



12 June 2019

Committee Chair: Alderman P Brett

Committee Vice-Chair: Councillor R Lynch

Committee Members: Aldermen – F Agnew, T Campbell and T Hogg
Councillors – J Archibald, H Cushinan, S Flanagan,
R Kinnear, M Magill, R Swann and B Webb

Dear Member

MEETING OF THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in the **Council Chamber, Mossley Mill on Monday 17 June 2019 at 6.00pm.**

You are requested to attend.

Yours sincerely

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

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

For any queries please contact Member Services:

Tel: 028 9034 0098 / 028 9448 1301

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – JUNE 2019

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 Part Two 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

General Planning Matters

- 3.1 Delegated planning decisions and appeals May 2019
- 3.2 Proposal of Application Notice
- 3.3 Local Development Plan – Publication of Draft Plan Strategy
- 3.4 Correspondence from DfI re: Planning Fees
- 3.5 Department for the Economy Consultation on Petroleum Licence Application
4. Any Other Business

PART TWO

Decisions on Planning Applications

- 3.6 Planning Application No: LA03/2015/0173/F
Proposed housing development comprising 44 No. dwellings, associated site works and landscaping on lands at Trench Lane to the east of Ballymartin Water adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey
- 3.7 Planning Application No: LA03/2018/0305/F
Replacement Wastewater Pumping Station with the provision of ancillary boundary fencing, screen planting and a new access road to Greenfield Road (incorporating demolition of the existing Pumping Station, resurfacing of the site and provision of bollards) on open green space approx. 20m north of No. 1-6 Maine Bank & approx. 50m south of No. 12-19 Weirside, Randalstown

3.8 Planning Application No: LA03/2018/1083/F

Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road (Variation of conditions 3, 4 and 6 from approval LA03/2018/0299/F to allow an increase in the total net retail floorspace area within the approved building A and B from 2425sqm to 3145sqm, comprising an increase in the area permitted for other garden retail net retail floorspace from the 492sqm approved to 1212sqm and an increase in the area permitted for gift lines and/or domestic use utensils and decorative objects within the net retail floorspace area permitted for other garden retail from the 200sqm approved to 350sqm), Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

3.9 Planning Application No: LA03/2018/1019/F

Extension of residential curtilage to accommodate an increase of individual garden areas at nos. 9-12 Waterside View with all associated landscaping and fencing. (Retrospective) on lands to the rear of Nos. 9, 10, 11 and 12 Waterside View, Shore Road, Jordanstown

3.10 Planning Application No: LA03/2019/0172/O

Proposed site for dwelling on a farm on land 30m South of no 30 Straid Road, Ballynure

3.11 Planning Application No: LA03/2018/1022/F

Revised access to serve 2 dwellings approved under T/2010/0004/F and T/2010/0005/RM on land 130m east of 44 Belfast Road, Nutts Corner, Crumlin

3.12 Planning Application No: LA03/2019/0304/O

Proposed dwelling and garage on land approximately 60 metres south of No. 3 Rosevale, Fountain Hill, Antrim

3.13 Planning Application No: LA03/2019/0308/O

Site of dwelling and garage on land 40 metres North West of 129 Fernisky Road

3.14 Planning Application No: LA03/2019/0318/F

Proposed memorial garden and associated landscaping and site works on lands opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road, Newtownabbey

3.15 Planning Application No: LA03/2019/0251/A

Retention of 8 no. signage (6m x 1.5m) equally spaced along boundary walls of the PSNI station at 24 Castle Way, Antrim

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 17 JUNE 2019**

PART ONE

PLANNING MATTERS

ITEM 3.1

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

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

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

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

ITEM 3.2

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

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

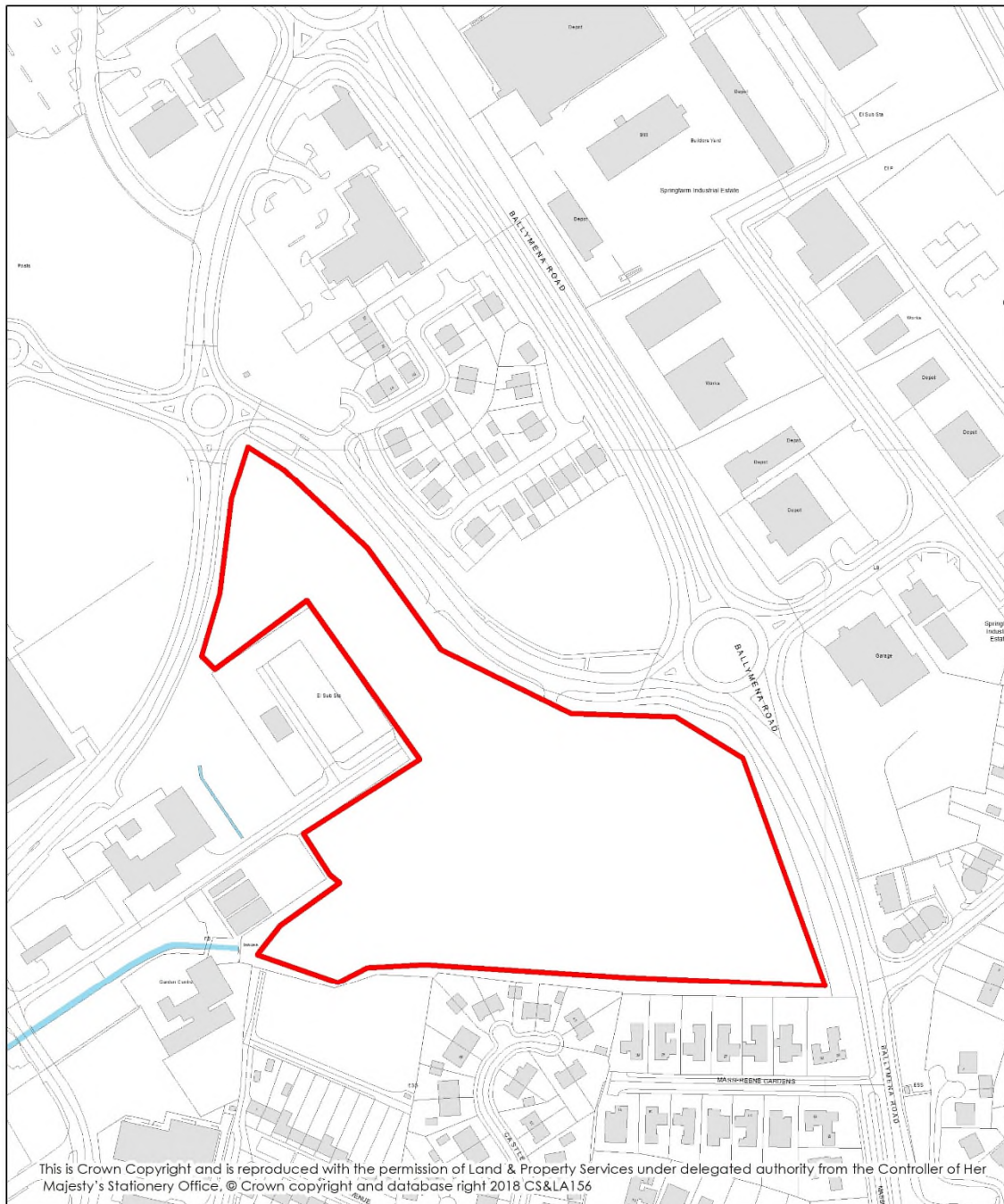
PAN Reference:	LA03/2019/0375/PAN
Proposal:	Proposed housing development to include a mix of detached, semi-detached and apartment style dwellings, with associated road network, infrastructure requirements and landscaped public amenity space
Location:	Lands off the Ballymena Road, Townparks, Antrim, circa 100m north of Massereene Gardens
Applicant:	Mr D Loughran
Date Received:	2 May 2019
12 week expiry:	26 July 2019

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

RECOMMENDATION: that the report be noted.

Prepared by: Kathryn Bradley, Executive Officer, Planning

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



Location Map

Application Reference: LA03/2019/0375/PAN

Proposed housing development to include a mix of detached, semi-detached and apartment style dwellings.

Lands off the Ballymena Road, Townparks circa 100m north of Massereene Gardens

 Site Boundary

For Information Only

0 60 120
Metres



ITEM 3.3

P/FP/LDP/4 LOCAL DEVELOPMENT PLAN 2030 - DRAFT PLAN STRATEGY PUBLICATION AND LAUNCH

The Planning Section would confirm that the publication of the Council's Local Development Plan draft Plan Strategy document will take place on Friday 28 June 2019. To allow the public time to read and understand the draft Plan Strategy, the Council is running a period of pre-consultation between Friday 28 June 2019 and Thursday 25 July 2019. The formal public consultation period will run from Friday 26 July 2019 to Friday 20 September 2019.

Free downloadable copies of the draft Plan Strategy and all supporting documentation will be available on the Council's website at www.antrimandnewtownabbey.gov.uk/draftplanstrategy and hard copies will be available to view at the Council's offices in Mossley Mill and Antrim Civic Centre. Hard copies will also be available on request.

Members have been advised that a launch event is scheduled at 8.30 am on Friday 28 June 2019, in the Linen Suite, Mossley Mill. A breakfast will be served. The Planning Section will also be holding a number of public meetings and drop-in events throughout the Borough, to accompany publication of the Draft Plan Strategy.

RECOMMENDATION: that the report be noted.

Prepared by: Sharon Mossman Principal Planning Officer

Approved by: John Linden Head of Planning

Approved by: Majella McAlister Director of Economic Development and Planning

ITEM 3.4

CORRESPONDENCE FROM THE DEPARTMENT FOR INFRASTRUCTURE RE PLANNING FEES

At the May Planning Committee meeting Members were advised that the Department for Infrastructure (DfI) had written to the Council to advise that it intended to introduce Regulations applying a one year inflationary uplift of approximately 1.99% across all planning fee categories.

Members agreed that Officers should write to DfI welcoming the proposed increase in planning fees, but also advising that consideration should be given to a larger increase (in the region of 5%) to reflect the fact that fees have fallen considerably behind inflation in recent years.

A letter was subsequently received from DfI (copy **enclosed**) advising that a new Statutory Rule "The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019" (S.R. 2019 No.112), has now been made applying an inflationary uplift of approximately 1.99% overall across all planning fee categories and confirming this will come into operation on 17 June 2019.

RECOMMENDATION: that the report be noted.

Prepared by: John Linden, Head of Planning

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

ITEM 3.5

PETROLEUM LICENCE APPLICATION MADE TO THE DEPARTMENT FOR THE ECONOMY FOR THE SOUTH LOUGH NEAGH BASIN

The Department for the Economy is currently undertaking a public consultation (running from 7 May to 5 July 2019) on the following application for a Petroleum Licence for the Lough Neagh South basin, a part of which falls within the Council's Airport DEA.

DfE Application Reference: PLA1/16
Location: South Lough Neagh Basin
Applicant: EHA Exploration Ltd

The Council is one of a number of bodies, including other Councils within the application area, which have been consulted on this application by DfE (see copy enclosed). Any comments made by the Council will be considered as part of the consideration of the application together with all other consultation replies and other representations received.

In line with guidance published by DfE in 2018, the objective of the current consultation is to ensure that DfE has taken account of the range of opinions in preparation for making a recommendation to a future Minister as to whether or not a Petroleum Licence should be granted to the applicant.

General information on Petroleum Licence applications and how DfE assesses applications, together with detailed information on this specific application, can be found on the DfE website <https://www.economy-ni.gov.uk/articles/petroleum-licensing>

There are a number of options available to the Council in responding to the consultation by DfE:

1. Provide a corporate view in support of the Licence application.
2. Provide a corporate view opposing the Licence application.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the Licence application.

The Committee's instructions are requested

Prepared by: John Linden, Head of Planning

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

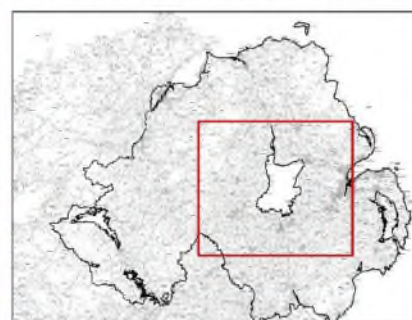


Department for the
Economy
www.economy-ni.gov.uk

Legend

- Application area
- District Council areas

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PART TWO

PLANNING APPLICATIONS

COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2015/0173/F
DEA	AIRPORT
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Housing development comprising 44 No. dwellings and associated site works, landscaping with access from Trench Lane, Mallusk
SITE/LOCATION	Lands at Trench Lane to the east of Ballymartin Water adjacent and west of housing developments at Parkmount Road, Tudor Park and Hyde Park Manor, Mallusk, Newtownabbey, BT36 4PA
APPLICANT	Galanta No 2 Ltd
AGENT	TSA Planning
LAST SITE VISIT	10 th June 2017
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 2.83 hectare application site is located at Trench Lane, Mallusk. The Ballymartin Water/Flush River passes along the western side of the site and defines the western boundary. Extending the full length of the eastern boundary is Trench Lane, which is a public Right of Way. The land rises some 7m from the northern end to the southern end and also falls away gradually from east to west. Further north and south of the application site are residential properties and to the east are existing housing developments including Hydepark Manor, Tudor Park and Parkmount Road which back onto the site. Access to the site is to be taken from Hydepark Manor, which is located to the east of Trench Lane.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2013/0002/F Location: 104 Mallusk Road, 3a, 10 and 10a Trench Lane Proposal: Demolition of existing dwelling and outbuildings for site for 8 no. dwellings and 6 no. apartments Decision: Permission granted (03.11.2014)</p> <p>Planning Reference: U/2011/0331/F Location: Land adjacent to Trench Lane with entrance from Hydebank Manor Proposal: Application to vary condition 10 of previous approval U/2003/0800/f (under article 28 of planning (NI) Order 1991, as amended) Decision: Permission granted (03.02.2012)</p> <p>Planning Reference: U/2007/0656/F Location: Development of land adjacent to and accessed via Hydepark Manor</p>	

Proposal: A residential scheme comprising of 22 detached houses, 28 semi-detached houses and 13 apartments giving a total of 63 units
Decision: Permission refused (24.05.2013)

Planning Reference: U/2003/0800/F

Location: Land adjacent to Trench Lane, with entrance from Hyde Park Manor

Proposal: Erection of housing development containing 35 houses and 18 apartment

Decision: Permission granted (19.02.2007)

Planning Reference: U/2003/0599/F

Location: Land adjacent to Trench Lane, Mallusk, Newtownabbey with entrance from Hyde Park Manor

Proposal: Erection of housing development consisting of 32 No. houses and 12 No. apartments

Decision: Application withdrawn (18.12.2003)

PLANNING POLICY

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 Antrim Area Plan and the Belfast Urban 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: The application site is located within the development limits of the Belfast Urban Area.

Draft Belfast Metropolitan Area Plan (Published 2004): The application site is located within the development limits of Metropolitan Newtownabbey.

Draft Belfast Metropolitan Area Plan (Published 2014): The site is located within the development limits of Metropolitan Newtownabbey and the site is zoned for housing under MNY 03/10 'Land at Hyde Park Road, east of Ballymartin Water'. This is a 'Committed Housing Site' for which there are no Key Site Requirements. The western portion of the site is located within a Local Landscape Policy Area under Designation MNY 34 - Ballymartin Water Local Landscape Policy Area. Policy for the control of development in Local Landscape Policy Areas is contained in Policy ENV 1 of the Plan.

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

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

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

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

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

No objection

NI Water

No objection

Transport NI

No objection subject to conditions

NI Environment Agency: Archaeology and Built Heritage

No objection

NI Environment Agency: Drainage and Water

No objection subject to condition

NI Environment Agency: Waste Management Unit

No objection

NI Environment Agency: Natural Heritage and Conservation Areas

No objection subject to conditions

NI Environment Agency: Industrial Pollution and Radiochemical Inspectorate

No objection

DfI - Rivers Agency

Objection raised in relation to flood risk from nearby reservoirs – see core report.

Shared Environmental Services

No objection

DAERA Fisheries

No objection

REPRESENTATION

265 neighbouring properties notified and 217 letters of objection and a petition with 167 signatures were received to the original proposal. This proposal was subsequently revised. Neighbours and objectors were re-notified and a further 23 letters of objection from 18 properties have been received. During the processing of the application, 152 letters of support were also 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:

- Flooding concerns including video evidence, newspaper cuttings and photographs of previous flooding events on the application site;
- Overdevelopment of the site and too much development generally in the area;
- Impact on wildlife/flora and fauna including protected species;
- Impact on aquatic life;
- Loss of existing open space – land would be better used for the community;
- Depreciation of house values;
- Increase in traffic;
- Impact on residents in terms of noise, loss of privacy and safety of children as the proposed access is through existing Hyde Park Manor;
- Redevelopment of Trench Lane and Parkmount Road to provide access;
- Lack of Environmental Impact Assessment – hydrological link to Lough Neagh SPA, RAMSAR, ASSI and precedent set by LA03/2015/0014/F
- Cumulative impacts on Six Mile Water and its Catchments
- Inadequate Neighbour Notification

The following is a summary of the key points of support to the revised proposal:

- Current waste ground will be redeveloped;
- Quality housing is needed in the area;
- The amended scheme overcomes concerns;
- Will attract more children to the area and keep the school open;
- Suitable road in place for families beyond the site; and
- Better community facilities.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Density
- Design and Impact on the Character and Appearance of the Area
- Neighbour Amenity
- Nature Conservation
- Loss of Open Space
- Flood Risk
- Access, Movement and Parking
- Other matters

Principle of Development

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with a planning application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Planning Act further requires that the determination of an application must be made in accordance with the local development plan unless material considerations indicate otherwise.

Following the decision by the Court of Appeal in May 2017 to declare the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) unlawful, the Belfast Urban Area Plan 2001 (BUAP) now operates as the LDP for the area in which the application site is located. The BUAP identifies the site as white land within the development limit of the Belfast Urban Area. As such there would be a presumption in favour of the principle of development such as that proposed in this application subject to any site specific or technical issues being resolved and the detail of the scheme being found acceptable.

BMAP is also an important consideration in relation to this application. The Draft BMAP (2004) carried forward inclusion of the application site within the development limits of Metropolitan Newtownabbey, whilst the previously adopted version of BMAP (published in 2014) also incorporated the site within an expanded development limit for Metropolitan Newtownabbey at this location and in addition zoned much of the site for housing (MNY 03/10) as a 'Committed Housing Site' owing to the planning history for residential development on the site (see below).

Part of the site was also designated as a Local Landscape Policy Area (LLPA) in the 2014 version of BMAP where the provisions of Policy ENV 1 apply. This states that in designated LLPAs planning permission will not be granted for development that would be likely to have a significant adverse effect on those features, or combination of features, that contribute to the environmental quality, integrity or character. Those features include an area of local amenity importance with local nature conservation interest along the Ballymartin Water corridor comprising riverside vegetation. The policy states that where riverbanks are included within LLPAs, any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor and where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA. The current proposal incorporates a landscape buffer and conservation strip along the Ballymartin Water and the proposal is not considered likely to have an adverse impact on the LLPA.

The planning history of the site is also a critical material consideration with respect to the principle of development. Planning permission was previously granted on the site by DOE Planning in February 2007 (planning reference U/2003/0800/F) for fifty three (53) residential units in the form of 35 houses and 18 apartments. A letter was subsequently issued by DOE Planning in 2012 confirming the commencement of development on site prior to the expiration of this permission. On the basis of this letter of confirmation by DOE Planning and a review of the planning history, it is considered that the applicant has a lawful fallback position and could therefore, at any time, build out the residential development of 53 units previously approved at this site. The scheme now proposed seeks permission for forty four (44) residential units, which is a reduction of nine (9) units from the previously approved and enacted permission on the site.

