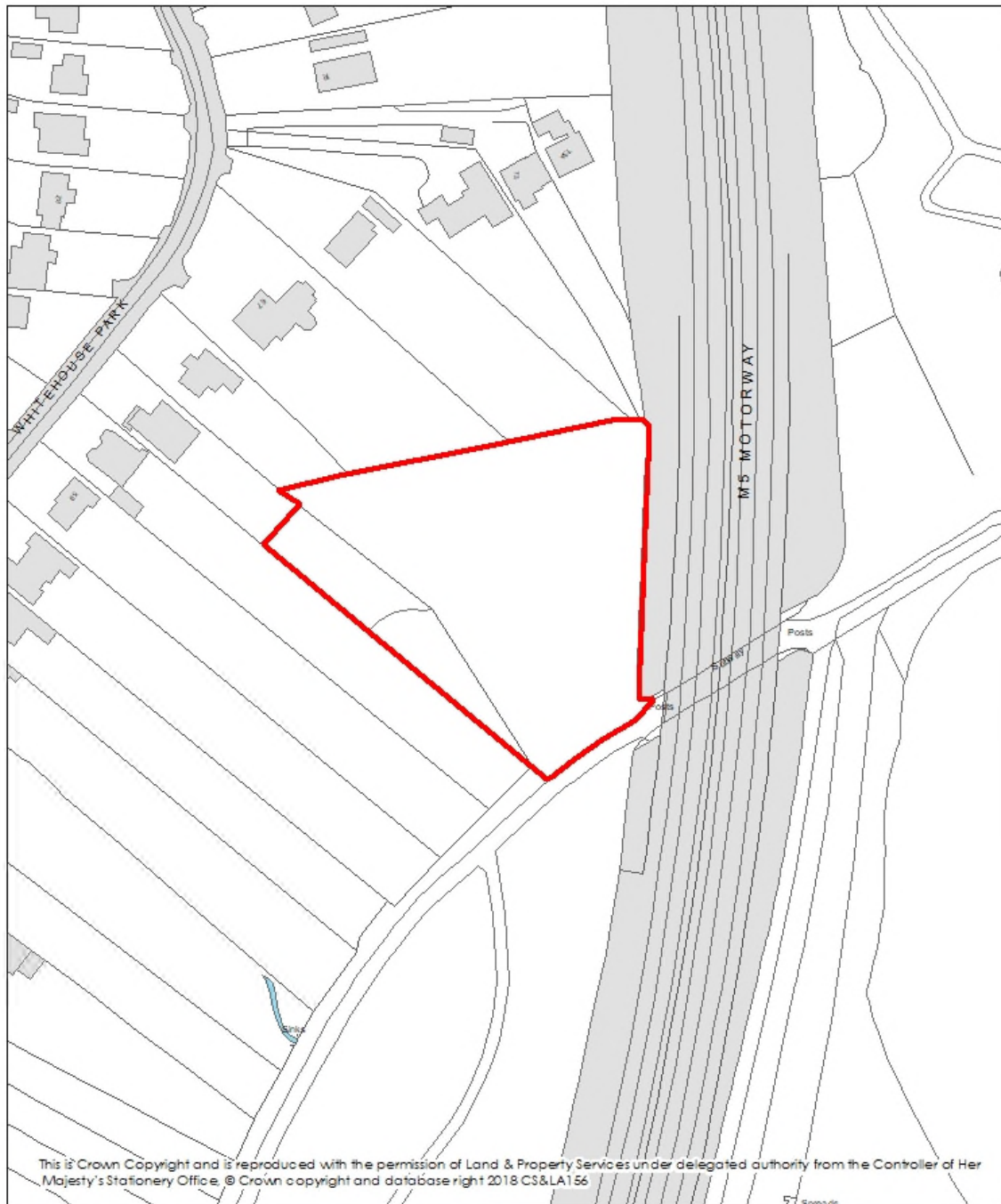
PROPOSED CONDITIONS

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. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no building shall be erected within that part of the residential curtilage hereby approved and shaded orange on Drawing No 01 date stamped received 15 June 2019 without the express grant of planning permission.

Reason: The erection of buildings on this part of the site requires detailed consideration to safeguard the amenities of the surrounding area.



Location Map

Application Reference: LA03/2019/0516/F

 Site Boundary



Extension to curtilage of dwelling to provide garden
at 67 Whitehouse Park, Newtownabbey, BT37 9SH

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COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2019/0649/F
DEA	MACEDON
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed garden decking
SITE/LOCATION	67 Whitehouse Park, Whitehouse, Newtownabbey
APPLICANT	Mr & Mrs Robert McMitchell
AGENT	Tumelty Planning Services
LAST SITE VISIT	6 th November 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext40429 Email: ashleigh.wilson@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Metropolitan Newtownabbey as defined in draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The site comprises an overgrown and unkept area of grassland which runs beyond the existing rear boundaries of a number of properties within Whitehouse Park including the applicant's dwelling, No. 67 Whitehouse Park. The land extends eastwards and southeastwards beyond the approved curtilage of No. 67 Whitehouse Park to pathways which run alongside the M5 Motorway embankment and adjoining the public open space, Gideons Green.</p> <p>The topography of the ground within the application site falls significantly from north to south and falls by approximately nine (9) metres. Post and wire fencing and sparse hedging define the boundaries of the site to the southwest while the southeastern boundary is defined by a steel mesh fence and the northwestern boundary of the site is defined by existing vegetation. The land beyond the southeastern boundary provides a subway underneath the M5 Motorway and beyond this lies Gideon's Green which is an area of existing open space and the M5 Lagoon Local Landscape Policy Area.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2000/0008/CA Location: 67 Whitehouse Park, Newtownabbey Proposal: Operational Development Decision: Enforcement Case Closed (02/11/2000)</p> <p>Planning Reference: U/2000/0036/F Location: 67 Whitehouse Park, Newtownabbey Proposal: Front and rear extensions to dwelling Decision: Permission Granted (13/03/2000)</p>	

Planning Reference: U/2000/0238/F
Location: 67 Whitehouse Park, Whiteabbey
Proposal: Detached double garage
Decision: Permission Refused (28/09/2000)

Planning Reference: U/2000/0466/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Wall and double gates to front of dwelling adjacent to road
Decision: Permission Granted (20.10.2000)

Planning Reference: U/2004/0021/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (18/06/2007)

Planning Reference: U/2004/0023/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (18/06/2007)

Planning Reference: U/2004/0758/F
Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Erection of detached double garage
Decision: Permission Refused (23/02/2005)

Planning Reference: U/2005/0019/CA
Location: Land to rear of No. 67 Whitehouse Park, Newtownabbey
Proposal: Change of Use
Decision: Enforcement Case Closed (01/12/2009)

Planning Reference: U/2005/0622/F
Location: 67 Whitehouse Park, Belfast
Proposal: Alterations to elevations (retrospective)
Decision: Permission Granted (02/02/2006)

Planning Reference: U/2005/0679/F
Location: 67 Whitehouse Park, Newtownabbey, Belfast
Proposal: Retention and re-contouring using inert material and topsoiling to create garden
Decision: Permission Granted (07/09/2007)

Planning Reference: U/2006/0007/CA
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unpermitted Building
Decision: Enforcement Case Closed (20/10/2008)

Planning Reference: U/2007/0047CA
Location: Rear of 67 Whitehouse Park Newtownabbey (Gideons Green)
Proposal: Change of Use
Decision: Enforcement Case Closed (28/01/2010)

Planning Reference: U/2008/0077/CA

Location: 67 Whitehouse Park, Newtownabbey
Proposal: Unauthorised infilling of land
Decision: Enforcement Case Closed (11/03/2013)

Planning Reference: U/2008/0478/F
Location: 67 Whitehouse Park, Belfast, BT15
Proposal: Erection of detached double garage
Decision: Permission Granted (23/09/2009)

Planning Reference: LA03/2018/0230/CA (Appeal 2018/E0030)
Location: Land approximately 50 metres to the south east of 67 Whitehouse Park, Newtownabbey
Proposal: The unauthorised construction of a building, raised deck and associated steps and the unauthorised extension of the residential curtilage of 67 Whitehouse Park
Decision: Enforcement Notice Upheld (04/01/19)

Planning Reference: LA03/2018/0352/CA
Location: 67 Whitehouse Park, Newtownabbey, BT37 9SH
Proposal: Alleged unauthorised extension of residential curtilage
Decision: Enforcement Case Closed (17/04/2019)

Planning Reference: LA03/2018/1067/LDE
Location: Land to the rear of (and SE of) 67 Whitehouse Park, Newtownabbey,
Proposal: Extension to curtilage
Decision: Permitted Development

Planning Reference: LA03/2019/0516/F
Location: 67 Whitehouse Park, Newtownabbey
Proposal: Extension to curtilage of dwelling to provide garden
Decision: Current 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, 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. The Plan offers no specific guidance on this proposal.

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

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

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

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

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

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

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

Nine (9) neighbouring properties were notified and no letters of objection have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Preliminary Matters
- Policy Context and Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area
- Amenity Space, Parking and Manoeuvring
- Other Matters

Preliminary Matters

A number of previous planning permissions and a certificate of lawful use have been approved on part of the application site which allowed for an extension to the residential curtilage of No. 67 Whitehouse Park.

The red line of planning approval U/2005/0679/F extends some 22 metres south of the previously approved curtilage of No. 67 Whitehouse Park. The approval was granted 06 September 2007 and whilst it does not specifically make reference to an extension of the residential curtilage of No. 67 Whitehouse Park, it is described as being the retention and re-contouring using inert materials and top soiling to create a garden. This description and its retrospective nature has effectively granted an extension to the residential curtilage of No. 67.

A further planning permission was granted in November 2012 under planning application reference U/2008/0468/F at 67/69 Whitehouse Park for the re-contouring of land using existing in situ materials, top soiling using in situ top soil, all to form extended/raised gardens. These areas included lands immediately to the rear of Nos. 65 and 67 Whitehouse Park.

A Certificate of Existing Lawfulness (Ref: LA03/2018/1067/LDE) was also granted for the 'extension to curtilage' of No. 67 Whitehouse Park which includes the first 22 metres of the northern section of the application site similar to that approved under previous grant of planning permission U/2005/0679/F.

A concurrent planning application LA03/2019/0516/F seeks to extend the curtilage of the garden effectively to the boundary of the M5 Motorway. This application will be decided separately.

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

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

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

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

The proposed development which is the subject of this application is for proposed garden decking.

Design and Impact on the Character and Appearance of the Area

The proposed decked area is located some 41 metres from the rear of the existing dwelling at No. 67 Whitehouse Park. A small part of the decking is located within the original curtilage of No. 67 Whitehouse Park, however, the majority of the decking is located within an area which was certified under LA03/2018/1067/LDE as an extension to the original curtilage.

The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GDPO), allows for some forms of development without the need for the formal grant of planning permission. Part 1, Class D is headed "The erection, construction or alteration of a deck or other raised platform within the curtilage of a dwelling house" and allows for a decked area provided it does not exceed 0.3 metres above ground level however, the proposal exceeds this threshold significantly.

The proposed decked area is 6.5 metres in width and angles in the middle with each side being 8.7 metres in length and the middle section being 6.5 metres in length giving the decked area an overall length of 15.2 metres.

The topography of the application site is such that it slopes significantly from the northeast to southwest. The proposed decking area is located at the top of the slope and overhangs where the land starts to fall significantly. The site layout drawing (02/1) indicates a level of 10.33 at the top of the decked area which falls to 7.35 at the bottom of the decked area. This is a level difference of approximately three (3) metres. Section B:B on Drawing No. 04 indicates the decked area to be

approximately three (3) metres above ground level with an additional one metre high fence located on top of the decking.

While the decking is indicated on the drawings as timber decking, there are no details with regards to the materials proposed for the underbuild/retaining structures underneath.

Views of the proposed decking would be evident from the M5 Motorway through a short gap in the roadside vegetation, however, extensive views of the structure would be available from the public path at the northern end of Gideon's Green.