In view of the following matters:

- the location of the site within the Metropolitan development limit in both BUAP and BMAP;
- the zoning of the site for residential purposes in the 2014 version of BMAP; and
- critically the planning history of the site where planning permission for a larger number of units was granted and commenced

it is considered that the principle of housing development on this site is acceptable and the detail of the scheme and technical aspects therefore stand to be considered on their individual merits against regional planning policy. These matters are addressed below.

Density

Paragraph 6.137 of the Strategic Planning Policy Statement emphasises 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 LC 1: Protecting Local Character, Environmental Quality and Residential Amenity of the second addendum to PPS7 deals with the issue of density within residential areas. It states that the proposed density should not be significantly higher than that found in the established residential area. Given the layout and density of the adjacent residential development on all sides, it is considered that the density of the proposed development is broadly in keeping with its surroundings and will not result in an adverse impact on the character of this area.

Design and Impact on the Character and Appearance of the Area

The current policy direction is to make more efficient use of urban land, but cautions that overdeveloped and unsympathetic schemes will not be acceptable in established residential areas and that schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character. Para 4.34 of the SPPS indicates that one of the keys to successful place-making is the relationship between different buildings and the relationship between buildings and streets and the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area.

Although imaginative and innovative forms of housing are encouraged, this is qualified in existing residential areas with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS7

reiterates the need for sensitivity and in Policy QD1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The proposed scheme consists of forty four (44) residential units comprising 10 detached dwellings, 26 semi-detached dwellings and 8 apartments. All dwellings will be accessed from the existing Hydepark Manor road onto Trench Lane. On approaching the site from Hydepark Manor, the proposed apartment block will provide a focal building, which is two storey with hipped roof and front pitched projection and communal car parking to the rear. The size of the apartments meets the space standards set out within Policy LC 1 of Addendum to Planning Policy Statement 7 'Safeguarding the Character of Established Residential Areas'. The dwelling types include a mix of eight (8) house types and with the exception of a single storey dwelling (House Type B1) in the western corner of the site the remainder are all two storey in height. No garages are proposed within the development.

Policy OS 2 of PPS 8 states that open space for public use is required for new residential developments of 25 or more units or on sites of one hectare or more. As the site is approximately 2.83 hectares in area and a total of 44 dwelling units are proposed there is a requirement for shared open space to accompany the development. The development incorporates a significant area of communal land for conservation and amenity purposes (approximately 9250 sqm) along the Ballymartin Water as well as smaller communal areas in front of units 7-10 (some 375 square metres) and between units 31 and 32 (some 170 square metres). Overall the communal amenity space provided within the site equates to more than 25% of the total site area and is well above the required 10% threshold set out within PPS 8. Five pedestrian link accesses have been indicated throughout the site to allow entry to this area.

Guidance in Creating Places recommends that each dwelling should have an average of 70sqm of private amenity provision, behind the building line. The provision of rear private amenity space ranges greatly between sites from 64 square metres to 318 square metres. The scheme proposes a range of sizes of private amenity area for each plot which is consistent with guidance set out in Creating Places. Overall it is considered the ratio of built form to private amenity space area respects the existing context and the dwellings proposed are carefully sited to ensure appropriate spacing between one another and the existing adjoining residential properties.

A number of dwellings have been provided with dual aspects in order to help turn the corners within the development and provide frontages to the internal estate road on Sites 1, 3, 14, 15, 33, 34, 40 and 41, which aim to provide an attractive outlook to the development when viewed from the internal estate roads and pedestrian footpath links. The finishes to the dwellings include off white render or rustic clay facing brick with facing charcoal grey stone cladding to external walls and dark grey reconstituted slate or flat profile roof tiles, black rainwater goods and aluminium or painted timber uPVC window frames. The proposed dwellings utilise a limited range of high quality architectural features and finishing materials, which are simply and effectively repeated to create a strong character for the proposed development.

Adequate and appropriate provision is made for parking within the development with a total of 106 spaces. Of these, 84 are provided as assigned in curtilage spaces and 22 are provided as unassigned visitor spaces.

Paragraph 4.11 of Development Control Advice Note (DCAN) 8 advises that new development should respect the architectural, streetscape and landscape character of the area, and follow the established character in terms of the landscape structure and the presence of trees. The development proposes the retention of vegetation within the conservation and landscape zone adjacent the Ballymartin Water and also includes the retention of the existing mature hedging along the boundary between Trench Lane and the rear of the dwellings within Hydepark Manor.

Tree and shrub planting is proposed within the front gardens and throughout the internal layout of the proposed development, which helps to soften the visual impact of the development.

Boundary treatments include the existing hedging along Trench Lane to the rear of the dwellings within Hydepark Manor to be retained, the rear boundary of the site which abuts the conservation and landscape zone is to be largely defined by 1.2 metre high railings with hedgerows planted on the inside. This will define the rear boundaries for the proposed dwellings, whilst enabling an outlook across the Riverside Landscape buffer.

Ten (10) of the properties require stretches of 2 metre high walls along the frontage where the site abuts Trench Lane to ensure screening to their proposed private amenity areas. While this is not generally encouraged, the proposed walls are broken up across the frontage of the site and garden hedging is to be planted in front of the walls which will soften the visual impact. Boundaries between dwellings include 1.8m fencing which is behind the building line.

The overall layout arrangement also ensures that the main area of open space will be adjacent to the apartments, which are dual frontage to ensure this area of communal open space within the site is overlooked and to not give rise to anti-social behaviour.

Overall, it is considered that the proposed scheme demonstrates a quality residential environment which respects the established pattern of development found in the immediate context in particular within Parkmount Road. It is considered therefore that the development proposed will result in a sustainable residential environment compliant with planning policy set out in the development plan, the SPPS and PPS7. It is not considered the proposal will cause unacceptable damage to the local character or environmental quality of the area.

Neighbour Amenity

With regard to the impact that the proposed development may have on the amenity of adjacent properties, the existing dwellings within Hydepark Manor, Tudor Park and Parkmount Road all largely back onto or sit gable onto Trench Lane. The proposed dwellings front onto Trench Lane with approximately 12.5m from the front elevation to the common boundary of existing properties. An existing mature hedge is to be retained along this boundary. It is considered that there is adequate

separation distances which will prevent any significant impact in terms of overlooking, dominance, overshadowing or loss of light.

Immediately to the west of the site is an existing two storey dwelling, adjacent to the Grange Lane bridge which sits gable end to the application site. A single storey dwelling (Site 01, House Type B1) is proposed next to this which has a bay window at ground floor level on this western side. The proposed boundary treatment is a 1.8metre high fence and therefore there is no concern regarding overlooking. Two car parking spaces are proposed abutting the boundary, which should not give rise to unacceptable impact on residential amenity.

To the east of the site are existing disused buildings accessed off Trench Lane and No 8 Sealstown Road, which is a private property. Adequate separation distances will ensure there is no significant impact on the amenity of these properties.

In terms of the design and layout, the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. It is considered that the proposal respects both the existing and approved development within the area and will not have a detrimental impact in terms of neighbour amenity and therefore complies with Policy QD 1 of PPS 7 'Quality Residential Environments'

Nature Conservation

The western portion of the site is located within a Local Landscape Policy Area under BMAP Designation MNY 34 - Ballymartin Water LLPA. The features that are considered to contribute to the environmental quality, integrity or character of this area are the archaeological sites and monument including an unscheduled and unnamed fortified house with earthwork defences and an area of local amenity importance with local nature conservation interest including the Ballymartin River Corridor comprising riverside vegetation. This river corridor and riverside vegetation is to be retained and an amenity area provided adjacent to this. It is considered that the proposal therefore complies with Policy ENV 3 of BMAP.

An objection has criticised the lack of an environmental statement in support of the application. An EIA determination was undertaken by the Planning Section and it was considered the proposal was not likely to have such significant impacts that would warrant an environmental statement. The site is hydrologically linked to Lough Neagh Area of Special Scientific Interest (ASSI), Lough Neagh and Lough Beg RAMSAR site and Lough Neagh and Lough Beg Special Area of Conservation (SAC) which are of international and national importance and protected by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). This concluded that the proposal would not be likely to have a significant effect on any of the features of these sites.

The site contains mature trees and hedgerows, rough grassland and is adjacent to Ballymartin Water. The site has high potential for supporting protected species.

Natural Environment Division has visited the site to assess the issues raised in letters of objection and has no further concerns. A condition regarding retention of the existing vegetation within the buffer zone is recommended to afford protection to local biodiversity interest.

Objections have raised concerns regarding the potential impact of the development on aquatic life and the potential cumulative impacts of development on Six Mile Water and its Catchments. Ballymartin Water does support significant salmonoid fisheries in the area. DAERA Fisheries Inspectorate has been consulted and has raised no issue with the proposal. An informative will be added to the decision notice to advise that 'it is an offence under Article 47 of the Fisheries Act (NI) 1996 to cause pollution which is subsequently shown to have a deleterious effect on fish stocks'. In addition a condition is proposed to ensure a construction method statement is submitted prior to commencement of development which will mitigate potential impacts from construction works.

Loss of Open Space

Objections have raised concerns that the proposal would result in the loss of an area of existing open space and that the land would be better used for the community. It has also been noted that the area in question is also the location of a bonfire on 11th July. Whilst it is acknowledged the area is currently vacant and open to the public, the planning history on the site and lawful commencement of development of the previous permission would allow for the development of the site at any time for housing without the need for any further planning permissions. For this reason, it would be difficult to resist the proposal in principle given the proposed reduction in the number of residential units combined with the proposed retention of a conservation and landscape buffer zone which also provides an amenity area with public access paths. It is considered for these reasons that a refusal based on loss of open space could not be sustained.

Flood Risk

Video evidence submitted shows that the site has been subject to flooding in previous years and concerns have been raised in objections, with regards to the implications of the development on potential flood risk including cumulative effects of flooding on downstream communities. The aforementioned video evidence can be viewed at the following links:

https://www.dropbox.com/sh/wezx5qqzh8r1xg7/AACM9AD_QQ4QwSSnd4zOHut1a?dl=0

<https://youtu.be/ycrc1u13fpE>

The Flood Risk Assessment submitted on behalf of the developer indicates that the area to be developed has been determined as being outside the 1 in 100 year fluvial floodplain (Q100 floodplain). However, due to the previous history of flooding at this location the developer's consultant has also recommended that all finished floor levels should be placed at a minimum of 1200mm above the 1 in 100 year fluvial floodplain in order to give an additional level of protection above the 600mm freeboard that would normally be applied. Furthermore all development is proposed to be sited outside the consultant's established interpretation of the area recorded as having been flooded in the October 2011 flood event which went beyond the

predicted Q100 floodplain. For this reason it is considered that the proposal is compliant with Policy FLD 1 'Development in Fluvial Flood Plains' of PPS 15.

Policy FLD 2 provides policy for the Protection of Flood Defence and Drainage Infrastructure. It is considered that the proposal is acceptable in this regard as the consultant has proposed a working strip within the "Conservation and Landscape Zone" along the bank of the river. An agreed Schedule 6 consent exists to attenuate and limit the rate of discharge of surface water to pre-development greenfield runoff rate and therefore the proposal is also considered to comply with Policy FLD 3 – Development and Surface Water. There are no modifications to the watercourse proposed and therefore Policy FLD 4 is not applicable.

A further flood risk issue is the proximity of the site to existing nearby reservoirs and assessment against Policy FLD 5 of PPS 15. The initial DfI Rivers consultation response dated 1 July 2015 confirmed that the application site lies in an area of potential inundation emanating from the Hyde Park and Boghill Dams (both privately owned) and the Hyde Park North Service Reservoir Dam (owned by NI Water). The response advised as an initial step that the applicant should contact the reservoir owner(s) as a means of gathering information that would demonstrate the condition, management and maintenance regime of the reservoirs is appropriate to provide sufficient assurance regarding reservoir safety and thus enable the development to proceed to the FRA stage of Policy FLD 5.

The Rivers Agency in its consultation response has raised no issue with regards to the development judged against Policies FLD 1 – 4 of PPS 15, however, it has maintained concerns regarding reservoir flood risk and indicated that the development is contrary to Policy FLD5 of revised PPS 15. The Rivers Agency commented that in respect of the condition, management and maintenance regime of the two privately owned reservoirs nearby, the applicant has not provided sufficient assurance regarding reservoir safety. In addition concerns have been raised regarding the lack of evidence submitted to substantiate certain statements made in the applicant's Flood Risk Assessment. Finally the Rivers Agency also highlight concern that buildings proposed on parts of the development site may be subject to partial structural damage in the event of a reservoir failure and consider these areas should be avoided.

As indicated above, the site in question has been previously approved for a housing development under application reference: U/2003/0800/F. This granted permission for a greater number of units than the current proposal (53 units compared to the 44 units now proposed). The developer has also advised that this development was commenced in February 2012 prior to the expiry of the consent. The site was also zoned as a committed housing site in the version of the Belfast Metropolitan Area Plan published in 2014.

Clearly, Policy FLD 5 of revised PPS 15, which was introduced in September 2014, is a material consideration and the critical issue is whether this revised policy provision should outweigh the zoning of the site for housing indicated in the 2014 version of BMAP. In balancing these competing material considerations and assessing the weight that should be attributed to Policy FLD 5 as against the beneficial zoning in the BMAP a critical consideration must also be that the site has a current live

unimplemented planning permission, which can be built without further consideration of the reservoir/dam flood risk matter.

Given that the extant permission at the site would allow 35 houses and 18 apartments to be constructed (53 No. units in total), it is considered that it would be unreasonable to apply the provisions of Policy FLD 5 to the current development scheme for a revised number and arrangement of houses provided the new proposal does not materially increase the level of risk that would arise at the site in relation to a potential breach of any of the aforementioned reservoirs.

In the case in question, the proposal seeks permission for 44 No. units and as such it is considered that the level of risk that would arise with the revised development would actually be less than that which would exist were the current live permission to be implemented. The area of hard landscaping approved within the site equates to some 10,280 square metres whereas the total area in the current proposal is some 9,850 square metres (a reduction of circa 400 square metres). As a consequence and in the particular circumstances of this case, it is considered unnecessary for the applicant to fulfil the requirements of Policy FLD 5. As such the Rivers Agency objection is not considered to be determining on this occasion.

Access, Movement and Parking

Objections raised concerns regarding the increased traffic the proposal will create. It has been pointed out that the site is in close proximity to a large industrial area and landfill site that is already heavily trafficked. The access is to be taken from the existing Hydepark Manor, which is an existing housing development. Concern has also been raised in relation to the impact that additional traffic would have on the existing residents and it was also highlighted that tractors and farm machinery often use the existing lane and they will be forced to use the new access through housing estates. It must be noted that the site is zoned for residential development and the applicant's fallback position is for a larger number of residential units than the proposed scheme with an entrance from Hydepark Manor. DfI Roads has considered the proposal and has raised no objection with regards to road safety, traffic or parking matters. Notwithstanding the objections raised, it is considered that the proposal complies with the provisions of Planning Policy Statement 3: Access, Movement and Parking.

Other Matters

The proposed development is located 400 metres east of an active Non-hazardous Landfill site and a Waste Materials recycling facility. NIEA Waste Management Unit and Industrial Pollution and Radiochemical Inspectorate has considered the proposal and neither unit has raised any objection.

An existing monument is located within close proximity to the site. The Historic Environment Division's Monuments Unit has been consulted and on the basis of the information provided is content with the proposal. As such, the proposal is considered to comply with Planning Policy Statement 6: 'Planning, Archaeology and the Built Heritage'.

Concerns have been raised that the proposal will undermine property values. It should be noted that the impact of a development on the value of property is not generally considered to be a material planning consideration. In any case no

evidence has been adduced to support this concern and given the lack of evidence it would be difficult to attribute any significant weight to the issue.

All neighbours falling within the statutory neighbour notification criteria have been notified.

CONCLUSION

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

- The principle of development for housing at this location is acceptable;
- The density of the proposal is acceptable and it is considered that the layout will create a quality sustainable residential environment;
- There will be no adverse residential amenity impact to existing neighbours;
- Flood risk matters have been satisfactorily addressed;
- The proposal will not have an adverse effect on site integrity of any designated sites and other natural heritage interests;
- The proposal will not have a detrimental impact on features of archaeological importance; and
- There are no road safety concerns regarding the proposal.

RECOMMENDATION : GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

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

2. A Construction Method Statement, agreed with the appointed contractor, shall be submitted to the Council at least eight weeks prior to any works commencing on site. This should identify all potential risks to the adjacent watercourses and designated sites and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified. The Construction Method Statement shall include a section on proposed mitigation measures to be implemented during construction and the development shall be carried out in accordance with the mitigation measures, unless otherwise agreed in writing by the Council.

Reason: To ensure that the appointed contractor undertaking the work is well informed of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the wildlife and nature conservation interests associated with the Ballymartin Water

3. None of the dwellings hereby permitted shall be occupied until all of the remediation measures detailed within the Flood Risk Assessments (Document 02/2 and Document 05 date stamped received 14th February 2018) have been fully implemented and verified to the satisfaction of the Council.

Reason: To mitigate flood risk at the site.

4. The existing trees within the conservation and landscape zone as indicated on the approved plan No. 44/1 bearing the date stamp 14th February 2018 shall be retained and allowed to grow on.

Reason: To protect the amenity afforded by the existing trees and to minimise the impact of the proposal on the local bat population and wider nature conservation interests.

5. There shall be no storage of construction materials and/or any excavated materials within the conservation and landscape zone as shown on Drawing No. 02/6 date stamped 3rd May 2018.

Reason: To protect existing trees and their roots.

6. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 44/1 bearing the date stamp 14th February 2018 and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the occupation of the first dwelling hereby approved.

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

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

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

8. The open space and amenity areas indicated on the stamped approved Drawing No. 46 date stamped 14th February 2018 shall be managed and maintained in accordance with the Landscape Management Plan, Document 04 received on 2nd November 2017 and any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Number 39/4 date stamped 3rd May 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

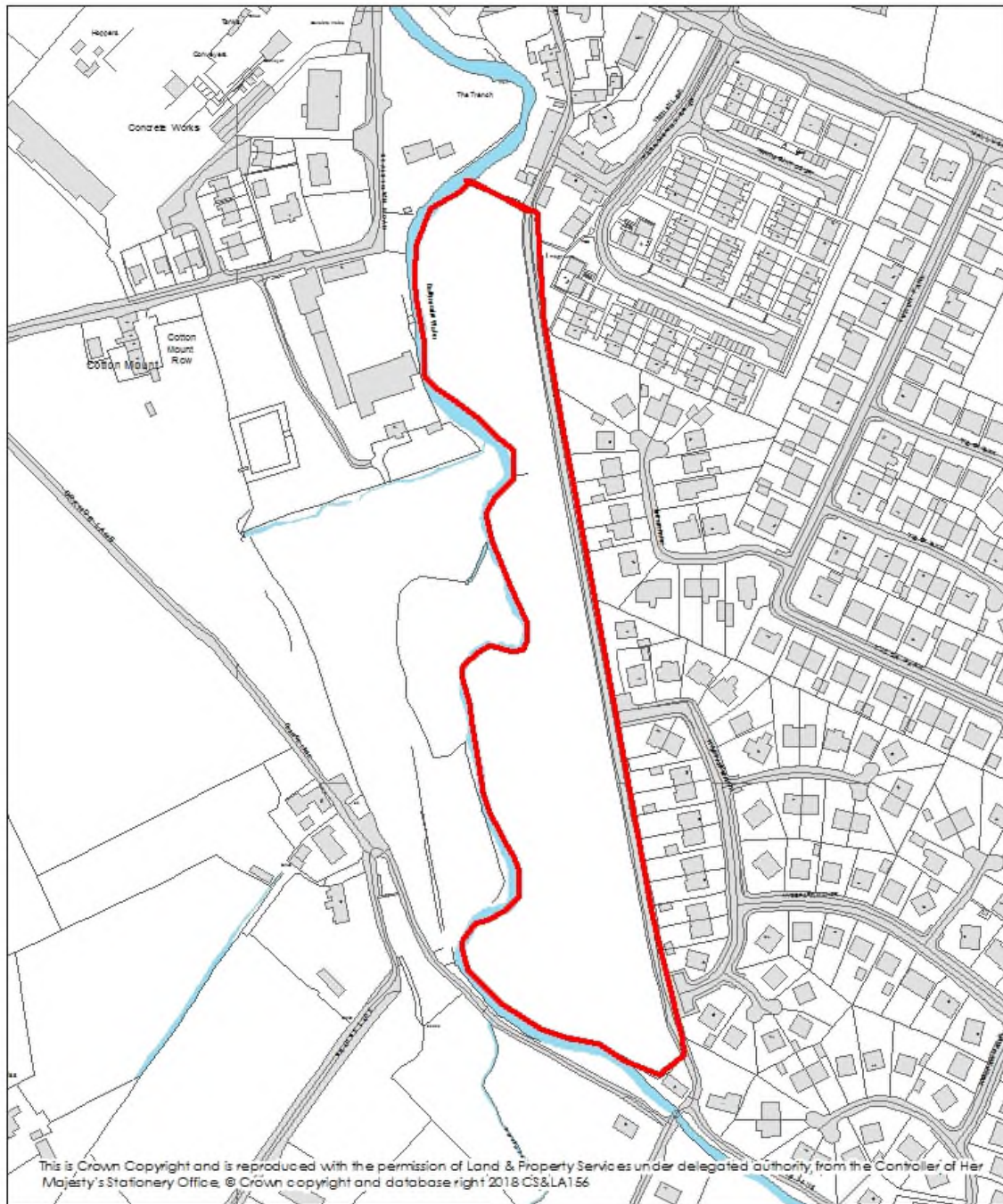
10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992

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 Number 39/4 date stamped 3rd May 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

11. 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.