Previously, a smaller decked area was erected in a similar location without the benefit of planning permission and was subject to enforcement proceedings including the service of an Enforcement Notice which was the subject of an appeal before the Planning Appeals Commission (PAC). One of the grounds of appeal was that planning permission ought to be granted for the unauthorised area of decking. The PAC report states that due to its size, materials and position at the top of the slope, the decking is an 'incongruous feature which detracts from the appearance and character of the surrounding area. Even when the structure weathers, it will still appear out of place' and the report concluded that 'The structure does not comply with Criterion (a) of Policy EXT 1'.

It is considered that the proposed structure which is significantly larger than that previously erected would have an even greater impact on the character and appearance of the area. The rear garden spaces that back onto Gideon's Green comprise extensive plots of lawn and vegetation and the introduction of this large raised platform is not in keeping with the existing character and appearance of the surrounding area.

It is considered that the proposal is contrary to Criterion (a) of Policy EXT 1 of the Addendum to PPS 7 in that the proposed development detracts from the character and appearance of the surrounding area.

Neighbour Amenity

It is considered that, when standing on the proposed decking, views across Belfast Lough will be achievable and it will also be possible to look back into the rear amenity spaces of neighbouring detached properties, particularly Nos. 63, 65 and 69 Whitehouse Park. The closest residential dwelling is located some 49 metres away from the proposed decking at No. 65 Whitehouse Park however, the decking is located some two (2) metres away from the neighbouring boundary with No. 69 Whitehouse Park at the most southwestern point of the garden associated with this property.

The decking is built above the existing garden slope and at the highest point is some three metres above the existing ground level, however, the proposed drawings indicate the northernmost area of decking to have quite a modest change in levels. The proposal is situated at the furthest end of each of the neighbouring gardens. Due to topography and vegetation it is considered that the immediate private amenity spaces of the neighbouring gardens, in this urban area where some degree of overlooking is to be expected, is not considered to be so significant as to warrant refusal.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because the proposal does not involve the removal of trees within the site.

Amenity Space, Parking and Manoeuvring

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Flood Risk

The Strategic Flood Map for Northern Ireland indicates that the site lies on the periphery of the 1 in 200-year coastal flood plain.

DfI Rivers would advise against any development taking place within the extents of the coastal floodplain. However, the proposed deck is shown to be out-with the 1 in 200-year coastal floodplain and is itself elevated above ground level. DfI Rivers had recommended that a 600mm freeboard be added to the 1 in 200-year coastal flood level at the site (3.17mOD) to establish finished floor levels however, they have further clarified that they have no objection to the proposal given that it lies outside the 1 in 200-year coastal floodplain.

Other Matters

Although no objections were received to this application, there were concerns raised to the associated concurrent application for the extension to the curtilage of this property (Planning Reference LA03/2019/0516/F) with regards to an ongoing land ownership/boundary dispute. Any land ownership disputes are a legal matter and outside the remit of planning. Therefore, it is not a matter which planning can control or arbitrate upon.

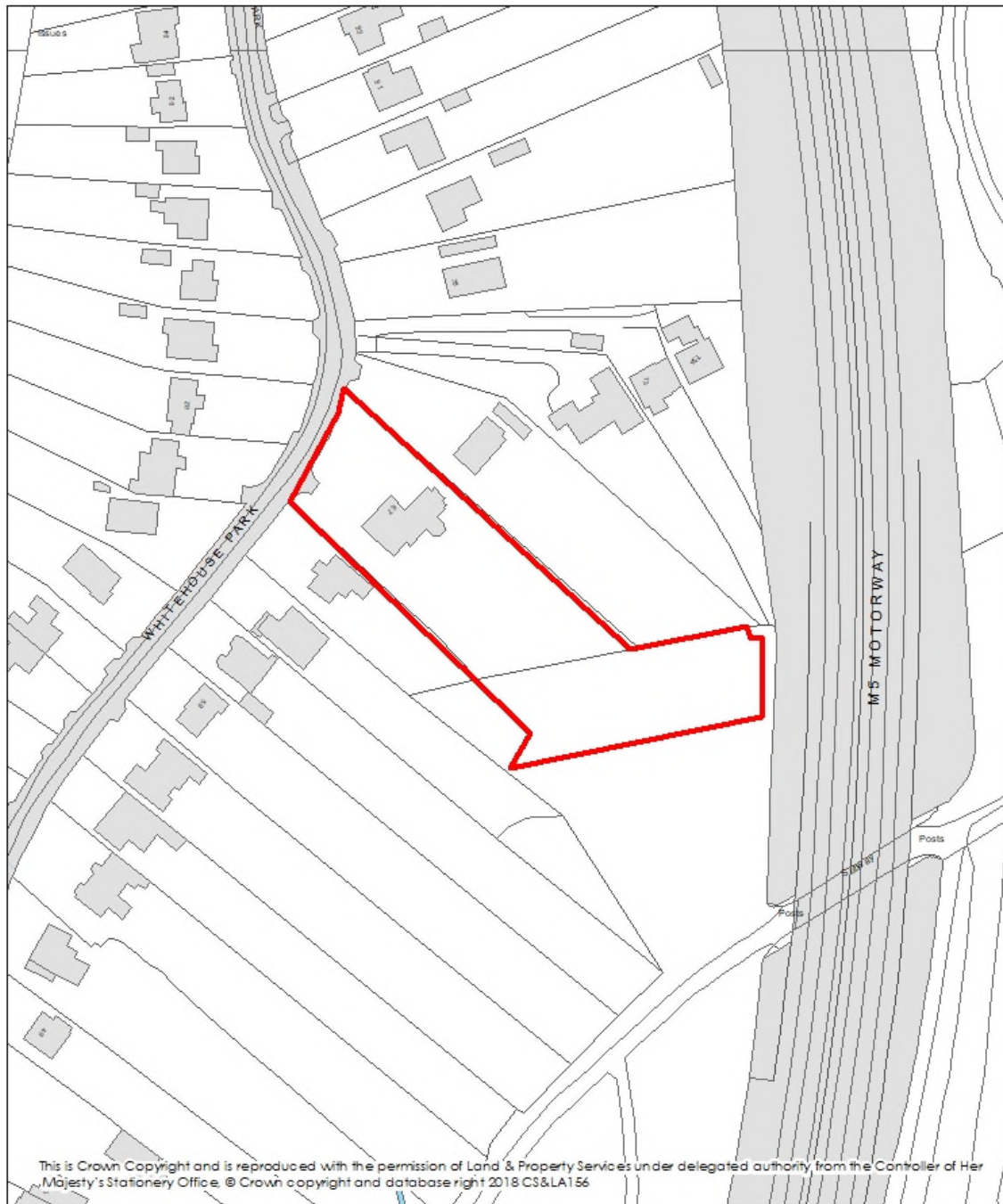
CONCLUSION

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

- It is considered the scale, massing, design and appearance of the proposed decking would have a detrimental impact on the character and appearance of the area;
- The proposal will not unduly affect the privacy or amenity of neighbouring residents; and
- Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Criterion (a) of Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed development, if permitted, would result in a detrimental impact on the appearance and character of the surrounding area.



Location Map

Application Reference: LA03/2019/0649/F

Proposed garden decking at 67 Whitehouse Park,
Newtownabbey, BT37 9SH

 Site Boundary



For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2019/1050/F
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Erection of 3no. dwellings with detached garages and associated landscaping/site works (includes change of house type of 2no. dwellings from that previously approved under application LA03/2019/0629/F)
SITE/LOCATION	Approximately 13m NE of 164 Ballycorr Road, Ballyclare, BT39 9DF
APPLICANT	Ms. N. Davidson
AGENT	Coogan & Co. Architects Ltd
LAST SITE VISIT	15 th January 2020
CASE OFFICER	Alexandra Tipping
<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 approximately 13 metres northeast of the dwelling at No. 164 Ballycorr Road, Ballyclare which is within the rural area and outside of any settlement limits as defined in the draft Belfast Metropolitan Area Plan (2014).</p> <p>The site comprises an irregular shaped plot that sits approximately 1 metre above road level and fronts directly onto the Ballycorr Road. It is located in a gap between the dwelling at No. 164 and the dwelling at No. 166 and is presently in use as an agricultural field. The site's southeastern boundary is defined with a number of trees, while the roadside boundary is defined with a low retaining wall with a post and wood fence above. The common boundary with No. 164 is also defined in portions with a retaining wall and the same wooden fencing above and where there is no retaining wall it is defined with fencing alone. A portion of hedging and a 2 metre high wooden fence defines the site's common boundary with No. 166 Ballycorr Road.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Application Reference: LA03/2019/0629/F Location: Approx. 13m NE of 164 Ballycorr Road, Ballyclare, BT39 9DF Description: Erection of 2no. dwellings with detached garages and associated landscaping/site works (includes change of house type to 1no. dwelling from that previously approved under application LA03/2018/1118/F) Decision: Permission Granted – 10th September 2019</p> <p>Planning Application Reference: LA03/2018/1118/F Location: Approx 23m NW of 164 Ballycorr Road, Ballyclare Description: Detached dwelling and garage with associated car parking and landscaping Decision: Permission Granted – 19th March 2019</p>	

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, 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 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.

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

CONSULTATION

Council Environmental Health Section – No Objections

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

REPRESENTATION

Six (6) neighbouring properties were notified and two (2) letters of representation have been received from one (1) property.

A summary of the representations received are listed below;

- Concern in relation to rock breaking at the application site causing damage to the property at No. 166.
- Overlooking from No. 166 into the proposed dwellings.
- Future plans would be hindered to convert the stables associated with No. 166.
- Road safety concerns in relation to the proposed access and lack of a footpath.
- The boundary fence for No. 166 is set in from the boundary by 2 metres

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

In these circumstances the provisions of both dNAP and dBMAP are considered to be material considerations in the assessment of the current application. Given that dNAP was never adopted, it is considered that dBMAP provides the most up to date development plan position for this part of the Borough and should therefore be afforded greater weight than dNAP in the decision-making process. 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 of any settlement limit. The dBMAP identifies the site as being within the Six Mile Water Corridor - Local Landscape Policy Area (Designation BE 16).

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.

This application is a full planning application for 3 no. dwellings with detached garages and associated landscaping/site works. It is noted that planning approval was previously granted on the site for 1 no. detached dwelling and garage under planning approval LA03/2018/1118/F and a further application was granted under planning approval LA03/2019/0629/F for 2 no. detached dwellings and garages. These approvals were granted under Policy CTY 2a New dwellings in Existing Clusters of PPS 21.

Policy CTY 1 of PPS 21 provides for a number of types of development which are acceptable in principle in the countryside. In relation to this proposal Policy CTY 1 states that planning permission will be granted for a dwelling in the countryside where the dwelling is sited within an existing cluster of buildings in accordance with Policy CTY 2a – New dwellings in Existing Clusters. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met. Given the previous planning history on the site, it is accepted that the application site lies within an existing cluster of development. Given the principle of residential development on the site is established by virtue of the sites planning history, the main consideration remains to be the acceptability of three dwellings on the site, rather than two as previously approved in accordance with the requirements laid out under this policy.

The following paragraphs in this section of the report demonstrate how the proposal can fulfil the policy criteria as laid out in Policy CTY 2a.

The first criteria states that the cluster should lie outside of a farm and consist of four or more buildings (excluding ancillary buildings) of which three are dwellings. It is considered that in this instance (and as was the case in the two previous planning applications) this criterion can be met as there are more than three dwellings located within the cluster as well as a nursing home. The cluster is understood to include the dwellings at No. 155 No. 157, No. 159, No. 164, No. 166 and Hamilton Nursing home at No. 168.

The second criterion of Policy CTY 2a states that the cluster must appear as a visual entity in the local landscape. The applicant's supporting concept statement – noted on Drawing No. 03/1 bearing the date stamp 3rd February 2020 shows the application site in context with the existing buildings surrounding the site and states that 'given the number of dwellings and their positions in relation to each other means the cluster is clearly recognisable.' When travelling along the Ballycorr Road in both directions it is considered that the cluster appears clearly as a visual entity in the landscape and that the site is intervisible with the existing buildings surrounding it.

It's noted that clear views of No. 155 and No. 157 are interrupted by vegetation and that the Hamilton Nursing Home is set back from the Ballycorr Road but none the less there is a definitive awareness of a concentration of buildings upon approach from both directions and thus it is considered that the proposal can also meet the policy in this regard.