Location Map

Application Reference: LA03/2015/0173/F



Lands at Trench Lane to the east of Ballymartin Water

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

 Site Boundary

For Information Only



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2018/0305/F
DEA	DUNSILLY
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Replacement Wastewater Pumping Station with the provision of ancillary boundary fencing, screen planting and a new access road to Greenfield Road. Demolition of the existing Pumping Station, resurfacing of the site and provision of bollards.
SITE/LOCATION	Open green space approx. 20m north of No. 1-6 Maine Bank & approx. 50m south of No. 12-19 Weirside, Randalstown, BT41 3DA
APPLICANT	Northern Ireland Water
AGENT	RPS
LAST SITE VISIT	26 th March 2019
CASE OFFICER	Glenn Kelly Tel: 028 903 40415 Email: Glenn.Kelly@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located within the development limits of Randalstown as defined in the Antrim Area Plan 1984–2001. The site comprises a generally rectangular plot of land amounting to 0.1ha, which extends between the eastern side of Weirside and a pathway which runs alongside the western banks of the River Maine.</p> <p>The site currently forms part of an area of open space, with no boundary definition along the northwestern or southeastern site boundaries. The public road and part of an adjoining layby form the southwestern boundary of the site, whilst the banks of the River Maine define the northeastern boundary.</p> <p>The majority of the application site is laid out in grass, however, it is noted that there is a stand of trees and accompanying hedgerow towards the northeastern boundary of the site, between two pathways which pass through the wider site. With regard to the topography, the site is relatively level, however, ground levels begin to fall when approaching the riverbank.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2007/1024/F</p> <p>Location: Lands located 25m east of Weirside, Neillsbrook estate, Randalstown, adjacent to River Main.</p> <p>Proposal: Proposed security fencing and lockable gate, provision of 2 no. interpretive panels and upgrading of existing footpath.</p> <p>Decision: Permission Granted (03.03.2008)</p>	

PLANNING POLICY

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 Antrim Area Plan and the Belfast Urban Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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

PPS 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 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 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 subject to conditions and informatives.

DfI Rivers – No objections subject to informatives.

DfI Roads – No objections subject to conditions and informatives.

NI Water – No comment.

Natural Environment Division – No objections subject to informatives

Shared Environmental Services – No objections subject to conditions

REPRESENTATION

Forty three (43) neighbouring properties were notified and sixty (60) letters of objection have been received. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Impact upon flora and fauna
- Loss of open space
- Impact upon property values
- Loss of parking space for local residents
- Impact upon road safety
- Impact upon ability to carry out a Gospel Outreach in the local area
- Impact upon community supported environmental garden
- Development on the floodplain

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Principle of Development
- Design and Appearance
- Impact on Character and Appearance of the Area
- Flood Risk
- Loss of Open Space
- Residential Amenity
- Parking and Road Safety
- Other Matters

Principle of Development

Section 6(4) of the Planning Act (Northern Ireland) 2011 states that any determination under this act must be made in accordance with the Local Development Plan (LDP), unless material considerations indicate otherwise.

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 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 11: Planning and Waste Management and Planning Policy Statement 3: Access, Movement and Parking (PPS 3), these remain the applicable policies to consider the proposed development under. The SPPS is less

prescriptive than the policy context within Planning Policy Statement 11: Planning and Waste Management (PPS 11). In accordance with Paragraph 1.12 of the SPPS, the weight afforded to retained policy within PPS 11 is applicable.

The Antrim Area Plan operates as the Local Development Plan for the application. The proposal site is located within the development limits of Randalstown, the plan is silent on this type of proposal.

Policies WM 1 and WM 2 of PPS 11 set out a number of criteria that the proposed development must comply with in order for it to be acceptable. Policy WM 2 requires that in the case of Waste Water Treatment Works (WWTW) or in this case a Waste Water Pumping station (WWPS) the need for the development must be demonstrated to the Council's satisfaction. The applicant has provided supporting information which outlines the need for the proposal. The project is driven by legislation to reduce pollution to receiving waters that could contribute to environmental damage. In this case there has been intermittent overflow from the existing nearby WWPS due to pump failures. Secondly, the existing WWPS fails to meet current NIEA or NI Water standards in relation to providing adequate emergency storage facilities and safe accessible operational use and is in need of replacing. Without replacing the existing station, there will likely be an increase in overflow of waste material into the river which is not acceptable. This replacement will have a positive impact upon the local community and the ecology of the River Maine.

Objectors have raised concerns as to why the existing station cannot be refurbished/extended. This option was explored by the applicant, however it was not possible to further extend the site without encroaching upon the 40m separation distance between station and neighbouring properties as advised by the Environmental Health Section. This reasoning has been accepted and therefore little weight can be given to this objection point in the decision making process.

Having considered the supporting information submitted by the agent it is considered that the applicant has provided a rationale to establish a case of need in line with PPS 11. It is considered that the principle of development has been established on the site.

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

Policy WM 1 of PPS 11 advises that proposals for the development of a waste management facility will only be permitted where it can be demonstrated that a number of criteria are met.

The proposed development is located on lands between Weirside and the River Maine and approximately 60 metres to the north of a smaller WWPS in Maine Bank, which will be replaced by the current proposal.

The proposal incorporates a wet well and valve chamber with an emergency overflow outlet, a control panel kiosk and associated telemetry mast and booster set. The compound is to be enclosed on all sides by paladin fencing to a height of 2.4 metres. An access road is to be constructed between the public road at Weirside leading eastward to the compound itself. This road will be 4 metres in width and will match existing ground levels

Due to the location of part of the application site within the Q100 flood plain, it is proposed that the ground levels will be raised to ensure that the compound will be above the identified 1% AEP flood level (in this case 26.96m OD). The paladin fencing surrounding the compound will measure 2.4m in height and will be comparable to the existing paladin fencing surrounding the facility.

The design and layout of the WWPS is in accordance with what would be expected of such a scheme and is considered acceptable. Whilst it is accepted that the roadworks will create a visual impact, it is considered a necessary ancillary development to allow access to the site. Given the proposed location of the works within an area already screened off by way of paladin fencing, coupled with proposed additional landscaping, it is considered that the works can be carried out without changing the overall character of the site and the surrounding area in a significantly detrimental way. Therefore the proposal is considered to be in compliance with points 2 and 3 of Policy WM 1 of PPS 11 in that the visual impact of the works including landfilling or raising is acceptable in the landscape and will not harm the character of the area.

Flood Risk

The Flood Hazard Map (NI) indicates that the western portion of the site, where the majority of the development will be located, lies within the 1 in 100 (Q100) fluvial flood plain, therefore Policy FLD 1 within Planning Policy Statement 15: Planning and Flood Risk (PPS 15) is applicable.

Policy FLD 1 introduces a presumption against development within the Q100 fluvial flood plain, unless the proposed development constitutes one of the exceptions listed within the policy. The exceptions include development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain. This is further acknowledged in the justification and amplification of PPS 15, which recognises that in certain cases, development or infrastructure has to be in such locations (i.e. flood plains) as alternative lower risk sites would be neither practical, nor available.

As outlined above, the need for the replacement WWPS is considered acceptable and the supporting information submitted by the applicant details the rationale behind the selection of this site. Reasons given for the location of the WWPS include:

- The entire sewage infrastructure for Neillsbrook catchment currently gravitates to the existing Neillsbrook WWPS therefore, the proposed location provides a favourable construction arrangement resulting in minimal disruption for the transfer of flows to the new WWPS development.
- The chosen site for the WWPS provides the best opportunity to minimise the extents of construction works required, particularly relating to any resultant disruption (during construction) to members of the public and local residents, and ease of crossover from the old to the new infrastructure.
- It is essential for the WWPS to be located in the proximity of a river/watercourse to allow for an emergency sewage overflow from the facility in the event of pump(s) failure.
- The proposed site allows the furthest possible distance from a neighbouring house. A minimum separation distance of 40m between the wet well and any habitable building has been requested by the Council's Environmental Health Section. No

other location within Neillsbrook estate would fulfil this requirement. Objectors ask why the current station cannot be refurbished. An extension at the existing site would bring the WWPS closer still to existing properties and therefore would contravene the 40m separation distance required.

- The proposed location would limit the visual impact by reusing an existing fence line and positioning the station compound behind an existing fence line.
- The new WWPS needs to be located in the proximity of a river/watercourse to allow for emergency sewage overflow from WWPS in case of pumps failure.

A Flood Risk Assessment (FRA) was submitted in support of the proposed development, which identifies all sources of flood risk to and from the proposed development, and demonstrates that there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

The WWPS incorporates a wet well and valve chamber (below ground), and a control kiosk and fencing (above ground). Where there is potential for flooding, it is recommended that a finished floor level in all new developments should be above the 1% AEP (1 in 100 year) flood level, plus a freeboard of 600mm. The 1% AEP flood level for the application site is 26.96m OD, and the finished floor level of the control kiosk will be 27.65m OD. Owing to the topography of the site, the applicant has advised that it is not possible to raise the entire pumping station compound to this level, but will instead be increased to 27.35m OD, which provides a freeboard of 300mm above the 1% AEP flood level.

It is noted that an emergency overflow will be installed at the site, which will be below the flood level and fitted with a 'flapped outlet' to prevent flood water entering the pumping station via this route. The applicant concludes that this measure should allow the pumping station to remain operational during a 1% AEP flood event. DfI Rivers was consulted in relation to the proposal, and has raised no concerns in relation to flood risk in relation to the application site or elsewhere as a result of the proposed development.

A number of objectors also raised concerns relating to flooding which have been considered as part of the above. It is considered that the proposed development will not result in an unacceptable risk of flooding to or from the application site, and is therefore compliant with Policy FLD 1 of PPS 15.

Loss of Open Space

The proposed development will be accessed via a new access road as previously discussed within the report. This road will travel through an area of undesignated open space. This is a large area of grass which could be used for casual recreational purposes. The overall area of the laneway accounts for approximately 9.5% of the total area of open space meaning it is a relatively small portion of the available open space land. A number of objections received raise concerns over the loss of open space land and the impact it may have on the needs of the community.

Policy OS 1 of PPS 8 states that development will not be permitted where this would result in the loss of existing open space or the land zoned for the provision of open space. An exception to this will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

Having taken account of the supporting information and the objection letters in this regard, it is considered that there are exceptional circumstances to allow for the loss of a small proportion of the overall open space land (less than 10%). The works being undertaken are not just preferential but completely necessary in terms of providing a safe WWPS to deal with the community's waste water. Without these works there is potential for even more overspill of harmful waste water into the nearby river, causing significant harm to the community and the environment.

Objections state that the loss of open space will prevent children from playing in the area and will impact upon a local gospel gathering which uses the space. It is considered that the loss of under 10% of the existing open space in such a large area of existing open space will not significantly impact upon children being able to play on the remaining parts of this space nor will it impact locals from holding congregational meetings.

Having taken the above into account it is considered that the exception clause has been met within Policy OS 1 and the proposal is compliant with PPS 8, in that there will be no significant detrimental loss of open space.

Residential Amenity

The closest properties to the site are located along Maine Bank to the southwest of the site. The closest individual property is No.6 Maine Bank which is approximately 40m away from the proposed WWPS. The new access roadway will run approximately 15m in front of these dwellings. The most likely impact of the works relate to noise. The Environmental Health Section was consulted on the proposal and responded with no objections subject to conditions stating that there should be a minimum 40m separation distance between the proposed wet well and the closest habitable buildings and that the noise levels of each pump shall not exceed 85db at a distance of 1m. It is considered that the access road will not be used on such a frequent basis as to create a further noise issue for residents in the location.

A number of neighbours have objected to the development on the basis that the works will have a detrimental impact upon the value of their property. No evidence has been provided to back this view up and therefore little weight can be afforded to this in the final decision making process.

Overall it is considered that the proposed works will not have a detrimental impact upon neighbouring properties in the area beyond some minor inconveniences during the construction phase. The proposal is considered to be in compliance with Policy WM 1 of PPS 8.

Parking and Road Safety

DFI Roads were consulted on the proposal and have responded with no objections subject to a condition and informative. A number of objections relate to the loss of parking spaces at the entrance to the access road and the safety of children during the construction phase. From carrying out a site visit it would appear that a minimal number of parking spaces will be removed through the construction of the access road whilst the majority will be retained. There were ample parking opportunities available during an afternoon site visit on the 26th March 2019. DFI Roads has not raised any concerns regarding the parking provision and it is likely that security

fencing will be erected during the construction phase to protect children. The access roadway is considered to be in compliance with Policy WM 1 of PPS 8 and PPS 3.

Other Matters

Flora and Fauna

A number of objections raise concerns relating to the removal of existing vegetation at the site and the impact upon local wildlife. Firstly in relation to vegetation; a portion of existing hedging is to be removed along the western boundary of the proposed WWPS location. This will be replaced by new hedging and an accompanying 2.4m paladin fencing that will surround the new compound on all sides. One ash tree is also to be removed just to the west of the compound but it is unlikely to house bats or any other protected species. An Ecological Report has been carried out to show that little evidence exists which would indicate that the proposed development would harm any other protected species. Shared Environmental Services and Natural Environment Division were both consulted on the proposal and have responded with no objections subject to conditions and informatives. The removal of the existing vegetation is deemed necessary to allow access to the site and erect new fencing to keep the compound secure. With the proposed planting, the site should be successfully screened within a short number of years.

It is considered that there will be no significant impact upon flora or fauna on the site and therefore little weight can be afforded to these objections in the decision making process. The proposal complies with Policy WM 1 of PPS 11 and PPS 2 in that the development will not have an adverse impact upon nature conservation within the area.

Community Garden

A number of objections raised issue with the impact upon the Community Garden. It would appear that the exact location of the garden referred too, is a portion of land along the riverbank used as a pathway with the fringe areas being largely overgrown with vegetation. It is considered that the works will take up only a small portion of the land adjacent to the existing walkway and plentiful amenity space for walkers, anglers etc. will be retained.

CONCLUSION

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

- The principle of the development is considered acceptable and a case of need has been established;
- The design of the proposal is considered acceptable;
- The flood risk has been mitigated on the site;
- The loss of a small proportion of open space has been offset by the benefits the proposal will bring to the community;
- No detrimental impact to surrounding residential amenity beyond the construction phase;
- No parking or road safety issues raised by DFI Roads;
- There will be no significant detrimental impact upon existing flora or fauna. The removal of a small proportion of hedging is considered acceptable to secure the site.
- Sufficient land will remain within the community garden for a walkway, recreational and angling purposes.

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 natural screenings of this site as shown on approved drawing 03 date stamped received 4th April 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be given to the Council in writing prior to their removal. Existing trees as shown retained at a minimum height of 4m. If any retained tree or vegetation 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, trees or vegetation in the same location of a species and size as specified by the Council.</p> <p>Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.</p> <p>3. The proposed planting shall be carried out in accordance with approved drawing No.02 date stamped 4th April 2018. Planting shall be carried out in the first available season after completion of works hereby approved. 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.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. A Final Construction Method Statement must be submitted by the appointed contractor for agreement with Council prior to work commencing. This shall reflect all the mitigation and avoidance measures outlined in the preliminary Construction Method Statement and include specific method statements for all aspects of the work (demolition and restoration of existing site, land raising and construction of new site, headwall construction on the river bank) and to include a construction phase storm water management plan as detailed in the preliminary CMS. The approved CMS shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the planning authority.</p> <p>Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC.</p> <p>5. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas,</p>	

storage of machinery/materials/spoil etc. and the River Maine, any surface water drain and the known floodplain.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar and Rea's Wood and Farr's Bay SAC.

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

7. After completing any remediation works required under condition 6 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

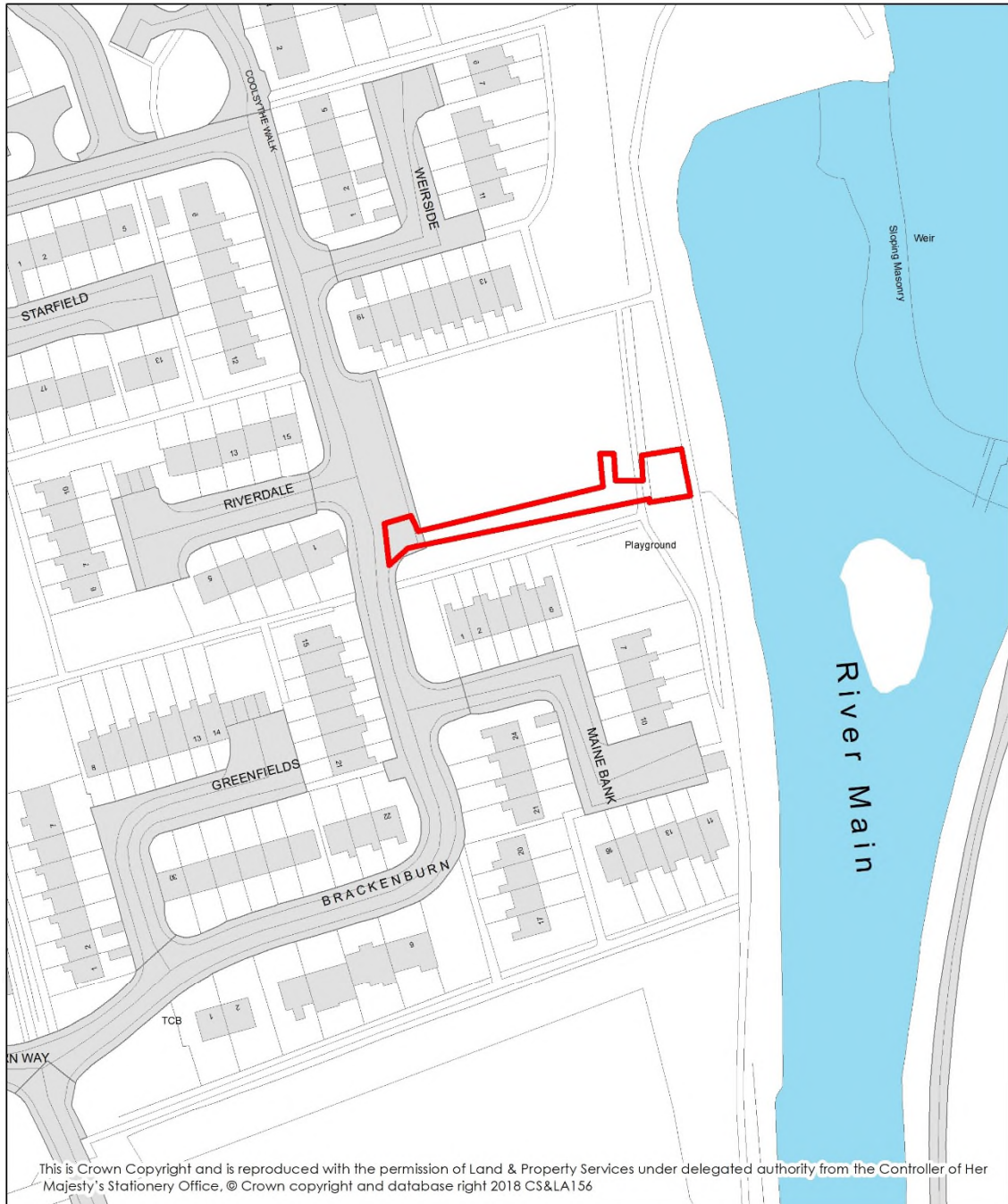
Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. In order to minimise risk of odour, noise and disturbance there should be a minimum distance of 40m from the wet well of the waste water pumping station to any habitable building.

Reason: To protect residential amenity

9. The noise levels from each pump set shall not exceed 85db(A) at a distance of 1m from the pump set centre line.

Reason: To protect residential amenity



Location Map

Application Reference: LA03/2018/0305/F

20m north of No. 1-6 Maine Bank
& approx 50m south of No. 12-19 Weirside
Randalstown

Replacement Wastewater Pumping Station



Site Boundary
For Information Only



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2018/1083/F
DEA	AIRPORT
COMMITTEE INTEREST	PREVIOUS COMMITTEE DECISION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	<p>Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage. (Variation of conditions 3, 4 and 6 from approval LA03/2018/0299/F to allow an increase in the total net retail floorspace area within the approved building A and B from 2425sqm to 3145sqm, comprising an increase in the area permitted for other garden retail net retail floorspace from the 492sqm approved to 1212sqm and an increase in the area permitted for gift lines and/or domestic use utensils and decorative objects within the net retail floorspace area permitted for other garden retail from the 200sqm approved to 350sqm.</p>
SITE/LOCATION	Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim, BT39 0BJ
APPLICANT	Eastonville Traders Ltd
AGENT	O'Toole & Starkey
LAST SITE VISIT	April 2019
CASE OFFICER	<p>Michael O'Reilly Tel: 028 90340424 Email: michael.oreilly@antrimandnewtownabbey.gov.uk</p>
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at the existing Coleman's Garden Centre at No. 6 Old Ballyclare Road, Templepatrick, Antrim.</p> <p>This is an area of land in the countryside comprising approximately 4 hectares and is located some 200 metres northeast of Templepatrick and in close proximity to the large roundabout at the entrance to Templepatrick.</p> <p>The Council granted planning permission for the re-development of Coleman's Garden Centre on 18th September 2018 via planning approval reference LA03/2018/0299/F. Construction works are currently ongoing at the site. Modifications</p>	

and improvements to the junction of the Ballyclare Road and the Old Ballyclare Road leading to the application site are complete and operational.

Well-established and mature trees and hedgerows define much of the boundaries of the application site. The adjoining land use is mainly detached rural dwellings and farm holdings. Two dwellings at Nos. 8 and 10 Old Ballyclare Road back onto the garden centre and a further dwelling, No. 2 Old Ballyclare Road, is located immediately adjacent to and south of the application site.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2018/0299/F

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim.

Proposal: Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage.

Decision: Permission Granted: 18.09.2018

Planning Reference: LA03/2019/0249/DC

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick, Antrim.

Proposal: Discharge of condition 27 (Landscape Management Plan) of planning approval LA03/2018/0299/F for: Redevelopment of garden centre site to deliver a new garden centre development and associated landscaping, car parking and road and access works to the Old Ballyclare Road and Ballyclare Road. This includes the permanent retention of the existing garden centre building for garden centre retail, restaurant and covered production use; the retention of the garden centre building currently under construction on site and its use for garden centre retail, covered production, a farm shop, a coffee shop and ancillary storage; and the erection of a new garden centre building for ancillary storage.

Decision: Partial Discharge: 09.04.2019

Planning Reference: LA03/2017/0430/NMC

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick

Proposal: Non-material change to planning permission T/2011/0378/F (amendments to elevations of planning appeal approval reference 2007/A1019 for the replacement of existing stores to nursery retailing and extension of existing nursery retailing to include toilets and restaurant together with 6no self-catering cottages) comprising the following changes:

- (a) an amendment to the proportions of the building footprint of the covered production area with the width of the building reduced and the depth increased;
- (b) an amended roof profile to the covered production area from a single pitched roof to a double pitched roof;
- (c) a minor increase in the height of the covered production area; and
- (d) an amendment to the proportions of the building footprint of Building A (Sales Area and Internal Production) with the width of the building reduced.

Decision: Non-material Change Granted 05.05.2017

Planning Reference: LA03/2017/0364/F

Location: Coleman's Garden Centre, 6 Old Ballyclare Road, Templepatrick
Proposal: Temporary partial (999sqm) change of use of covered production building to garden centre retail and restaurant with associated access, parking, circulation and landscaping.

Decision: Permission Granted 07.09.2017

Planning Reference: T/2011/0378/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Amendments to elevations of previous approval granted under 2007/A1019

Decision: Permission Granted 31.10.2011

Planning Reference: T/2008/0284/RM

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Planning Appeal Allowed (2007/A1019) 11.11.2009.

Planning Reference: T/2007/1041/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Extension of existing nursery retail building to include restaurant & additional display areas and replacement of other existing nursery building with new nursery retail building with associated site works, car parking and children's picnic area.

Decision: Permission Granted 18.12.2008

Planning Reference: T/2005/0925/F

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing nursery & stores to nursery retailing & extension of existing nursery retailing to include toilets, restaurant, offices & timber yard

Decision: Planning Appeal (2006/A0222) Upheld: 06.09.2007

Planning Reference: T/2001/0299/O

Location: 6 Old Ballyclare Road, Templepatrick

Proposal: Replacement of existing stores to nursery retailing & extension of existing nursery retailing to include toilets & restaurant together with 6 no self-catering cottages

Decision: Permission Granted 13.02.2004

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 PPS's and other relevant documents together with the provisions of the SPPS itself.

Antrim Area Plan 1984 – 2001: The application site is located within the countryside. Paragraph 23.23 (1) advises that retailing and commercial activity in the countryside will be strongly resisted as these uses are better located within existing built-up areas, both to serve the local community and to conserve the landscape. Paragraph 23.23 (4) states that sympathetic consideration will be given to projects designed to cater for outdoor recreational activities or to facilitate the tourist industry.

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.

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

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

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

CONSULTATION

Department for Infrastructure Roads - No objections.

REPRESENTATION

Eleven (11) neighbouring properties were notified and four (4) letters of objection have been received from two (2) properties. The full representations made regarding this proposal are available for Members to view online at the Planning Portal (www.planningni.gov.uk).

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

- Impact on the private right of way of No.8 Old Ballyclare Road;
- Maintenance of landscaping, hardstanding areas, sight lines and lighting columns;
- Impact of increased footfall to privacy, safety and noise pollution;
- Amenity of residents being ignored.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Retail Impact
- Design and Appearance
- Neighbour Amenities
- 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 1984 – 2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the determination of the proposal.

With reference to the AAP, applicable planning policy for the control of this form of development in the countryside relates to the control of retail development and the sympathetic consideration of projects designed to cater for outdoor recreational activities.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) was published in September 2015 and is a material consideration in determining this application. At paragraph 1.10 it states that, until such times as a Plan Strategy for the whole of the Council area has been adopted, Local Planning Authorities will apply existing policies within the Planning Policy Statements (PPSs) that have not been cancelled, together with the SPPS. PPS21 is one such retained document and is a material consideration in the determination of this proposal.

Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This proposal for the variation of planning conditions associated with the re-development of an existing garden centre does not fall within the identified types of acceptable non-residential development suggested by Policy CTY1 of PPS21. Notwithstanding this point however the policy is clear in stating that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. These proposals are identified as being considered in accordance with existing published planning policies.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. It goes on to state that as a general exception to this policy approach retail facilities which may be considered appropriate outside of

settlement limits include farm shops and shops serving recreational facilities. It concludes by stating that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

Coleman's Garden Centre is an established and well-known garden centre with an extensive planning history relating to garden centre type development and usage. Planning permission T/2011/0378/F provided for new buildings and an increased retail offer for the garden centre business, which was commenced within the lifespan of the consent. Although the development plan seeks to resist retail and commercial activity in the countryside as these are better located within existing built-up areas the extant permission established a valid legal fall-back position for the applicant. This was a critical material consideration in the determination of the planning application for the re-development of the Garden Centre via reference planning approval LA03/2018/0299/F and outweighs the provisions of the adopted development plan in this respect.

Coleman's Garden Centre is considered to be a facility primarily providing for gardening activity, which is considered to be a form of outdoor recreational activity. The SPPS and PPS21 accept that there are certain appropriate proposals that exceptionally can be allowed in out of town locations. Given the development plan refers to sympathetic consideration being given to projects designed to cater for outdoor recreational activity, it is considered this garden centre development is one such exception as allowed for in the SPPS and PPS21.

Given the long established presence and retail provision of Coleman's Garden Centre, its associated planning history and in particular the significance of the implemented planning permission for business expansion and the development plan which is sympathetic to developments designed to cater for outdoor recreational activity, it is considered that the principle of the proposed garden centre development at this location has been established.

The variation of planning conditions previously imposed in planning permission reference LA03/2018/0299/F remains to be assessed against the provisions of relevant planning policy including retail impact, design and appearance, impact on the character and appearance of the area, access and parking, residential amenity and other matters. These are considered below.

Retail Impact

This development proposal seeks full planning permission for the variation of conditions 3, 4 and 5 of planning permission reference LA03/2018/0299/F. This planning permission provided for a new garden centre development and associated landscaping, car parking, road and access works to the Old Ballyclare Road and Ballyclare Road.

Condition 3 of the planning permission restricts the overall net retail floorspace for the sale and display of goods to 2,425 square metres when measured internally. The current proposal seeks to amend this condition to allow for 3,145 square metres of net retail floorspace, an increase of 720 square metres.

Condition 4 restricts the uses of buildings A and B and the precise amount of net retail floorspace dedicated to particular uses, which includes garden furniture, non-clothing based outdoor and camping equipment, clothing footwear and textiles, crafts, books and garden literature and 'other garden retail'. Condition 4 restricted 'Other Garden Retail' to 492 square metres of net retail floorspace. The current proposal seeks to amend this condition to allow for 1,212 square metres of net retail floorspace, an increase of 720 square metres.

Condition 6 restricts the net retail floorspace dedicated to 'gift lines' and/or 'domestic utensils and decorative objects' to not exceed 200 square metres when measured internally. The current proposal seeks to amend this condition to allow for 350 square metres of net retail floorspace, an increase of 150 square metres which is contained within the 720sqm referred to above in relation to Conditions 3 & 4. It is noted that this specific increase does not affect the overall quantum of net or gross retail floorspace associated with the Coleman's Garden Centre development.

The provisions of the SPPS require that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.279 requires retailing to be directed to town centres, and that the development of inappropriate retail facilities in the countryside must be resisted. All proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere.

The applicant has submitted a retail impact assessment, an assessment of need and an alternative site selection report in support of the development proposal. The aim is to explore the cumulative retail impact when considered with the implemented net retail floor space of permission LA03/2018/0299/F at the garden centre.

The SPPS requires development proposals for main town centre uses that are not in an existing centre to be considered on a sequentially preferable basis and in the following order of preference;

- Primary retail core.
- Town centre.
- Edge of centre; and
- Out of centre locations, only where sites are accessible by a choice of good public transport links.

In applying this test, the SPPS is clear that applicants are expected to identify and fully demonstrate why alternative sites are not suitable, available or viable.

In his supporting statement, the applicant points to the Supreme Court Judgement of *TESCO Stores Ltd V Dundee Council* (2012) UKSC 13. In essence, the finding of the court was that the application of a sequential test must consider the proposal before the local planning authority and that any alternative site to that selected must be suitable, available and viable in this context to justify a refusal of planning permission.

In this case, the proposal is for an increase to the net retail floorspace of Coleman's Garden Centre which is to be accommodated within a building that is already under construction in accordance with planning approval reference LA03/2018/0299/F. The applicant opines the only suitable site that is capable of facilitating the proposed increase in net retail floorspace to the garden centre is the application site and

existing garden centre. The applicant also argues that an increase in net retail floorspace of this garden centre could not be delivered within any alternative town centre or edge of centre location. Additionally, he argues that given the development is being sought by the existing garden centre to improve its own retail offer, there is no prospect that the enlargement of net retail floorspace being sought in this application would be delivered in any alternative town centre or edge of centre location.

In light of the applicant's position that there are no suitable, available and viable sites within town centres in the catchment (Antrim, Ballyclare, Randalstown and Crumlin), or District and Local Centres (Abbey Centre District Centre, Glengormley Local Centre, Northcott District Centre and Cityside/Yorkgate District Centre), it is considered that there is no realistic amount of alterations that could be made to the proposed scheme that would render it suitable to be accommodated on a town centre/edge of centre location. Applying the relevant case law it is considered there are no suitable, available or viable alternative sites to accommodate the proposal and for these reasons the proposal satisfies the sequential test required by the SPPS.

The SPPS also requires that in the absence of a current and up to date local development plan, applicants should be required to prepare an assessment of need to support their application.

The applicant has submitted an assessment of need based on the retail floorspace and turnover of all comparison retail floorspace within the catchment compared with catchment spend. The conclusion made is that there is a substantial outflow from the catchment area in excess of £1 million pounds in the forecast year of 2020. The forecast year of 2020 has been selected to take account of a 6 month planning application determination period and a 6 month implementation period with a standard 1 year additional provision allowed for trading patterns to settle.

The applicant goes on to comment that this is not entirely unexpected given the close proximity of the southeastern section of the catchment population to the significant draw of the nearby and accessible Belfast City Centre Regional Shopping Centre, with its comprehensive mix of national multiple comparison goods retailers. The limited competition on offer from retail within the catchment area is stark in comparison to Belfast City Centre and unable to compete with the available retail offer at that location.

In summary, it is considered that such a substantial outflow clearly demonstrates a quantitative need for additional retail floorspace within the catchment area, in order to claw back the loss of trade from the identified catchment area and promote less travel and more sustainable shopping patterns. The assessment of need provided by the applicant is considered acceptable and meets with the requirements of the SPPS in this regard.

This proposal seeks to provide an additional 720 square metres of net retail floorspace, which is below the 1,000 square metres threshold referred to in the SPPS as prompting a full retail impact assessment. The Council has however previously indicated to the applicant that the cumulative impact of the proposal coupled with the previous planning permission on the site is clearly in excess of 1,000 square metres and a retail impact assessment is required and has been submitted. It is accepted

that 'like shops compete with like' and for this reason it is considered that the proposal will compete directly for trade with other garden centres within the catchment area. The retail impact assessment does however acknowledge that some trade diversion will occur from other retailers in the catchment given the similarities of retail goods on offer.

It is noted that the majority of the retail centres in the Borough do not contain any garden centres, with the result that retail impact and cumulative retail impact on these centres is very low (less than 1%) and therefore is not likely to have any material impact on the vitality and viability of these centres.

The only policy protected centre within the catchment that includes a garden centre is the Abbey Centre District Centre (ACDC), which includes a Homebase and B&Q with a sizeable garden retail offer. Although trade draw from this centre is therefore greater than that of the other protected centres (0.4%), the substantial and comprehensive retail function and performance of the ACDC ensures both retail impact and cumulative retail impact remain at an insignificant level and will not cause harm to the vitality and viability of this centre. It is considered therefore that the cumulative retail impact of the proposal will not have an unacceptable impact upon policy protected centres within the catchment. The test of 'need' required by the SPPS has therefore been satisfied.

Overall, it is considered that the proposal will not have an unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and therefore complies with the tests of the SPPS with respect to retailing and town centres.

Design and Appearance

This proposal to vary conditions of planning permission reference LA03/2018/0299/F does not seek to adjust the design quality, appearance, form or layout and arrangement of the Coleman's Garden Centre development, which is now operational.

The Council has previously determined these elements of the Coleman's Garden Centre development to be acceptable. It is noted there has been no change to planning policy since the date of the planning permission being granted. For this reason, the design and appearance of the development is therefore considered to be acceptable.

Impact on Character and Appearance of the Area

It has been noted above that the design quality, appearance, form or layout and arrangement of the Coleman's Garden Centre development is not affected by this application for the variation of planning conditions. It is considered that this proposal will not have a detrimental impact on the character of the countryside given the long standing presence of a garden centre business at this location and that the Coleman's Garden Centre development is visually contained by mature trees and hedgerows defining the majority of the application site boundaries.

Neighbour Amenity

A point of objection refers to the impact of increased footfall caused by the increase in net retail floorspace to privacy, safety and noise pollution.

With respect to privacy and noise pollution, it is noted that this proposal to vary conditions 3, 4 and 6 of planning permission LA03/2018/0299/F does not seek to adjust or amend the approved hard and soft landscaping proposal and its management plan. At the boundary of the application site adjoining No's 8 and 10 Old Ballyclare Road, a 1.5m high planted embankment with trees atop will be formed during the first planting season after building A becomes operational. This will be positioned adjacent to the existing close boarded timber fences delineating the rear boundaries of dwellings at No's 8 and 10 Old Ballyclare Road, which share a boundary with the garden centre. This planted embankment will act as a permanent and robust physical barrier and will function to arrest views into the private amenity space and rear of dwellings abutting the application site along the Old Ballyclare Road. The planted embankment will also assist in mitigating any potential noise or nuisance caused particularly by patrons and their vehicles availing of car parking spaces located adjacent to the rear of dwellings on the Old Ballyclare Road. Additionally, the acoustic barrier located next to No.2 Old Ballyclare Road and which forms part of the previous planning permission, is not affected by this proposal.

In summary, it is not considered that this proposal to vary planning conditions imposed in planning permission LA03/2018/0299/F will result in an adverse impact on the residential amenity of existing residents at Old Ballyclare Road. The proposal is acceptable in this regard.

Other Matters

The impact of the development proposal upon the private right of way from the Old Ballyclare Road to No.8 Old Ballyclare Road is not a material consideration in the determination of this planning application given the proposal seeks only to vary conditions on the previous grant of planning permission. Informatives can however be attached to a planning permission advising the developer that planning permission does not alter, extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. Additionally, an informative can advise the developer that planning permission does not confer title, ie, it is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the development.

The Planning Section has issued correspondence to the objector about this matter and has also forwarded a copy of that correspondence to the applicant's planning consultant. In that correspondence the Planning Section also commented to the objector about matters raised in his representation with respect to the maintenance of landscaping and hardstanding areas, sight lines and lighting columns. Since the time of that correspondence issuing to the objector the applicant's planning consultant has submitted a landscape management and maintenance plan, as required by condition 27 of planning permission LA03/2018/0299/F. The requirement of the condition has been partially discharged via LA03/2019/0249/DC.