The third criterion of the policy states that the cluster should be associated with a focal point or be located at a crossroads. In this case the cluster includes the Hamilton Nursing Home, which can be considered a focal point. It is considered that the proposal can therefore meet the policy in this regard.

In relation to the fourth criterion of the policy it is also considered that the application site in general can provide a suitable degree of enclosure and is bound on two sides with other development in the cluster. The proposal will not intrude into the open countryside but rather it will be located on lands between No. 164 and No. 166 Ballycorr Road which provide enclosure for the site. A line of existing young trees runs along the sites southeastern boundary.

The fifth criterion of Policy CTY 2a requires that the development can be absorbed into the existing cluster, through rounding off or consolidation and will not significantly alter the character or visually intrude into the open countryside. It is considered that the introduction of a third dwelling on the application site would alter the character of the surrounding rural area. This is mainly due to the form, spatial layout and access arrangements proposed. The layout of the development is considered to display suburban characteristics which are not akin to the surrounding rural environment. The surrounding area and all other dwellings within the cluster are sited on plots that have frontage onto the Ballycorr Road. The proposal is for three dwellings, one of which introduces a dwelling which is set behind the proposed dwelling no.2. This dwelling does not sit on a plot with a direct frontage to the road and relies on unacceptable suburban design solutions, such as close boarded fencing across the other two proposed dwellings to try to alleviate the amenity impacts that it would create.

The proposal includes a shared access to facilitate the three new dwellings and the existing dwelling house at No. 164. The access to proposed dwelling No. 3 is via the creation of a new private laneway which runs between proposed dwellings Nos. 1 and 2. It is considered that the contrived access arrangement and layout of site 3 is not acceptable within the site's rural context as it will appear suburban in character and is not representative of the development pattern in the surrounding area.

In relation to the final criterion whereby development should not adversely impact on residential amenity, it is considered that the proposed site layout and access arrangements would have a detrimental impact on the amenity experienced by proposed dwelling Nos. 1 and 2. The proposed private laneway which provides access to proposed dwelling No. 3 would have a negative impact on the 2 no. adjacent proposed properties (Nos. 1 and 2) mostly in relation to noise and privacy implications caused by car movements to and from proposed dwelling No. 3.

Furthermore, it is considered that there would be opportunity for overlooking of the proposed dwelling No. 3 by a first floor window (used as a living room) at the existing neighbouring property – No. 166. There would be direct views to the private side

garden area of this proposed property and also towards a first floor bedroom window.

Overall, it is accepted that there is an existing cluster of development in the vicinity of the application site, however, it is considered that the proposal cannot comply with each of the criteria laid out under this policy in that it is considered that the development would alter the existing character of the countryside and would have adverse residential amenity impacts. It is considered that the principle of development cannot be established on the application site.

Integration, Design and Impact on Character of the Area

Policy CTY 13 of PPS 21 provides the policy criteria in relation to Integration and Design of Building in the Countryside. It states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.

Policy CTY 14 of PPS 21 provides the policy criteria in relation to rural character and 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.

The proposal is for 3 no. detached dwellings together with their detached garages. As noted above the proposed dwellings are accessed via a shared access with dwelling Nos. 1 and 2 (House Types A and B) fronting out onto the Ballycorr Road and dwelling No. 3 set behind dwelling No. 1 in the most western portion of the site. The 2 no. detached dwellings are similar to those previously approved under planning application reference LA03/2019/0629/F.

Both of these dwellings are two storey with pitched roofs and a maximum ridge height of 9.5 metres above finished floor level. Both dwellings are similar in design with subtle differences mainly in the fenestration detailing. The walls will be finished in smooth painted white and grey render. The roofs are to be finished in slate like roof tiles, windows in white uPVC and doors in painted hardwood.

The proposed garages are single garages with pitched roofs and a maximum ridge height of 4.2 metres. They are to be finished in an off white painted render with slate look roof tiles to match the proposed dwelling houses. These garages are to be set back behind each of their corresponding dwelling houses.

House Type C is entirely different in its design approach and is to be constructed of two main blocks interlinked by a single storey passage with a flat roof. There is one two storey block and the other provides only single storey accommodation. This dwelling is to be finished in a mixture of render and stonework with tile slates for the main part of the roof and tarmac for the flat roof elements. The windows are to be grey aluminium and doors hard wood timber.

It is accepted that the design and appearance of the proposed dwellings are generally acceptable, however, there are concerns with the layout of the proposal together with the proposed access arrangements.

As noted above there is to be one shared access created which then splits off to facilitate access to the 3 no. proposed dwellings and the existing dwelling at No. 164. Access to proposed dwelling No. 3 is via a private laneway which runs between proposed dwelling No.1 and No.2. The private laneway will be enclosed on either side by a stone wall at a height of 2.5 metres as per Drawing No. 14/1. This wall separates the proposed private laneway from the private rear garden areas of proposed dwelling No.1 and No. 2. The secondary access points to each of the private dwellings are also defined with stone pillars and estate railings. It is considered that the site layout and the proposed access arrangements are not acceptable as they create a suburban emphasis contrary to Policy CTY 13 and do not respect the existing character of the area as required under Policy CTY 14.

Overall, it is considered that although the design of the proposed dwellings is largely acceptable the proposal would cause a detrimental change to the character of the area as the site layout displays suburban characteristics, appears overdeveloped and does not respect the traditional pattern of development exhibited in the surrounding area.

Neighbour Amenity

Proposed dwelling No. 1 (House Type A) is located approximately 16 metres from the rear gable wall of the neighbouring dwelling at No. 166. The side gable of the proposed dwelling faces towards the rear gable of this neighbouring dwelling. A mature hedge line runs along this site boundary which enhances privacy at both properties. The proposed dwelling has 1 no. window shown on the side gable facing this neighbour. This window is at groundfloor level and serves a utility room. It is considered that the proposal will not have a significant detrimental impact on the amenity experienced at this neighbouring property.