In the original scheme an area of mounding was indicated as being created at the northern tip of the application site. This matter lacked detail however and the developer has now sought to address the matter in the current application. A new cross section drawing has been submitted demonstrating the height and breadth of the mounded area and its relationship with the adjoining neighbour at No.10 Old Ballyclare Road. It is considered this drawing demonstrates there will be no unacceptable impact to the residential amenity of that dwelling. A planning

condition can be used to ensure that the mound is retained for the lifetime of the Garden Centre, that it shall be planted out in accordance with a scheme and a programme of works to be agreed with the Council and when that scheme of planting will be submitted to the Council for its agreement.

CONCLUSION

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

- The principle of the redevelopment of Coleman's Garden has previously been established.
- The proposal will not have an adverse impact on the vitality and viability of other existing centres within the catchment.
- The design and appearance of the development will not alter as a consequence of this proposal and the Council has previously considered it to be acceptable.
- The impact to the character and appearance of the area will not alter as a consequence of this proposal and the Council has previously considered it to be acceptable.
- There will be no unacceptable adverse impact to the residential amenity of existing residents abutting the application site.
- There are no objections from DfI Roads.
- Objections from interested third parties have been considered.

RECOMMENDATION : GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The gross floorspace of the Garden Centre buildings A, B and C, as indicated in drawing 03/3, date stamped received 20th August 2018, shall not exceed 6,129 square metres when measured externally and no operations increasing the floorspace available for retail or any other use, including the installation of mezzanine floors, shall be carried out without the express grant of planning permission by the Council.

Reason: To enable the Council to retain control over the scale of the Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

3. The overall net retail floorspace of Buildings A and B of the Garden Centre hereby permitted shall not exceed 3,145 square metres when measured internally.

Reason: To enable the Council to control the amount of net retail floorspace of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

4. The use of Buildings A and B shall be limited to those uses listed hereunder outlined in the 'Illustrative Uses Floor Plan – Building A and B', drawing No.19, date stamped received 4th September 2018. The precise amount of net retail floorspace dedicated to each use, including the farm shop, shall be restricted to that indicated in the list hereunder and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:
- (a) Garden Furniture: 270 square metres
 - (b) Non-Clothing based outdoor and camping equipment: 232 square metres.
 - (c) Other Garden Retail: 1,212 square metres.
 - (d) Clothing, footwear and textiles: 1,009 square metres.
 - (e) Crafts, books and gardening literature to include floral art, prints, frames and greeting cards: 210 square metres.
 - (f) Farm Shop: 212 square metres

For the avoidance of doubt 'Other Garden Retail' referred to at (b) is as defined by the associated Schedule, Document 10/1, date stamped received 12th September 2018.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

5. The net retail floorspace of the farm shop stipulated in Condition 4 shall be used only for the sale and storage of the goods listed hereunder and for no other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order:
- (a) Food produced by the Garden Centre
 - (b) Food processed by the Garden Centre; and
 - (c) Other farm goods/produce

Reason: To enable the Council to control the nature, range and scale of goods retailing within the farm shop at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

6. The net retail floorspace dedicated to 'Gift Lines' and/or 'Domestic use utensils and decorative objects' identified in the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12th September 2018, shall not exceed more than 350 square metres measured internally.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

7. The floorspace of the coffee shop in Building A shall not exceed 110 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

8. The floorspace of the restaurant in Building B shall not exceed 675 square metres when measured internally and shall be used only for the purpose of selling food or drink for consumption on the premises and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the operation of the Garden Centre at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

9. Building C, as identified in drawing 03/3, date stamped received 20th August 2018, shall be used only for the purposes of storage associated with the Garden Centre and for no other purpose within Class B4 of the Schedule of the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the use of Building C and to ensure that it remains ancillary to the operation of the Garden Centre at this countryside location.

10. The 'External Covered Production Area', identified in drawing 03/3, date stamped received 20th August 2018, shall be restricted to a total gross floor area of 990 square metres measured externally; shall be used only for the production, growth and display of plants and trees; and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

11. The 'Outdoor Display Area' identified in drawing 03/3, date stamped received 20th August 2018, shall be restricted to 1,632 square metres measured externally and shall be used only for the display of items listed within the 'Other Garden Retail' Schedule, Document 10/1, date stamped received 12th September 2018, with the exception of 'Gift Lines', 'Domestic Use Utensils and decorative objects' and 'Books, floral art, prints, frames and greeting cards'. The external display area shall be used only for the purposes described and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use

Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To ensure the use of the site remains that of a Garden Centre as proposed in the planning application and to enable the Council to control the nature, range and scale of goods retailing at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

12. The 'Open Production Area (plants)', identified in drawing 03/3, date stamped received 20th August 2018, shall not be accessible by members of the public and shall only be used for the production and growth of plants, trees and other nursery material and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order.

Reason: To enable the Council to control the scale of Garden Centre operations at this countryside location and so as not to prejudice the continued vitality and viability of Antrim Town Centre and other centres within the catchment.

13. The Garden Centre, including the restaurant and coffee shop, shall only be open to visiting members of the public during the listed times on the listed days.

- Monday to Saturday: 08:00 – 21:00 hours
- Sunday: 13:00 – 18:00 hours

Reason: To enable the Council to retain control over the opening hours of the Garden Centre and in the interests of the residential amenity of existing adjoining residents.

14. No deliveries shall be taken at or dispatched from the Garden Centre outside 08:00 – 18:00 hours Monday to Saturday inclusive and at no time on a Sunday.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

15. The road works indicated in drawing No's 03/3, 09/1, 12/1 and 17/1, date stamped received 20th August 2018 and 10th August 2018 respectively, shall be fully completed in accordance with these plans and within four weeks of the date of this decision.

For the avoidance of doubt this shall include the works necessary for the improvement of the public road network identified in drawing No.17/1.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are completed prior to Building A becoming operational.

16. The revised vehicular access arrangements serving the Garden Centre and No.8 Old Ballyclare Road, including visibility splays and any forward sight distances, shall be fully completed in accordance with Drawing No's 09/1 and 17/1, date stamped received 10th August 2018, within four weeks of the date of this decision.

The vehicular access arrangements for No.8 Old Ballyclare Road shall be provided prior to the revised access arrangement serving the Garden Centre.

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 prior to Building A becoming operational.

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

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

18. 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. 17/1, date stamped received 10th August 2018.

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

19. Within four weeks of the date of this decision all hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing No 03/3, date stamped received 20th August 2018, to provide adequate facilities for parking, servicing and circulating within the site, with the exception of the area of 'grasscrete', as indicated hatched black in that drawing.

Hard surfaces within the 'grasscrete' area hatched black in drawing 03/3, shall be constructed and permanently marked prior to the use of Building C coming into operation.

No part of any 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.

20. The existing natural screenings of the site, as indicated edged green in drawing 01, date stamped received 22nd March 2018, 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 removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

21. If any retained tree or hedgerow 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, trees or hedgerow 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.

22. All planting and landscaping proposals shall be implemented in accordance with the details identified in the landscape planting plan, drawing No. 08/1, date stamped received 30th July 2018, and the proposed site layout, drawing No. 03/3, date stamped received 20th August 2018.

The approved planting and landscaping proposals shall be undertaken during the first available planting season after the use of Building A becomes operational, with the exception of landscape proposals within the area of 'grasscrete' hatched black in drawing 08/1.

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

23. Prior to the use of Building C coming into operation the area of 'grasscrete', as indicated hatched black in drawing No. 08/1, date stamped received 30th July 2018, shall be laid in accordance with the details set out in that drawing and shall be retained for the lifetime of the garden centre, unless otherwise previously agreed in writing of the Council.

Reason: To promote a high standard of landscape within the site and in the interests of the visual amenity of the area.

24. If within a period of 5 years from the date of the planting of any tree, shrub or hedge or other landscaped area, that tree, shrub or hedge or other landscaped area is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub, hedge or area of grass 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.

25. The native species hedgerow adjacent to the vehicular access of No.8 Old Ballyclare Road, as indicated on drawing No. 08/1, date stamped received 30th July 2018, shall be allowed to grow on to a maximum height of 2.5 metres and shall be retained at this height for the lifetime of the Garden Centre.

Reason: In the interests of the residential amenity of existing residents at No. 8 Old Ballyclare Road and to ensure the provision, establishment and maintenance of a high standard of landscape.

26. The area of land hatched orange in drawing No. 08/1, date stamped received 30th July 2018, shall be seeded in grass within four weeks of the date of this decision and this area shall be managed and maintained in accordance with the

approved landscape management plan, Doc:01, date stamped received 22nd March 2019.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of the general amenity of existing residents at No. 8 Old Ballyclare Road.

27. All landscaping shall be managed and maintained in accordance with the approved Landscape Management Plan, Doc: 01, date stamped received 22nd March 2019.

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

28. The acoustic barrier shall be erected in the position shown edged red in drawing No.18, date stamped received 1st September 2018, within four weeks of the date of this decision.

The acoustic barrier shall be constructed in accordance with the details identified in Drawing No. 18, date stamped received 1st September 2018.

Reason: In the interests of the residential amenity of existing residents at No.2 Old Ballyclare Road.

29. Within four weeks of the date of this decision the lanterns illuminating the site shall be erected in the positions shown in Drawing 14, date stamped received 22nd March 2018, with the exception of lantern No's 16, 17, 18, 19 and 24. These specific lanterns shall be erected prior to the use of Building C becoming operational.

The mounting height of all lanterns shall be at a maximum height of 6 metres above the finished ground level indicated in drawing 03/3, date stamped received 20th August 2018, shall have a zero degree angle and an average Lux Level value of 0.5 Lux, as referred to in the cover letter of Document 08, date stamped received 22 March 2018.

The lanterns shall only be illuminated between the months of October to April and not before 07:00 hours and not after 22:00 hours with the exception of a Sunday when the lanterns shall not be illuminated before 12:00 hours and not after 19:00 hours.

Reason: In the interests of the residential amenity of existing residents in adjoining properties.

30. The surface water drainage regime indicated in drawing C101A, date stamped received 10th August 2018, shall be completed and be functional prior to the commencement of operations of Building A of the Garden Centre.

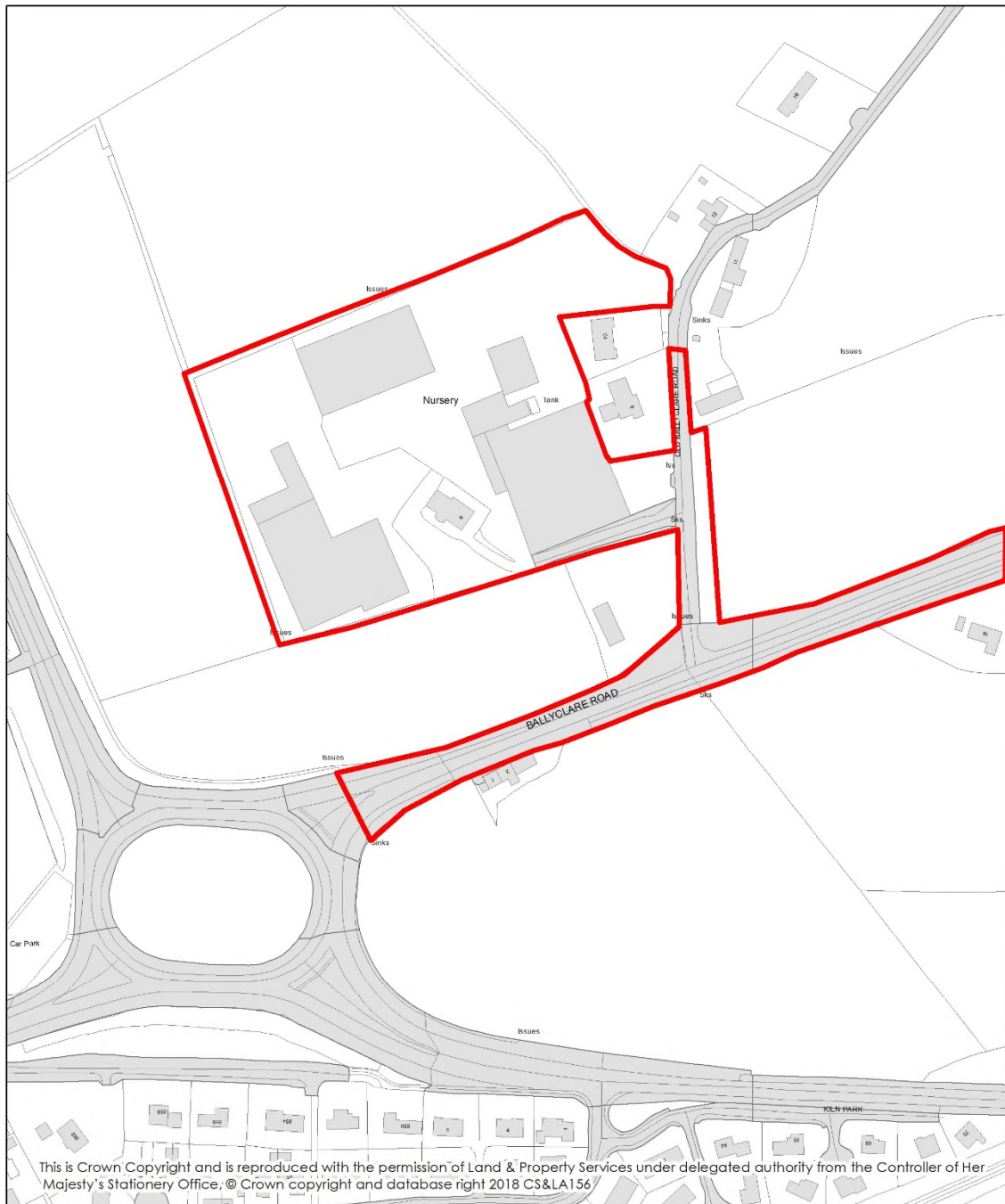
Reason: To ensure post development run-off rates do not exceed pre-development run off levels and to limit the risk of flooding to existing residents at adjoining properties.

31. The earth mound as indicated in drawing 02, date stamped received 20th May 2019, shall be retained for the lifetime of the Garden Centre and shall be planted out in accordance with a planting scheme and programme of works to be submitted to and agreed in writing with the Council.

This planting scheme shall be carried out in accordance with those details and at those times.

The planting scheme shall be submitted to the Council within eight weeks of the date of this decision.

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



Location Map

Application Reference: LA03/2018/1083/F

Colemans Garden Centre
6 Old Ballyclare Road
Templepatrick

Redevelopment of Garden Centre
(Variation of Conditions 3, 4 and 6)



Site Boundary
For Information Only



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2018/1019/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Extension of residential curtilage to accommodate an increase of individual garden areas at nos. 9-12 Waterside View with all associated landscaping and fencing. (Retrospective)
SITE/LOCATION	Lands to the rear of Nos. 9, 10, 11 and 12 Waterside View, Shore Road, Jordanstown.
APPLICANT	Beechview Developments
AGENT	TSA Planning
LAST SITE VISIT	08/04/2019
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 along the Shore Road, which is the main road between Belfast and Carrickfergus. The application site is located within Metropolitan Newtownabbey and is located within the BMA coastal area as defined within draft Belfast Metropolitan Area Plan (published 2014).</p> <p>The application site is situated within a recently constructed housing development 'Waterside View' which is located on the southern side of the Shore Road, Jordanstown. Planning permission was granted for this development under planning reference U/2014/0047/F. All dwellings are now constructed and occupied.</p> <p>The application site includes four existing detached dwellings, Nos. 9 (site 10), No. 10 (site 7), No. 11 (site 9) and No. 12 (site 8) Waterside View and extends approximately 50 metres beyond the curtilage of the previously approved dwellings on the site. The dwellings within the development are all of similar house types and styles. The southeastern boundary of the application site abuts Belfast Lough and the land to the rear of the dwellings falls away gently towards the shore line. The northeastern and southwestern boundaries of the site include closed boarded timber fencing of approximately 1.8 metres.</p> <p>The area is characterised largely by residential properties with the remainder of the Waterside View housing development located to the northwest of the application site. Existing residential development and Belfast High School are located opposite Waterside View.</p>	

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2018/0488/F

Location: Plot 8 Waterside View, Shore Road, Jordanstown, Newtownabbey, Antrim, BT37 0TB

Proposal: Erection of dwelling (change of house type from that previously approved under U/2014/0047/F)

Decision: Permission Granted (18.07.2018)

Planning Reference: LA03/2018/0322/F

Location: Plot 9 Waterside View, Shore Road, Jordanstown, BT37 0TB,

Proposal: Erection of dwelling (change of house type from that previously approved under U/2014/0047/F)

Decision: Permission Granted (10.07.2018)

Planning Reference: LA03/2018/0066/LDE

Location: 7 Waterside View, Jordanstown, Newtownabbey, BT37 0TB (Plot No. 11),

Proposal: New garage built to rear of newly constructed dwelling

Decision: APPLICATION REQUIRED (25.01.2018)

Planning Reference: LA03/2016/1006/F

Location: Plot 7 Waterside View, Shore Road, Jordanstown, BT37 0TB,

Proposal: Erection of dwelling (change of house type from that previously approved under U/2014/0047/F) including a new shed

Decision: Permission Granted (28.02.2017)

Planning Reference: LA03/2017/0613/F

Location: Plot 10 Waterside View, Shore Road, Jordanstown, BT37 0TB,

Proposal: Erection of dwelling (change of house type from that previously approved under U/2014/0047/F) including a new shed

Decision: Permission Granted (29.11.2017)

Planning Reference: U/2014/0047/F

Location: 749 - 751 Shore Road, Jordanstown

Proposal: Erection of residential development of 14no. dwellings with associated car parking and landscaping.

Decision: Permission Granted 19/01/2015

PLANNING POLICY

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). 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.

Draft Belfast Metropolitan Area Plan (Published 2004): The application site is located within Metropolitan Newtownabbey. The site is located within the BMA Coastal Area.

Draft Belfast Metropolitan Area Plan (Published 2014): The application site is located within Metropolitan Newtownabbey. The site is located within the BMA Coastal Area.

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

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

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

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

CONSULTATION

DfI Rivers – No objection

Belfast International Airport – No objection

Shared Environmental Services – No objection

DAERA: Marine and Fisheries Division – No objection

REPRESENTATION

Seventeen (17) neighbouring properties were notified and one (1) letter of objection has been received and one petition has been received from three (3) addresses. 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 changes are detrimental to the distinctive position and potential of the development contrary to Creating Places;
- Materials used are not in keeping with the natural landscape nor the first stage of the site development;
- No balance in the provision of car users and pedestrian walkways as per guidance contained within Creating Places;
- Original plans allowed for green areas and planting and much of the site has been sold off and tarmacked;
- Lack of information/communication;
- Development has already commenced.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 zonings pertinent to the application site within Belfast Urban Area Plan. Within draft BMAP (published 2004 and 2014) the application site falls within the BMA Coastal Area. Designation COU 2 and Policy COU 3 and COU 4 therefore apply to this proposal.

Policy COU 3 states that within the BMA Coastal Area, planning permission will only be granted for development proposals where either the proposed development is of such national or regional importance as to outweigh any detrimental impact on the coastal environment; or it can be demonstrated that any proposal will not harm the qualities of the coastal landscape, while still protecting nature conservation value. Plan Policy COU 3 states that it is not intended to restrict appropriate development within existing domestic curtilages, provided that no harm would result in respect of the coastal landscape and its nature conservation interests. Additionally, the Policy is not intended to restrict proposals to improve accessibility for recreation, provided that no harm would result in respect of the coastal landscape and its nature conservation interests.

These four dwellings were originally approved as part of a larger housing development under planning application reference U/2014/0047/F. Each of these houses has been granted a change of house type application of which three included a small extension of curtilage. These included No. 9 (site 10 – LA03/2017/0613/F); No. 10 (site 7 – LA03/2016/1006/F); No. 11 (site 9 – LA03/2018/0322/F and No. 12 (site 8 – LA03/2018/0488/F). Each of these dwellings and small extension of curtilages have been approved within the BMA Coastal Area and therefore the principle of development is acceptable subject to consideration of the visual impact of the proposal on the coastal landscape, nature conservation interests and other material considerations which are assessed in more detail below.

Impact on the Character and Appearance of the Area

The proposed extension to the curtilages will take the garden area right down to abut the Loughshore shoreline.

The turning head has been rotated from the original permission however, it is the same layout as has been previously approved under all four change of house type applications referred to above. Whilst the proposal will involve an area of hardstanding to the side of dwelling Nos. 11 (site 9) and No. 12 (site 8) which will be clearly visible upon entering the development, the previous change of house type applications for these two plots (LA03/2018/0488/F and LA03/2018/0322/F) allowed for a 1.8m high screen walling some four (4) metres back from the road edge. Whilst there is a drop in levels of approximately two (2) metres from the dwellings at the entrance of the site and the end of the estate road, it is considered the grass area previously behind this wall would be largely screened from view. In addition, all these grassed areas would appear to be within the private ownership of a specific dwelling and there is no condition seeking the retention of any green space or to provide the landscaping. In addition there is no condition removing permitted development rights. As a result green space in private ownership could be altered to a hard surface under Class E of The Planning (General Permitted Development) Order (Northern Ireland) 2015, without requiring planning permission.

Objections raised concerns that the focal point of the development was now hardstanding and fencing rather than a coastal walkway. An objection to the application highlighted concerns that there could have been a walkway included within the development. This relates to the previous planning applications which could have facilitated a walkway as the land between the proposed roadway and the shore was vacant at that time. The developer then sold that land to the occupants of the dwellings within the application site. That being said, the original

proposed plans never indicated a proposed walkway to the shore from the housing development. The objector points out that the views and the coastal path was a selling point for the development however this is not a material planning consideration, rather it is a civil matter between the parties involved.

While views of the extended curtilages and fencing proposed under this application will be limited from within Waterside View due to the existing dwellings on site, there will be views from the main access road, which faces the boundary line between Nos. 11 Waterside View (Site 9) and No. 12 Waterside View (Site 8). This is a critical view as this is what is seen when entering the development and travelling along the internal estate road. The proposed plans indicate a heavy duty tree and planting in front of the fencing between the dwellings as part of this planning application and the heavy duty tree is to be of a height of 3 – 3.5 metres. Therefore, there is not likely to be a significant visual impact of the fencing to the rear of the property. However, whilst not noted on the plans, an existing fence has been erected between the gable wall of No. 11 and No. 12 Waterside View. Previously through the granting of the change of house type applications a wall was indicated between these dwellings which would have been more aesthetically pleasing. A condition can be added to the grant of any planning permission to state that notwithstanding the details on drawing No. 02/1, that within three months of the date of approval the boundary between the gable wall of Nos. 11 and 12 shall be a 1.8 m high screen walling finished to match the existing dwellings.

An existing coastal path is located along the shoreline and views will also be evident from this coastal path and from across the Lough. However, the curtilages of dwellings within close proximity to the application site abut the shoreline and therefore this is typical of this area.

Objections received state that the fencing and materials used are out of keeping with the original boundary treatments of stone walls, black iron fencing and planting. However, the original permission for the dwellings on this site (U/2014/0047/F) granted permission for a 1.8m high timber fence between the garden areas of the properties and the proposed materials are in keeping with the existing development. The fence shown on the plans between the gable walls of Nos. 11 and 12 can be amended through the use of a condition to ensure that a wall is constructed along this section rather than fencing as discussed above.

Neighbour Amenity

The proposed larger curtilages will abut the shoreline which the public can access. There is no proposed boundary treatments along the shoreline however, given the immediate curtilage for each of the dwellings is some fifty metres from the coastal path, the impact on residential amenity is limited.

The applicant proposes fencing between each of the residential curtilages. This is 1.8 metres in height and will therefore ensure there is no overlooking between the properties. The boundary treatment proposed between No. 10 (site 7) and the existing dwelling, No. 753 Shore Road consists of a high boundary hedge for the first 13 metres behind the building line and a 1.8-metre high boundary fence to ensure the protection of privacy.

Impact on Nature Conservation

The application site is in close proximity to national, European and international designated sites:

- Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002;
- Belfast Lough SPA, Belfast Lough Open Water SPA and the East Coast Marine pSPA all of which are designated under the EC Birds Directive (72/409/EEC on the conservation of wild birds);
- North Channel SCI which is designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); and
- Belfast Lough Ramsar Site which is designated under Ramsar Convention.
- Outer Belfast Lough ASSI is designated for bird species, saline lagoons, coastal saltmarsh and coastal processes. The SPAs are designated for bird species which are also dependant on the surrounding habitats and the North Channel SCI is designated for harbour porpoise.

The site is approximately 4m from the High Water Mark and Belfast Lough SPA. In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended), the Council must make an assessment on how these works, either alone or in combination, are likely to have a significant effect on the Natura 2000 sites. Shared Environmental Services has been consulted and has confirmed that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Given the close proximity of the development to the Loughshore, the Marine and Fisheries Division of DAERA were consulted. Their response indicated that provided the proposal is confined to the red line boundary, and there is no significant noise or vibration disturbance such as piling works and no pollution to the surrounding water, there should be no impact on the marine environment or designated sites.

Flood Risk

The Flood Map (NI) indicates that the site lies outside the 1 in 100 year fluvial flood plain. The Flood Map (NI) also indicates that the site lies within the 1 in 200 year coastal flood plain of Belfast Lough. Those areas of the site indicated to lie within the 1 in 200 year floodplain could only be developed under exception or where it involves minor development in accordance with PPS 15. While the proposed fencing is not within the existing curtilage of the dwellings and therefore could not be permitted development, it is considered in any case that fencing by its nature is considered to be a minor form of development. It is considered that as the proposal involves only minor development to include boundary fencing that the proposal would constitute an exception in this regard.

Furthermore, taking the precautionary approach embodied in PPS15 into account DfI Rivers recommends that the garden levels of the proposed development are set a minimum of 600mm above the predicted Q200 coastal level. The applicant's agent makes the argument (See Document 01) that the original planning history on the site did not take account of the freeboard of 600mm above the predicted coastal level

of 3.18m however, subsequent applications for change of house types did take it into account. The agent goes on to state that the existing dwellings and the most usable extent of the garden areas are taken out of the floodplain and argues that the retrospective proposed gardens, while within the coastal floodplain, would not displace flood water and risk of flooding elsewhere. It is considered that this is a logical approach and given the minor nature of proposed works which include fencing, there is not likely to be a significant risk of increased coastal flooding. It is however, considered necessary to remove any permitted development for these properties to ensure there are no ancillary buildings within the garden areas without due consideration.

Marine and Fisheries Division has been consulted and has advised that this proposal is not considered to be a viable long term option at this specific location and does not recommend an extension of the gardens on this site. Whilst the site is within an area at risk of flooding, the curtilages of many dwellings along this coastal path extend to the shoreline and therefore a precedent has already been established. The proposal does not involve development other than fencing and Marine and Fisheries Division has advised that in the event that approval is granted informatives should be attached to the decision notice.

CONCLUSION

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

- The principle of the development is considered acceptable at this location;
- It is considered the design and layout will not have a significant visual impact;
- It is considered that the proposal will not result in a detrimental impact upon residential amenity;
- There will be no significant detrimental impact to interests of nature conservation;
- It is considered that given the minor nature of the proposed development that the risk of coastal flooding would not be significantly increased.
- This form of development is already established along the shoreline.

RECOMMENDATION :	GRANT PLANNING PERMISSION
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PROPOSED CONDITIONS

1. This decision is issued under Article 44 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Notwithstanding the details on drawing No. 02/1 date stamped 1st February 2019, within three months of the date of this decision the boundary between the gable wall of Nos. 11 and 12 Waterside View as indicated in orange on the drawing shall be a 1.8 m high screen walling finished to match the existing dwellings.

Reason: In the interest of visual amenity.

3. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 02/1 bearing the date stamp 1st February 2019 and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the date of this decision.

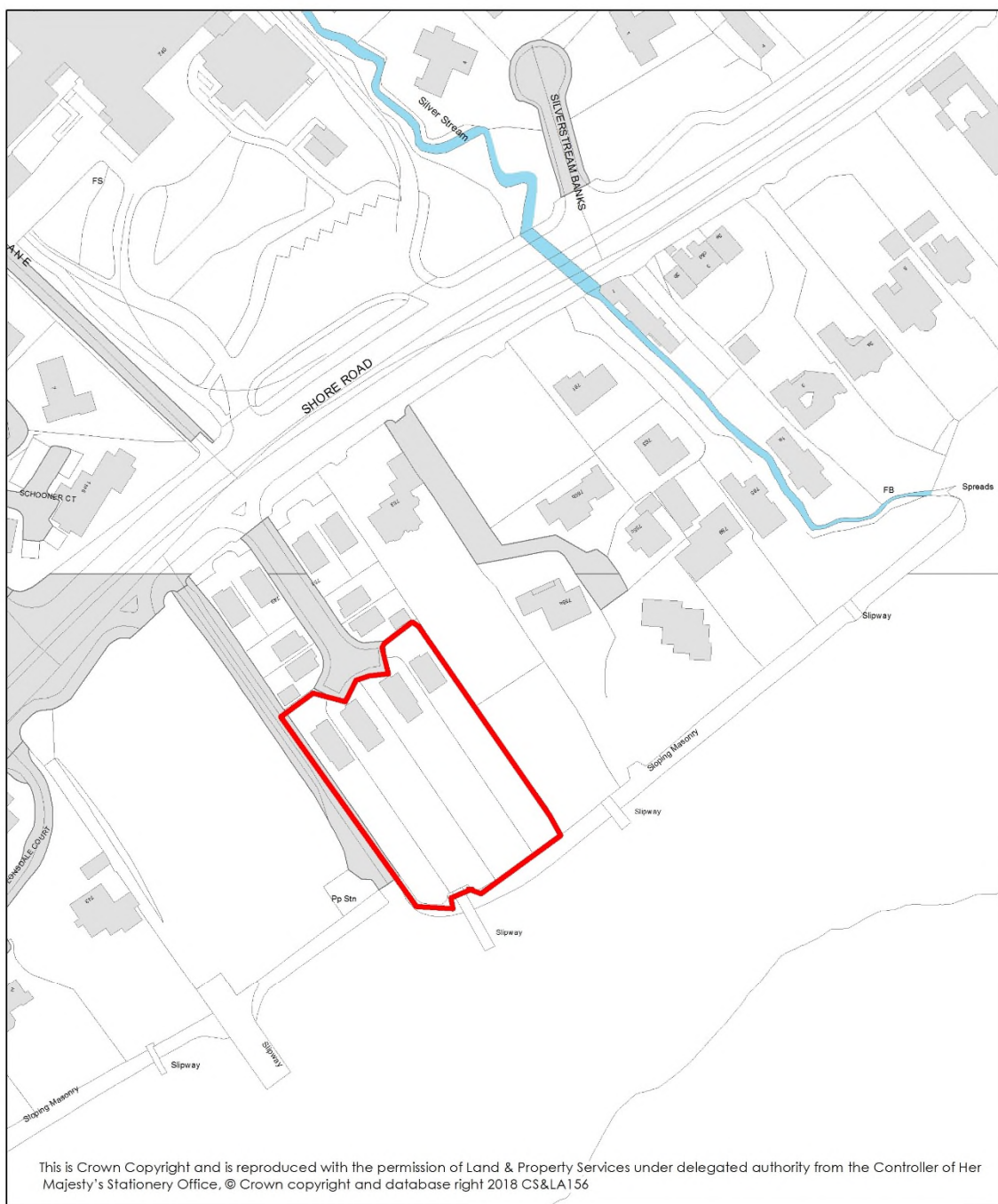
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. 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.

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no development (comprised of detached buildings, enclosures, hard standing areas or raised decks) shall take place within that part of the residential curtilages hereby permitted hatched orange on Drawing No. 02/1 date stamped 1st February 2019 without the express permission in writing of the Council.

Reason: To enable the Council to exercise control on that part of the site that is subject to coastal flood risk.



Location Map

Application Reference: LA03/2018/1019/F

Proposed extension of residential curtilage to accommodate an increase of individual garden areas at nos. 9-12 Waterside View with all associated landscaping and fencing

Lands to the rear of Nos. 9, 10, 11 and 12 Waterside View
Shore Road

 Site Boundary

For Information Only



COMMITTEE ITEM	3.10
APPLICATION NO	LA03/2019/0172/O
DEA	BALLYCLARE
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed site for dwelling on a farm
SITE/LOCATION	30m South of no 30 Straid Road, Ballynure
APPLICANT	Ms Christine Ross
AGENT	Donaldson Planning Limited
LAST SITE VISIT	28 th March 2019
CASE OFFICER	Alexandra Tipping Tel: 028 903 40216 Email: alexandra.tipping@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 30 metres to the south of No. 30 Straid Road and lies outside of any settlement limit defined in the draft Belfast Metropolitan Area Plan. The site makes up part of a larger agricultural field. The northwestern boundary is defined mostly by hedging with the remainder being defined with a rendered wall to which the field gate is attached. An agricultural shed abuts the sites northeastern boundary and the remainder of this boundary is defined with hedging.</p> <p>The remaining two site boundaries are currently undefined given the site is a cut out of a larger field. The topography of the site sees the land rising in a southeasterly direction. The area is characterised by a number of agricultural fields surrounding the site together with a number of detached dwellings and groups of farm outbuildings. It is considered that the application site is located in an area which is typically rural in character.</p> <p>Access is to be taken off the Straid Road via an existing laneway that appears to be used for agricultural purposes.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/1998/0145 Location: 30 Straid Road, Ballynure Proposal: Internal alterations and 2 new velux windows. Decision: Permitted Development -</p> <p>Planning Reference: U/1998/0145 Location: 30 Straid Road, Ballynure Proposal: Replacement dwelling Decision: Permission Granted</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 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

Department for Agriculture, Environment and Rural Affairs – No Objection

Department for the Economy (Geological Survey of Northern Ireland) – No Objections
Health and Safety Executive Northern Ireland- No Objection

REPRESENTATION

One (1) neighbouring property was notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Integration and Character
- Other Matters

Policy Context and Principle of Development

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

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

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

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

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

Policy CTY 10 of PPS21 provides the appropriate policy context for the proposed development. It states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least six years.
- (b) No dwellings or development opportunities out with the settlement development limits have been sold off from the farm holding within ten years of the date of application.
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm where practicable.

The Department for Agriculture Environment and Rural Affairs – Countryside Management Branch Inspectorate (DAERA) were consulted as part of the assessment of the planning application. DEARA have confirmed that the farm business ID was allocated in 1991, while the agent has provided 2005 as the date of allocation. Regardless of the date of allocation, it is accepted that a farm business has been in existence.

The information provided by the agent states that the land is currently let out in conacre due to the applicants family circumstances. It goes on to advise that the applicant does however retain decision making powers , benefits and financial risks of managing the holding. The applicant also claims to keep the land in a state which is suitable for grazing and cultivation. It is noted that the applicant organises a number of activities to include, weed killing, cutting of hedges, fencing etc. A number of invoices were provided to append the supporting information. The invoices are dated from 2012- 2018 and are detailed as follows-

<ul style="list-style-type: none"> • 13/03/2012 – Hedge Cutting • 18/03/2013 – Hedge Cutting • 08/10/2013 – Weed Killer • 01/2014 – Hedge Cutting • 02/2014 – 6ft posts, 7ft strainer, panel • 22/02/2016 – Hedge Cutting • 22/03/2016 – Sheep Wire • 04/05/2017 – Hedge Cutting 	<ul style="list-style-type: none"> • 19/12/2018 – Cement • 06/03/2018 – Sheep wire, pig wire and cement • Date unclear- Gate • Undated – Hedge Cutting • Undated - D Rails • Undated – Strainer
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DAERA have confirmed that the farm business has not claimed payments through the Basic Payment Scheme or Agri-Environment Scheme in each of the last six years and that the proposed site is located on lands associated with another farm business.

It is considered that the applicant is currently leasing the lands to another farmer and is effectively acting as a landlord. There is no evidence to confirm that the invoices as noted above to include hedge cutting and the purchasing of sheep wire, posts, cement and a gate are directly associated with the lands in question and regardless of this these invoices are not considered sufficient to demonstrate that the applicant has actively farmed the subject lands over the required period.

The proposed development is therefore considered to be contrary to criteria (a) of Policy CTY 10.

Criteria (b) of Policy CTY 10 states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. In this case, a history search has been completed for the lands identified on the farm maps submitted with the application and it reveals that there is no record of any other dwellings or development opportunities being sold off from the farm holding in the last ten years. It is considered that criteria (b) of Policy CTY 10 is met.

Criteria (c) of Policy CTY 10 states that the new building shall be visually linked or sited to cluster with an established group of buildings on the farm, where practicable. In this case, the application site is located directly adjacent to an outbuilding, the applicants own dwelling house at No. 30 Straid Road and what appears to be another whitewashed outbuilding which lies further to the north of this existing dwelling. It is considered that the application site is suitably sited to cluster with this existing group of buildings and would be visually interlinked with those buildings.

It is considered that although the proposal can satisfy criterion (b) and (c) of Policy CTY 10 the principle of development cannot be established as criteria (a) cannot be fulfilled as the applicant has not demonstrated that their farm business has been active and established for the last 6 years.

Integration and Impact on Rural Character

Policy CTY 10 states that the proposed site must also meet the requirements of Policies CTY 13 and CTY 14 in relation to integration and rural character.

Criteria (a) of Policy CTY 13 advises that the building should not be prominent in the landscape. In this instance it is considered that a dwelling on the application site would visually link with the existing building within the farm group. The application site is located on lands which rise from the northwest to the southeast. For this reason, it would be considered necessary to apply a ridge height condition of 6 metres to ensure that a dwelling would not appear prominent. Criteria (b) and (c) relate to boundary treatment and landscaping. It is considered that given the sites location and relationship with adjacent buildings that the proposal would not rely solely on the use of new planting for integration. Criteria (d) and (e) relate to ancillary works and design and would be relevant more so at reserved matters stage should outline permission be forthcoming.

It is considered that a dwelling on the application site would successfully blend with the landform and existing buildings on site in line with criteria (f). Criteria (g) can also be met given that the dwelling on the application site would be seen to visually link with the existing buildings located to the north and northeast.

Policy CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It is considered that a dwelling on this site would not result in a detrimental impact on the rural character of the area.

There are transient views of the site when travelling along both the Castletown Road and the Straid Road, however, these are limited mostly due to the topography of the application site and the intervening agricultural fields which lie between the site and the public roads. It is considered that the siting and ridge height condition as

discussed above would further ensure that there will be no detriment to the rural character through addressing any potential concerns in relation to prominence.

It is considered that the proposed development would not result in a suburban style build up or result in ribbon development.

Neighbour Amenity

A proposed site layout and design has been submitted for information purposes only. As this application is for outline permission only these details and any potential impact on neighbour amenity would be fully assessed at reserved matters stage. It is however considered that an appropriately designed dwelling would not compromise the amenity experienced at any nearby property. It is also noted that the closest neighbouring property at No. 30 is under the ownership of the applicant.

Other Matters

The Health and Safety Executive Northern Ireland has been consulted on the application given that the application site lies in an area of constraint for abandoned mines. At the time of writing this report no response has been received from this consultee.

The agent has made comment in relation to the needs of the applicants parents and has stated that a new dwelling for their daughter beside the farmyard will prevent hardship. No further details in relation to personal or domestic circumstances have been submitted and therefore the personal circumstances are not considered to be compelling.