Proposed dwelling No. 2 (House Type B) is located approximately 13 metres from the principle elevation of the applicants own dwelling at No. 164. There is just 1 no. window located on the side elevation of the proposed dwelling. This window is located at groundfloor level and serves a utility room. A native hedgerow is proposed along the boundary with this neighbouring dwelling. Given the proposed boundary treatment, the separation distance, the proposed fenestration together with the spatial relationship of the two dwellings, it is considered that there will be no significant detrimental impact on the amenity experienced at this neighbouring property.

Proposed dwelling No. 3 (House Type C) is located approximately 20 metres from the side elevation of the existing neighbouring dwelling at No. 166. The proposed dwelling sits at a lower level than this existing neighbouring dwelling. There are no significant concerns that the proposed dwelling would detrimentally impact upon No. 166 however, No. 166 does have a first floor window (serving a living room) that will look towards the proposed dwelling No. 3. This window will provide direct views to the private side garden area of this proposed property and also towards a first floor bedroom window, however, given the separation distance involved and the fact that the primary usable private amenity space is to the rear of Site 3 and centres around a patio and sunroom area some 160m east of No.166 it is considered that the existing property at No. 166 will not have a significant impact on the amenity of the occupants of site 3.

Furthermore, there are concerns that the access to serve proposed dwelling No. 3 will have amenity impacts on proposed the dwellings, Nos. 1 and 2. The access laneway runs between the two proposed dwellings approximately 2 metres from each side gable. It is noted that the applicant proposes to erect a 2.5 metre high stone wall in an attempt to protect the privacy at these neighbouring dwellings. This suburban design solution imposed on the rural landscape is not considered acceptable and it is considered that there would remain to be a detrimental impact on the amenity of the residents at these proposed properties by way of noise and general disturbance.

Although it is considered that the proposed dwellings will not have a significant detrimental impact on any existing neighbouring property there are concerns that the proposed layout does cause concerns in relation to amenity at the proposed dwelling Nos. 1 and 2.

Impact on Local Landscape Policy Area

It is noted that a portion of the site to the rear falls within lands designated as BE 16 – Six Mile Water Corridor - Local Landscape Policy Area (LLPA). This LLAP covers a considerable area along the Six Mile Water Corridor. The LLPA does not preclude development rather it seeks to restrict development which would undermine its visual amenity. It is considered, given the overall size of the LLPA designation, that the proposed development on its own would not have a significant detrimental impact upon the visual amenity or character of the river corridor that it seeks to protect.

Other Matters

Access to the dwellings will be via a newly formed shared access off the Ballycorr Road. This access will be shared with the existing dwelling at No. 164 Ballycorr Road. DfI Roads have been consulted on the application and have no road safety concerns with this proposal.

The report will now go on to discuss issues raised in the objection letters that have not yet been covered.

The representations raised concerns with the condition of the ground and notes that it is impenetrable and that rock breaking practices at the application site may cause damage to the property at No. 166. The extent and expense of the work required is not considered as an acceptable reason to prevent development on the application site. The representation also raised concerns that damage will be caused to the neighbouring property at No. 166 as a result of the excavation works. It will be the responsibility of the applicant to ensure that all works are carried out in accordance with the relevant best practices and Health and Safety Regulations. Any damage which may occur during construction activities associated with this development are likely to be civil matters between the parties involved and are not considered to be determining planning matters in this case.

The objector has raised concern that their future plans for a conversion of the stables associated with No. 166 as a retirement dwelling may be impacted by this development. As a planning authority the Council assesses applications on their own merits and only when an application has been made to it for consideration. The future intentions of a third party which may or may not develop are not considered to be a determining planning consideration in this case.

Lastly, the representation notes that a new boundary fence was erected at the property at No. 166. This fence was erected approximately 1 metre in from the boundary to allow for access for maintenance etc. The representation submitted suggests that there is a stone dyke now defining the boundary. It is considered necessary that the applicant ensures that they are in control of all the lands necessary to carry out the development. Planning permission does not confer title and an informative will be attached to any approval reminding the applicant of this.

CONCLUSION

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

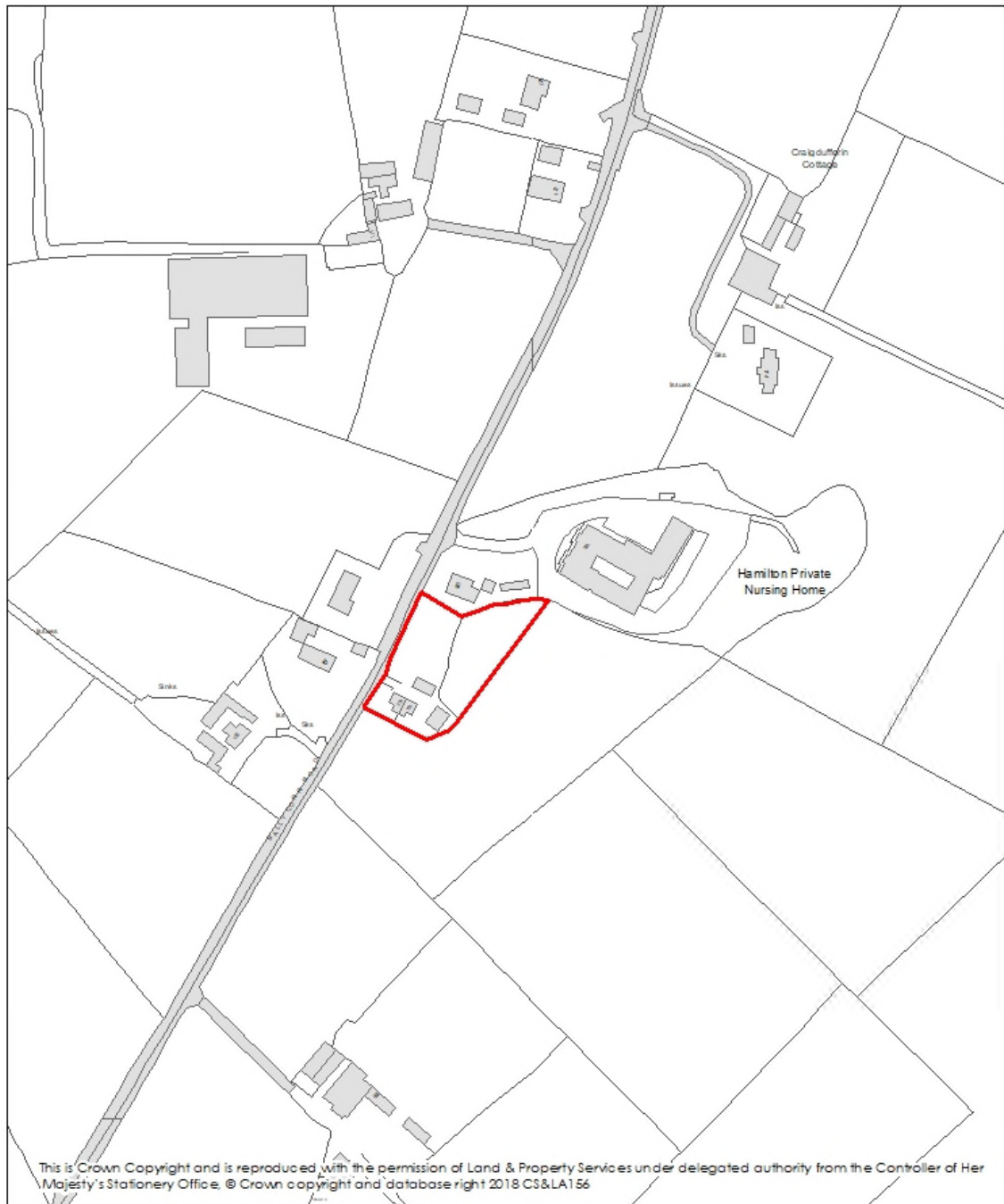
- The principle of the development is considered acceptable
- The proposed development would have a detrimental impact on the character and appearance of the cluster and this rural area.
- The proposed development will have adverse impact on the residential amenity of the future occupants.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed development would, if permitted, significantly alter the existing character of the cluster and surrounding area. In addition the proposed development would if permitted adversely impact on the residential amenity of the proposed properties.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and 14 of Planning Policy Statement 21, in that the proposed development would, if permitted, introduce suburban design elements into this area of the countryside which would impact upon the visual amenity and rural character of the area, significantly altering the existing character of the cluster and surrounding area.