CONCLUSION

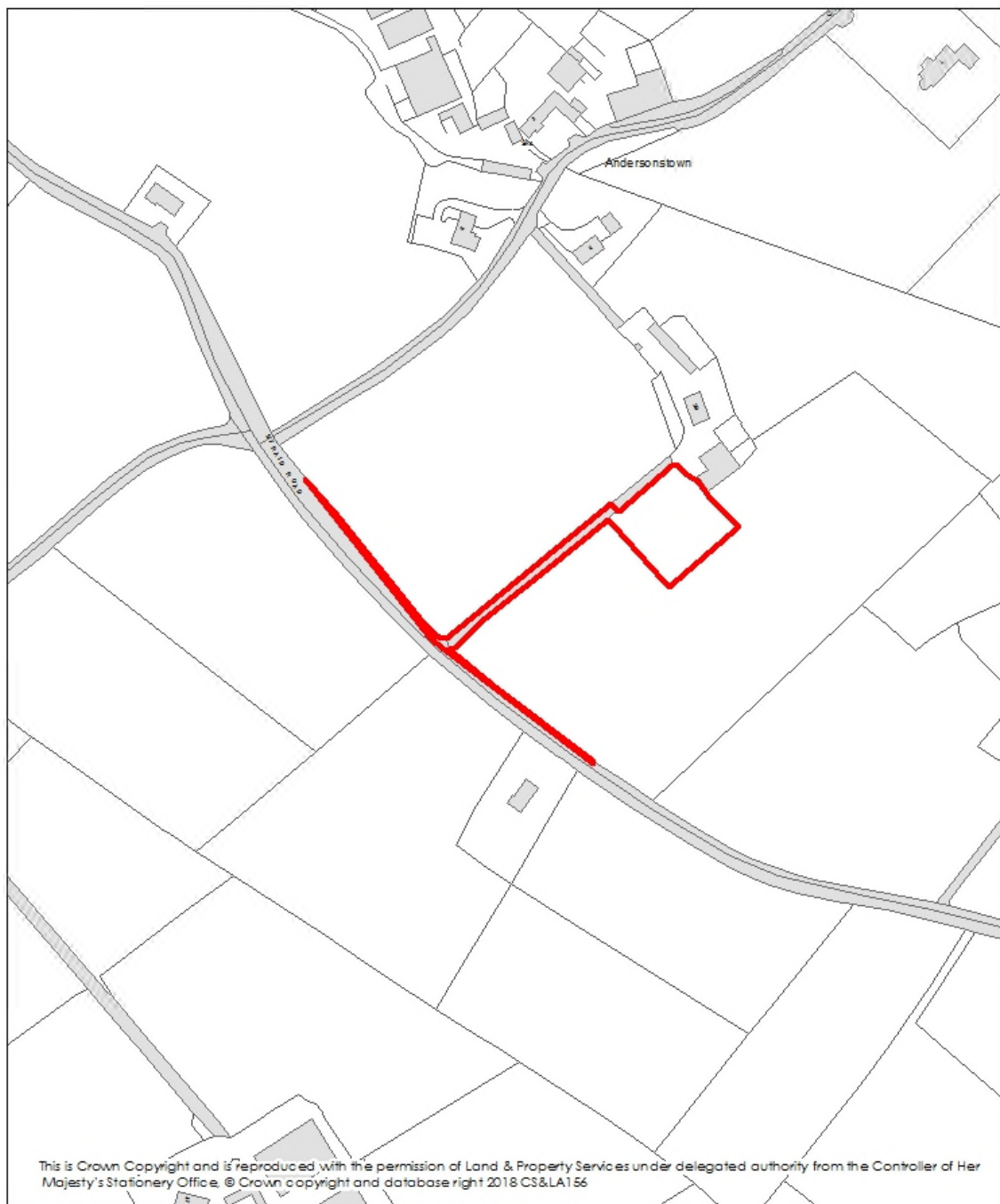
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established.
- It is considered that a suitably designed dwelling could integrate into the rural landscape
- It is considered that the proposal would not result in a detrimental impact on the rural character of the area.
- The personal circumstances case is not compelling.

RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY6 of PPS 21: Sustainable Development in the Countryside, in that the personal circumstances case is not compelling, does not present evidence that a new dwelling is necessary, does not demonstrate that a genuine hardship would be caused through the refusal of planning permission and has not provided evidence that alternative solutions other than a dwelling have been considered and dismissed.



Location Map

Application Reference: LA03/2019/0172/O

Proposed site for dwelling on a farm

30m South of no 30 Strad Road

Ballynure

 Site Boundary

0 60 120
Metres



For Information Only



COMMITTEE ITEM	3.11
APPLICATION NO	LA03/2018/1022/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Revised access to serve 2 dwellings approved under T/2010/0004/F and T/2010/0005/RM
SITE/LOCATION	130m east of 44 Belfast Road, Nutts Corner, Crumlin
APPLICANT	Cyril & Jennifer Spence
AGENT	Park Design Associates
LAST SITE VISIT	10 th January 2019
CASE OFFICER	Alicia Leathem Tel: 028 90340416 Email: alicia.leathem@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located within the countryside outside any settlement limit as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site is two narrow strips of land. One of the sections is located within an agricultural field measuring 100 metres in length with a width of 5 metres. This section of the application site is cut out of a larger agricultural field and runs parallel with the eastern boundary of the site.</p> <p>The second section of the application site is located between Nos. 42 and 44 Belfast Road and to the rear of No. 44. The western boundary of the site is defined by an existing commercial premises whilst the eastern boundary is defined by 1.8 metres closed board timber fencing and mature trees.</p> <p>The application site is located within a rural area with the land use being predominately agricultural. Nutt's Corner is located approximately half a mile to the west of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: LA03/2019/0020/LDP Location: 250m North-East of 44 Belfast Road, Nutts Corner, Crumlin Proposal: Completion of dwelling and garage in accordance with planning approval T/2010/0004/F Decision: Permitted Development (20.02.2019)</p> <p>Planning Reference: LA03/2019/0019/LDP Location: 320m North-East of 44 Belfast Road, Nutts Corner, Crumlin Proposal: Completion of dwelling and garage in accordance with planning approval T/2010/0005/RM Decision: Permitted Development (19.02.2019)</p>	

Planning Reference: T/2010/0005/RM
Location: 320m NE of 44 Belfast Road, Nutts Corner (access from Shalimar Service Station)
Proposal: Dwelling and Garage
Decision: Permission Granted (01.03.2010)

Planning Reference: T/2010/0004/F
Location: 250m NE of 44 Belfast Road, Nutts Corner (access from Shalimar Service Station)
Proposal: Dwelling and Garage
Decision: Permission Granted (05.02.2010)

Planning Reference: T/2005/1172/O
Location: 320m North-East of 44 Belfast Road, Nutts Corner. (Access from Shalimar Service Station)
Proposal: Site of dwelling and garage
Decision: Permission Granted (10.01.2007)

Planning Reference: T/2004/1446/O
Location: 320m North-East of 44 Belfast Road, Nutts Corner. (Access from Shalimar Service Station)
Proposal: Site of dwelling and garage
Decision: Permission Granted (20.06.2005)

Planning Reference: T/1999/0365/O
Location: 46 Belfast Road, Nutts' Corner, Crumlin
Proposal: Site for replacement dwelling
Decision: Permission Refused (25.08.1999)

PLANNING POLICY AND GUIDANCE

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

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

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

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

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

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

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

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

CONSULTATION

Department for Infrastructure Roads- Refusal recommended

Department for Communities Historic Environment Division – No objections

REPRESENTATION

Two (2) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Planning History
- Impact on Character and Appearance of the Area
- Access

Policy Context and Planning History

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

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

The application seeks planning permission for an amended access onto the Belfast Road to access previously approved sites for dwellings. The previous planning permissions were granted under applications T/2010/0004/F, T/2005/1172/O and T/2010/0005/RM, these permissions have since expired. However, two applications for Certificates of Lawful Development were approved under LA03/2019/0019/LDP and LA03/2019/0020/LDP which certify that the developments had lawfully commenced in accordance with the previous grant of planning permission and can be completed in accordance with the previous approvals T/2010/0004/F and T/2010/0005/RM.

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 and PPS 3: Access, Movement and Parking which are applicable in this case.

Access

As outlined above, the application seeks full planning permission for a new access onto the Belfast Road, to serve two previously approved sites. The Belfast Road is part of the Trunk Road network and a protected route designated under the Antrim Area Plan. Policy AMP2 of PPS3 and the consequential amendment contained within Annex 1 of PPS21 indicate that there is a presumption against the creation of a new access onto a protected route, save for a limited number of exceptions which are listed under the policy.

The applicant submitted supporting documentation in relation to the application and contends that the access should be acceptable as there was formerly an access located in this position. The applicant advises that the laneway is no longer in use and as such has now become part of the larger agricultural field, although the access point onto the Belfast Road is still in existence. The applicant has submitted what is referred to as an old 'Ordnance Survey (OS) Map' which shows a section of dotted line which is annotated as the 'former laneway'.

Research shows the proposed laneway on OS Maps dated back to 1832- 1846, however, the laneway is not shown on subsequent OS maps dating from 1846 to the present day. The existing access onto the Belfast Road is clearly an agricultural access defined by a field gate. Agricultural accesses to lands falls under permitted development as defined within The Planning (General Permitted Development) Order (Northern Ireland) 2015.

The applicant also contends that the application should be considered an exception under the consequential revision to Policy AMP 3, Protected Routes for a number of reasons. Category (a) of Annex 1 allows for access onto a protected route for a replacement dwelling, if the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto a protected route. The previous applications were not for replacement dwellings and nor is the current proposal an application for a replacement dwelling. The argument presented by the agent in this regard has no determining weight for the consideration of the current application.

Category (b) of Annex 1 allows for a dwelling on a farm to access a designated protected route where an access cannot be reasonably obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto a protected route. The applicant has submitted a copy of a farm map and advises that the only way to access the agricultural lands is via the existing access. The previous applications were not for farm dwellings and nor is the current proposal an application for a farm dwelling. The argument presented by the agent does not apply to this application and can be given no determining weight for the consideration of the current application.

The applicant also contends that the proposal is acceptable under category (d) of Annex 1 of PPS21 in accordance with the policy requirements referenced under; 'other categories of development' which states that access onto a protected route will be acceptable provided that access cannot reasonably be obtained from an adjacent minor road. However, category (d) goes on to state that proposals will be required to make use of an existing vehicular access onto the protected route. In the current case there is an existing access and laneway which serves the two previously approved sites.

The applicant states that DfI Roads have accepted the access arrangement, however, DfI Roads initially recommended a refusal. Following further consultation DfI Roads advised that if the Council accepted the proposal falls under one of the exceptions listed within Annex 1 of PPS 21, both by creation and intensification of an access, DfI Roads will require conditions attached to any approval. As outlined above the proposal does not fall within one of the exceptions listed within Annex 1, therefore, the position of DfI Roads is a recommended refusal.

Additionally, the applicant has advised that the two sites have been for sale for a number of years and no offers have been made given the previously approved access adjacent to commercial premises is off putting to prospective buyers. The applicant has submitted a letter from an estate agent to confirm this assertion. It should be noted that the impact of a development on the value of property is not generally considered to be a material planning consideration. In any case it is considered that appropriate boundary treatment or planting could be put in place in order to limit the impact of the commercial premises on the access arrangement.

Impact on Character and Appearance of the Area

The previously approved accesses utilised an existing access point onto the Belfast Road which serves a former filling station which is currently being used as a tyre fitting service. The proposal seeks to create a new access laneway onto the Belfast Road which will serve the two previously approved sites. The length of the proposed new access laneway measures approximately 110 metres.

It is considered that the new section of laneway running along the natural field boundary would integrate into its surroundings and would not be obtrusive in this rural area.

CONCLUSION

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

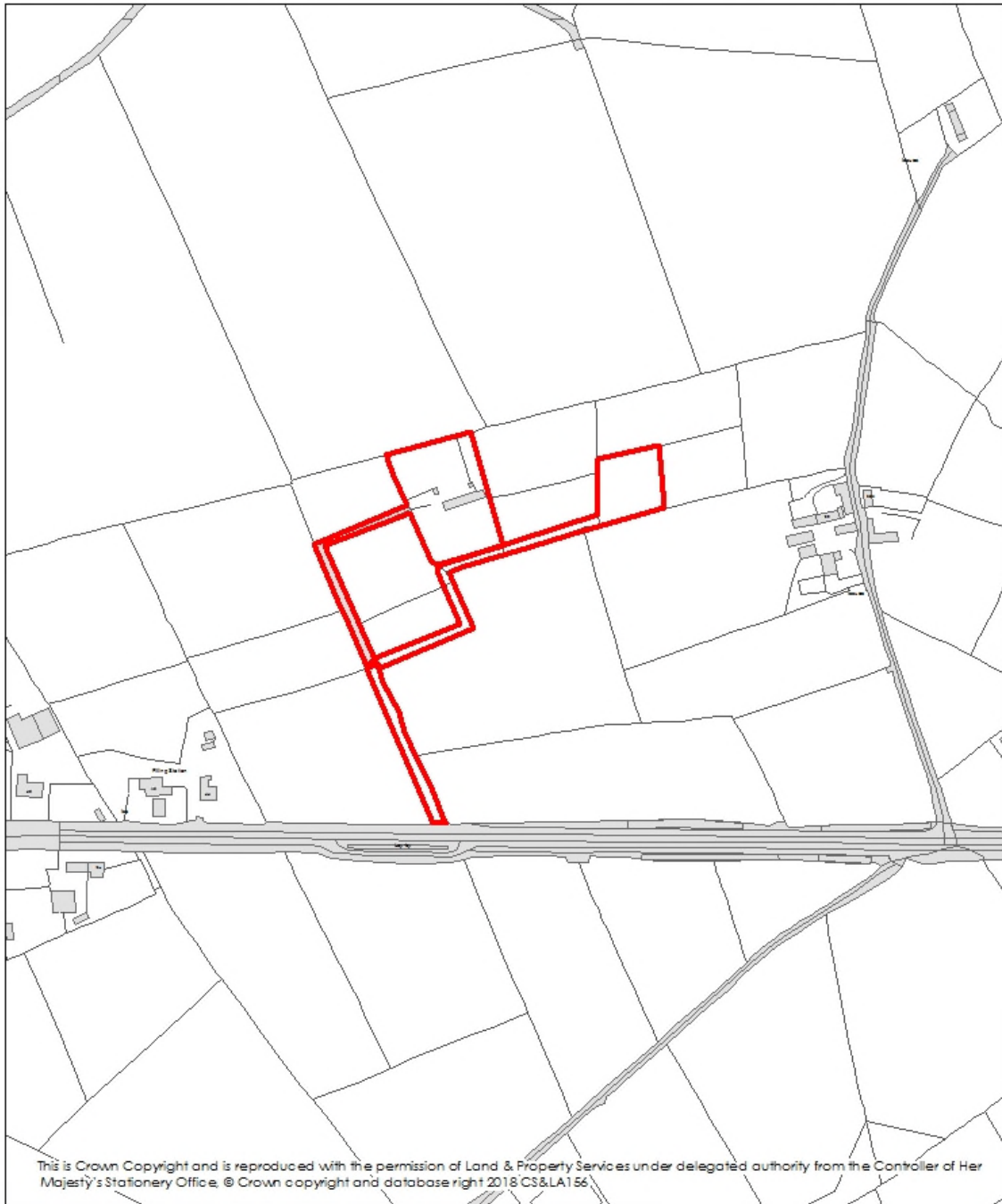
- The principle of the development is not acceptable.
- The proposal would integrate into its surroundings.

- The proposed would create an additional access onto a protected route.

RECOMMENDATION :	REFUSE PLANNING PERMISSION
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PROPOSED REASON OF REFUSAL

- | |
|--|
| <ol style="list-style-type: none"> 1. The proposal is contrary to Planning Policy Statement 21, Sustainable Development in the Countryside, Annex 1, Policy AMP 3 Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic. |
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Location Map

Application Reference: LA03/2018/1022/F

Revised access to serve 2 dwellings approved
under T/2010/0004/F and T/2010/0005/RM

130m east of 44 Belfast Road
Nutts Corner, Crumlin

 Site Boundary

For Information Only



COMMITTEE ITEM	3.12
APPLICATION NO	LA03/2019/0304/O
DEA	ANTRIM
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Proposed dwelling and garage.
SITE/LOCATION	Approximately 60 metres south of No. 3 Rosevale, Fountain Hill, Antrim.
APPLICANT	Mr Sam Marshall.
AGENT	Gary Patterson Architects
LAST SITE VISIT	24.04.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 60 metres south of No. 3 Rosevale, Antrim. The application site is located within the development limits of Antrim Town as defined in the Antrim Area Plan 1984-2001.</p> <p>The application site is a triangular area of open space land located between the Rosevale residential development and the Fountain Hill road. Mature vegetation approximately 7 metres in height defines the northwestern boundary, whilst all remaining boundaries are physically undefined. The topography of the application site is approximately 1.5 metres higher than the Fountain Hill Road.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

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

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

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

PPS 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 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.

CONSULTATION

Northern Ireland Water – Advice and Guidance provided.

Department for Infrastructure Roads- No Objections.

Historic Environment Division – No Objections

REPRESENTATION

Six (6) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- 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.

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

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

- PPS 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; and
- PPS 8: Open Space, Sport and Outdoor Recreation.

The application site is located within the settlement limit of Antrim Town as identified in the AAP. The land is not zoned within the AAP however the application site acts as an area of open space that lies between the residential development of Rosevale and the Fountain Hill Road. It would be difficult to describe the site as being anything other than an area of open space. The site is not within the defined curtilage of any dwelling and is separated from Rosevale Estate by a hedgerow. The site appears like a number of other areas of open space which separate housing areas from the Fountain Hill Road. Accordingly it is considered that Policy OS 1 Protection of Open Space in PPS 8 applies.

Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation (PPS8) sets out policies for the protection of open space. Policy OS1 of PPS8 states that development will not be permitted where it would result in the loss of existing open space or land zoned for the provision of open space.

There is a presumption against the loss of open space irrespective of its physical condition and appearance. Paragraph 1.5 of PPS8 states that open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Annex A of PPS8 provides the definition stating that "open space is

taken to mean all open space of public value". The annex also lists a broad range of types of open space that are of public value. This includes amenity green space (most commonly, but not exclusively in housing areas) including informal recreation spaces, communal green spaces in and around housing greens. The annex indicates that people enjoy having open space near to them to provide outlook, variety in the urban scene, or as a positive element in the landscape.

Policy OS 1 of PPS 8 does allow for an exception to be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

In the Justification and Amplification of Policy OS 1, it states that an exception to the presumption against loss of open space will be permitted where development would produce such community benefit that this would decisively outweigh its loss. In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community. There has been no local support from the community for the proposal and there has also been no evidence provided by the applicant as to why this scheme would introduce benefits to the area over and above those that exist at present.

It is considered the application site is a locally important area of open space within the Rosevale residential development and falls within the PPS8 definition of open space. There is no supporting evidence to as to why the proposal is exceptional and should override and outweigh the presumption against the loss of the open space as indicated by Policy OS1.

Layout and Quality of the Development

Policy QD 1 of PPS 7 promotes high quality design, layout and landscaping in all new housing developments to ensure attractive and sustainable residential environments for present and future generations. The design and layout of the proposed residential development is therefore a key factor in determining the acceptability of this application both in terms of its contribution to the amenity of the local neighbourhood and the wider townscape.

Policy QD 1 states in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. If the proposal were to be approved, it is considered that the loss of open space would cause demonstrable damage to the local character of the area; therefore it is contrary to Policy QD 1 of PPS 7.