Location Map

Application Reference: LA03/2019/1050/F

Lands 13m NE of 164 Ballycorr Road
Ballyclare.

Erection of 3no. dwellings with detached garages



Site Boundary

0 15 30 60 90 120 Metres



For Information Only



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2019/0902/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Infilling of farm land with inert material (topsoil) for land improvement
SITE/LOCATION	Lands 50m north east of No. 8 Station Park Toomebridge
APPLICANT	Mr Eugene McCann
AGENT	CMI Planners Ltd
LAST SITE VISIT	29 TH November 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 50m north east of No. 8 Station Park, Toomebridge. The site is located within the settlement limits of Toome as defined within the Antrim Area Plan (AAP) 1984-2001. The site is relatively level and surrounded on the north, east and western boundaries by mature trees and hedging of approximately 8-10m in height. The southwestern boundary which adjoins the rear gardens of Station Park is undefined, however there is a 2m close boarded timber fence to the rear of most properties along this row of houses within Station Park.</p> <p>The site is surrounded by agricultural lands to the east and southeast; residential properties to the west and southwest and Tidal Business Park to the north. Access is via the northeast corner of the site.</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 within the settlement limits of Toome. The Plan offers no specific guidance on this proposal.

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

PPS 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 11: Planning & Waste Management (and the November 2013 update on Best Practicable Environmental Option): sets out planning policies for the development of waste management facilities.

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 to the proposal

Department for Infrastructure Rivers – Seeking additional information in relation to flooding

Department for Communities Historic Environment Division – No objections

Northern Ireland Environment Agency- No response

DAERA- Farm business active for more than 6 years, payments have been claimed for each of last 6 years

REPRESENTATION

Twenty-eight (28) neighbouring properties were notified and one letter of objection has been received from an anonymous source. 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 point of objection raised is provided below:

- Flooding concerns

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development

- Flood Risk
- Neighbour Amenity
- Impact on Character and Appearance of the Area
- Other Matters

Policy Context and Principle of Development

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

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

The application site is located within the settlement limits of Toome, however, the Plan offers no specific guidance on this proposal.

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

The proposal involves the infilling of an area of agricultural land, approximately 7000m² in area, with 200mm of inert waste (soil) from another area of land within the farm holding. The entirety of the agricultural land is proposed to be infilled bar a 5m perimeter buffer around the edge.

The applicant has submitted a P1C form and associated farm maps. DAERA was consulted and has responded stating that the farm business has been in existence for a period greater than six years and that a farm payment has been claimed in each of the last six years. This is sufficient to prove there is an active farm business on the holding.

Whilst the principle of moving soil from one section of the farm holding to another is considered acceptable in principle, the application must also satisfy the following criteria in relation to flooding, neighbour amenity and the impact of the works upon the character and appearance of the area; to ensure there is no detrimental impact upon the environment or the amenity of nearby residents.

Flood Risk

DfI Rivers was consulted on the proposal on 13th November 2019. They responded on 5th December 2019 seeking additional information under Policy FLD 1; Development in Fluvial and Coastal Floodplains; of PPS 15. The Flood Hazard Map (NI) indicates that the site lies within the fluvial floodplain of the nearby Lower Bann River which is a controlled river. DfI Rivers considers that the floodplain should be defined as the flood extent emanating from the highest recorded flood i.e. 2016 event. The level of this flood was 13.67mOD.

Due to these findings, DfI Rivers requested that this flood level be overlaid onto the existing topographical map to show the extent of the site which would be affected by flooding. If any parts of the site fall within these levels, these areas will not be permitted to be infilled under policy as the infilling of these lands would shift the floodwaters to other locations.

An email was sent to the agent CMI planners on 8th January 2020 seeking this information. Having received no response a number of phone calls were made to the agent on 10th and 20th of January 2020. However, after leaving voicemails, no response was forthcoming. A letter was then sent to the agent on 30th January 2020 with a final opportunity given to submit the information. No further information was received nor was there any further communication with the agent.

It is therefore considered that the proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy FLD 1 of PPS 15, Planning & Flood Risk, in that it has not been demonstrated that the development, if permitted, would not be at risk from flooding or result in increased levels of flooding elsewhere.

The proposal also fails to comply with Policy WM 4 Land Improvement of PPS 11, in that it has not been demonstrated that the proposal will not have an unacceptable adverse impact upon the environment in the form of increased flood risk.

An anonymous objection letter has been received which raises concerns regarding increased flood risk and inaccuracies in the existing topographical survey levels. No evidence has been submitted to verify that these inaccuracies exist, however, concerns in relation to heightened flood risk on the site do exist and the failure to provide additional information means that the Council cannot dismiss these concerns.

Neighbour Amenity

The closest neighbouring properties to the site are those within the Station Park housing development adjacent to the west and southwest. There is to be a 5m buffer between the edge of the site and the section to be infilled. Given that the height of the infill is proposed to be 200mm there will be no potential for overlooking or overshadowing by way of the development. However, given that insufficient information has been provided to show that there will not be a flood risk increase on the site or adjoining lands, it cannot be said for certain that neighbouring properties would not be affected by way of rising water levels.

Impact upon the Character and Appearance of the Area

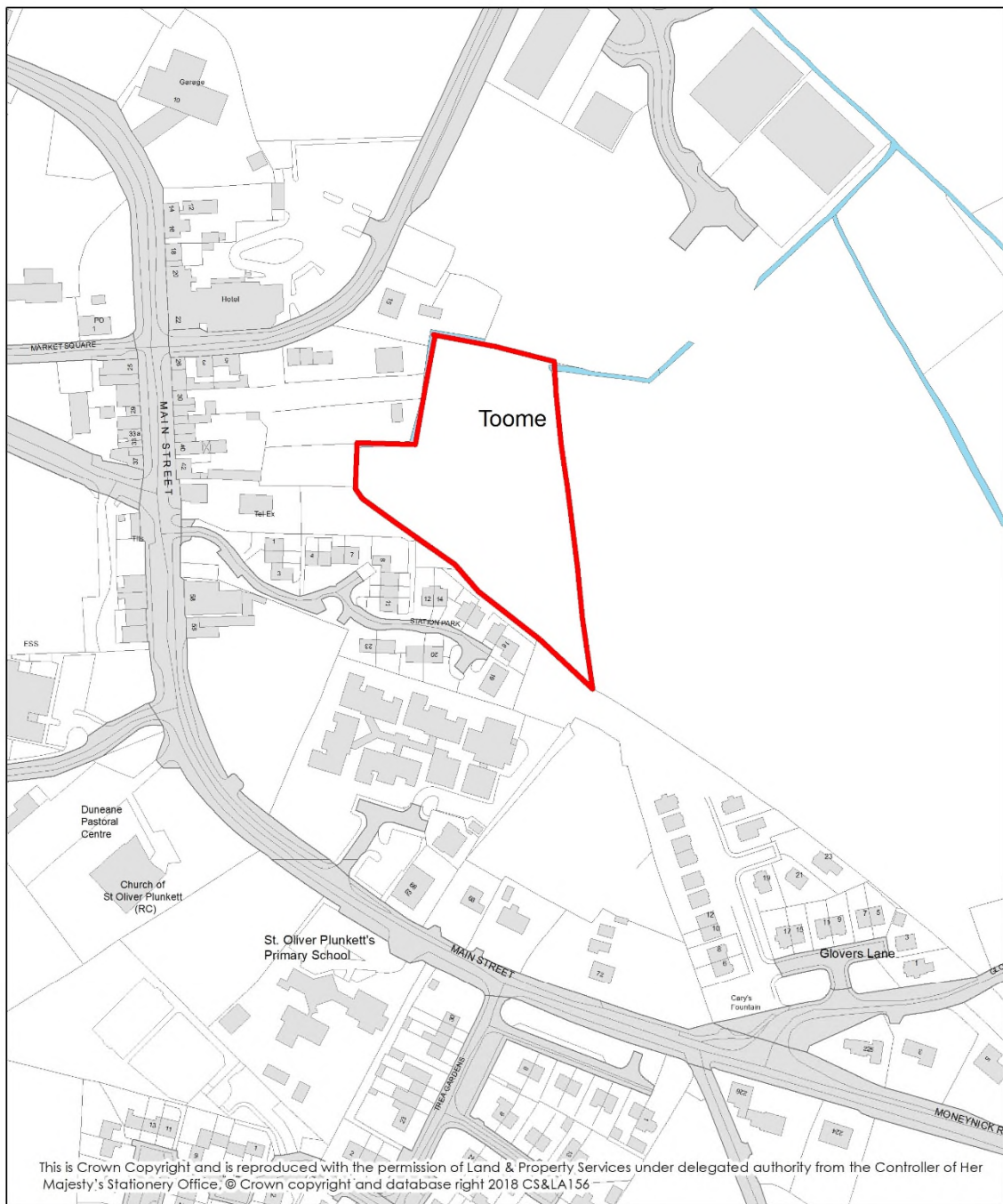
Given the use of the land will not change from its current agricultural use and the 200mm extent of the land rise, it is considered that there will not be any impact upon the character or appearance of the area.

CONCLUSION

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

- The principle of moving soil from one area of a farm holding to another is considered acceptable subject to certain criteria.
- It has not been demonstrated that the development, if permitted, would not be at risk from flooding or result in increased levels of flooding elsewhere.

<ul style="list-style-type: none"> • Insufficient evidence has been submitted to determine that neighbouring properties would not be impacted upon by an increase in flooding. • There will be no significant detrimental impact upon the character or appearance of the area. 	
RECOMMENDATION	REFUSE 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 FLD 1 of PPS 15, Planning and Flood Risk, in that it has not been demonstrated the development, if permitted, would not be at risk from flooding or result in increased levels of flooding elsewhere. 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy WM 4 of PPS 11; Planning and Waste Management, in that it has not been demonstrated that the proposal, if permitted, would not have an unacceptable adverse impact upon the environment in the form of increased flood risk. 	



Location Map

Application Reference: LA03/2019/0902/F

Infilling of farm land with inert material (topsoil)
for land improvement

Lands 50m north east of No. 8 Station Park, Toomebridge



Site Boundary

For Information Only