Criterion (a) of Policy QD1 states the development must respect the surrounding context and is appropriate to the character and topography of the site. The topography of the application site rises from the southwest to the northeast. As indicated on Drawing 02, date stamped 8th April 2019, the southwestern section of the site measures 46.9metres whilst the midpoint of the application site measures 49.6 metres, a rise of 2.7 metres. It is considered due to this rise in levels and no form of physical enclosure/screening located along any boundary, (apart from the northeastern boundary) that a dwelling on this site would be a prominent feature when travelling along the Fountain Hill Road, and would fail to blend into the

surrounding area, therefore it is considered the proposal is contrary to criterion (a) of Policy QD1.

The siting of the dwelling in such close proximity to the Fountain Hill Road would be out of character with the remainder of the dwellings along this section of the road. Existing housing in this area is set back off Fountain Hill and is normally screened from the road by trees or hedgerows. The development of the application site would position a dwelling in close proximity to the road, in an elevated and prominent position with no screening which would be contrary to the existing established character of the area.

Paragraph 3.26 of Creating Places states that new housing units should be designed to ensure that buildings are located and orientated to present an attractive outlook facing onto all roads, existing and proposed. Specific designs will also be required for buildings occupying internal and external corner sites. It is considered, if approved, a dwelling would require to be extremely sensitively designed in order not to detract from the character and appearance of the surrounding area.

It is considered that the proposal is also contrary to Addendum to PPS 7- Safeguarding the character of established residential areas-Policy LC1 part (b), in that, the proposal in removing an area of open space fails to be in keeping with the overall character and environmental quality of the established residential area.

Neighbour Amenity

As this application seeks outline planning permission, no details have been provided regarding the proposed design or layout. It is however considered that if a dwelling were to be approved on this site that a dwelling could be designed for the site to ensure the privacy and amenity of neighbouring properties is retained.

Other Matters

The application site lies within a buffer for an Archaeological Site and Monument. Historic Environment Division of the Department for Communities was consulted on the proposal and responded stating the proposal is in accordance with PPS 6 archaeological policy requirements and has no objections.

DFI Roads were also consulted and have no objections to the proposed means of access in relation to public safety.

CONCLUSION

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

- The site is an area of existing open space. There is a presumption to refuse development which will give rise to a loss of open space.
- The loss of open space would alter the character of the existing residential area.
- It is considered a dwelling on this site would be a prominent feature and would fail to blend into the surrounding area.

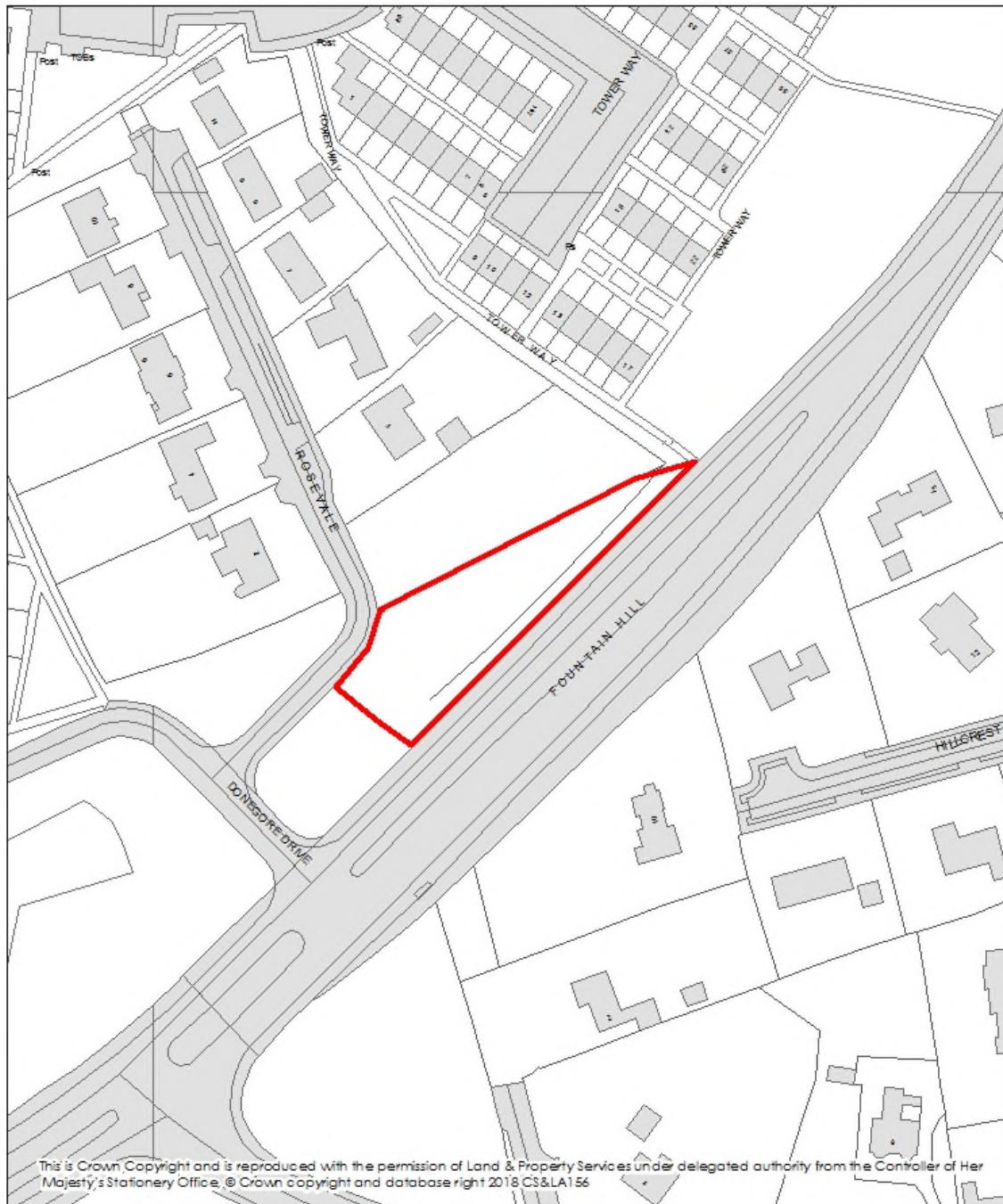
RECOMMENDATION :	REFUSE OUTLINE PLANNING PERMISSION
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PROPOSED REASONS OF REFUSAL

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy OS 1 of Planning Policy Statement 8 in that the

development would, if permitted, adversely affect the environmental quality of the urban area by reason of the loss of an area of existing open space of public value.

2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' and Policy LC 1 of the Addendum to PPS7 'Safeguarding the Character of Established Residential Areas, in that if permitted. it would cause unacceptable damage to the local character and environmental quality of the established residential area as the proposal would result in prominent development that is not appropriate to the character of the site and would result in the loss of existing open space contrary to Policy QD 1 and Policy LC 1 (b).




Location Map

Application Reference: LA03/2019/0304/O

Site for single detached dwelling

Site 60m South of no 3 Rosevale
Fountainhill Road
Antrim

 Site Boundary

0 15 30 60
 Metres



For Information Only



COMMITTEE ITEM	3.13
APPLICATION NO	LA03/2019/0308/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Site of dwelling and garage
SITE/LOCATION	40 metres North West of 129 Fernisky Road
APPLICANT	Mr John Moore
AGENT	Pro Design (NI) Limited
LAST SITE VISIT	24.04.2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk	
SITE DESCRIPTION	
<p>The application site is located approximately 40 metres northwest of No. 129 Fernisky Road which is within the rural area and outside any designated settlement limits as defined by the Antrim Area Plan 1984-2001.</p> <p>The application site is currently an agricultural field that is accessed via a laneway which is accessed off the Fernisky Road. The laneway runs along the northeastern boundary of No. 129 Fernisky Road. The northwestern boundary is physically undefined, the northeastern boundary is defined by a 3 metre high hedge, whilst the southern boundary is defined by a post and wire fence and a 1 metre hedge. The western boundary abuts the Lisnevanagh Road and is defined by mature trees approximately 6 metres in height.</p>	
RELEVANT PLANNING HISTORY	
No relevant planning history	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p> <p>The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy</p>	

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

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

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

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

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

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

Supplementary guidance on the assessment of proposals at eg infill sites is contained in the Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside (BoT)'.

CONSULTATION

Northern Ireland Water – No Objections

Department for Infrastructure Roads- No Objections

Department for Infrastructure Rivers – No Response

REPRESENTATION

Two (2) neighbouring properties were notified and no letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application for planning permission, to have regard to the Local Development Plan,

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

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

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

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

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

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

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

It is accepted there is a substantial and continuously built up frontage along the Fernisky Road which is made up of a line of residential development starting with No.

129 Fernisky Road to the southeast of the application site, and No's 127, 125 and 123 to the northeast of the application site.

However, the proposed application site does not propose to infill an existing gap within that frontage, rather the application site is located some 80 metres northwest of the road frontage and is accessed off an existing laneway located along the northeastern boundary of No.129 Fernisky Road. Given that the proposed dwelling would not have a direct frontage to the Fernisky Road, it cannot therefore be considered to meet the requirements for an infill site under CTY8 of PPS21.

Policy CTY1 states that other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. No overriding reasons have been presented by the applicant as to why the dwelling is essential at this location and could not be located within a neighbouring settlement. It is therefore considered that the principle of this development is unacceptable and fails to comply with Policy CTY1 of PPS21 and the provisions of the SPPS.

Design and Appearance

Policy CTY13 of PPS21 states planning permission may be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Due to the distance the application site is set back from the road (80 metres) and being located behind (north west) of No. 129 Fernisky Road, critical views of the application site are limited when travelling in both directions along the Fernisky Road, however, critical views are achievable when travelling south along the Lisnevenagh Road, although due to the mature vegetation defining the western boundary, views are limited and fleeting.

Given the limited views of the site, it is considered that a suitably designed dwelling could be integrated on the site.

Impact on Character and Appearance of the Area

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Criterion 'd' of the policy indicates a new building will be unacceptable where it creates or adds to a ribbon of development. The application site is located some 80 metres north west of the Fernisky Road and does not have a road frontage, therefore the application site would not cause, or add to a ribbon of development along the Fernisky Road.

Neighbour Amenity

The application site is located approximately 40 metres northwest of No. 129 Fernisky Road which is the closest dwelling to the application site. No. 127 Fernisky Road is located some 150 metres northeast.

It is considered that there is a significant separation distance between the application site and No's.129 and 127 Fernisky Road and that a dwelling could be positioned on the site without there being any adverse impact on the privacy or amenity of the neighbouring dwellings.

Other Matters

DFI Roads were consulted on the application and have responded with no objections subject to a condition.

A river runs through the western section of the application site which causes some fluvial and surface water flooding on the application site. There was no Drainage Assessment submitted as part of the application and a Drainage Assessment was not requested from the applicant as the application has been recommended as a refusal and requesting a Drainage Assessment would be an unnecessary expense for the applicant. DfI Rivers were consulted but at the time of preparing the report they had not provided a response. Given that there are fundamental objections to the principle of the development it is not considered expedient to hold the application pending the submission of a Drainage Assessment.

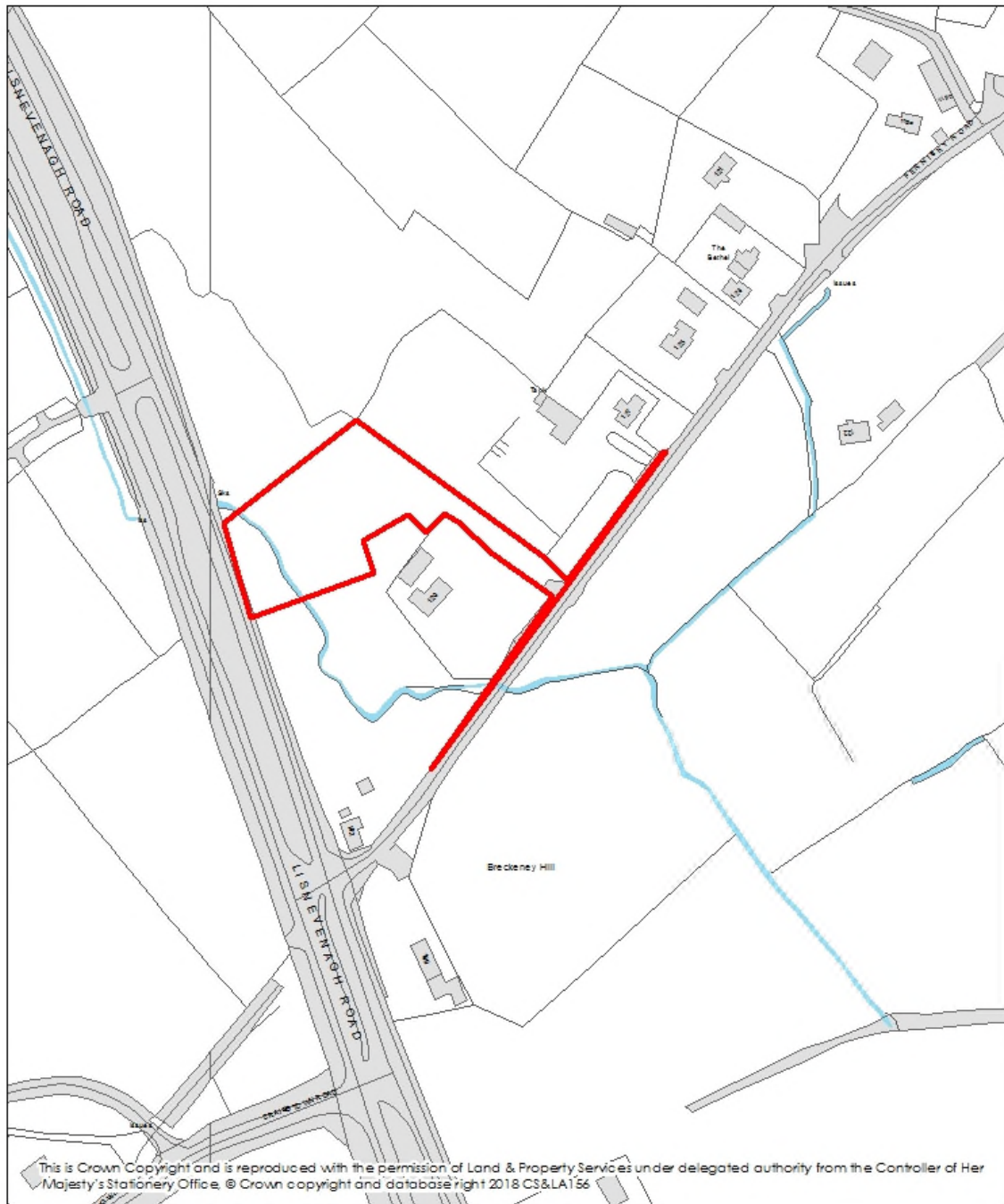
CONCLUSION

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

- The principle of the development is considered unacceptable as the proposal does not have a road frontage and is therefore considered not to be an infill opportunity in accordance with CTY 8 of PPS21.
- The site can integrate a dwelling and would not adversely affect the amenity of any of the neighbouring residential properties.
- It has not been demonstrated that the site is not at risk from surface water flooding.

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

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that the application site is not a gap within a substantial and continuously built up frontage as the application site does not have a frontage to the road.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15, Planning & Flood Risk, in that it has not been demonstrated the development, if permitted, would not result in an unacceptable increase in flood risk as the application site lies on a floodplain and may be subject to increased surface water.

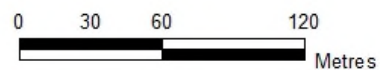


Location Map

Application Reference: LA03/2019/0308/O

Infill site for dwelling and garage

40m NW of 129 Fernisky Road
Antrim



 Site Boundary

For Information Only



COMMITTEE ITEM	3.14
APPLICATION NO	LA03/2019/0318/F
DEA	THREEMILEWATER
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed memorial garden and associated landscaping and site works
SITE/LOCATION	Lands opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road, Newtownabbey
APPLICANT	Antrim and Newtownabbey Borough Council
AGENT	AECOM
LAST SITE VISIT	20 th May 2019
CASE OFFICER	Ashleigh Wilson Tel: 028 903 Ext 40429 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 the draft Belfast Metropolitan Area Plan (draft BMAP). The site is irregular in shape and comprises an area within an existing large agricultural field located on the south side of the Doagh Road. The site is approximately 0.5 hectares and the boundaries of the site are undefined however, the boundaries of the agricultural field are defined by mixed species semi-mature hedgerows. Planning permission has been granted on the application site and the remainder of the agricultural field for a proposed crematorium facility and ancillary development.</p> <p>Opposite the site is the Ballyearl Arts and Leisure Centre. Beyond the site to the northwest are a number of roadside dwellings which front onto the Doagh Road. The land to the south and west of the site are zoned as employment lands.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: U/2014/0215/O Location: Lands immediately opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road, Newtownabbey, BT36 5RZ Proposal: Proposed crematorium facility and ancillary development Decision: Outline Permission – 3rd February 2015</p> <p>Planning Reference: LA03/2018/0091/RM Location: Lands immediately opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road, Newtownabbey, BT36 5RZ Proposal: Proposed crematorium facility and ancillary development Decision: Reserved Matters Permission – 24th August 2018</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.

Belfast Urban Area Plan (BUAP), Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan: The Plans identified the application site as being within the Development Limits of Newtownabbey on zoned employment lands.

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.

CONSULTATION

No consultations were carried out on this application.

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design and Appearance
- Neighbour Amenity
- Other Matters

Policy Context and Principle of Development

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, (the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. The application site and surrounding agricultural field have the benefit of planning permission granted under planning application references U/2014/0215/O and LA03/2018/0091/RM for a crematorium facility and ancillary development. This is an extant permission.

The proposal seeks full permission for the addition of a memorial garden within the originally approved application site gardens and landscaped areas. This proposal is an ancillary element to the main function of the site as a Crematorium facility. The principle of development is therefore acceptable at the site subject to detailed consideration of other material considerations which are listed below.

Design and Appearance

The proposed memorial garden is designed to be approached from the approved car park area. There is a series of concentric circles each edged with various vegetation which are joined together via an exposed aggregate concrete path with galvanised steel edging and decorative gravel. The innermost circle allows for individuals to look out over the previously approved lake. The proposed pergola is located at the edge of the lake and will create a focal point within the garden and will be placed with climbers covering it. The materials include chunky oak beams with stainless steel hooks for the climbing plants.

The outer rings of the memorial garden will provide a place for ashes within a circular or casket granite memorial. The capacity is 180 urns. Further features of the memorial garden include seating, bins, various planters, 24no. 4 casket granite memorial with 3 vases, 4 granite plaques and 1no. 32 vault vertical circular granite memorial and 32no. vases. Lake gabions and some boulders are to be added along the edge of the lake closest to the Crematorium. The agent's letter of the 4th April 2019 states that the aim of the proposed memorial garden is to create a contemplative tranquil garden allowing for those who have been bereaved a space of remembrance and a sense of place.

It is considered that there will not be a significant visual impact resulting from the development as the application site lies approximately 4.5 metres below the level of the Doagh Road and the proposed memorial garden is set back from the road by approximately 45 metres. The existing boundaries and the proposed landscaping previously approved to the north of the site will also help to provide screening from the public road.

Neighbour Amenity

It is considered that the proposal is sufficiently separated from the nearest residential properties to ensure that there will be no significant impact on residential amenity.

Access and Parking

The access and parking areas are to remain as previously approved and the proposal is not likely to generate a significant level of additional traffic.

Other Matters

Whilst some signage has been proposed on the plans, this will be subject to a separate application for advertisement consent and an informative indicating that separate advertisement consent may be required for any signage can be added to the grant of planning permission should it be forthcoming.

CONCLUSION

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

- The principle of the development is acceptable;
- The proposal is not considered to have a significant visual impact;
- The proposal will not have a detrimental impact on neighbouring amenity;
- The proposal will not result in a significant increase in traffic.

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.

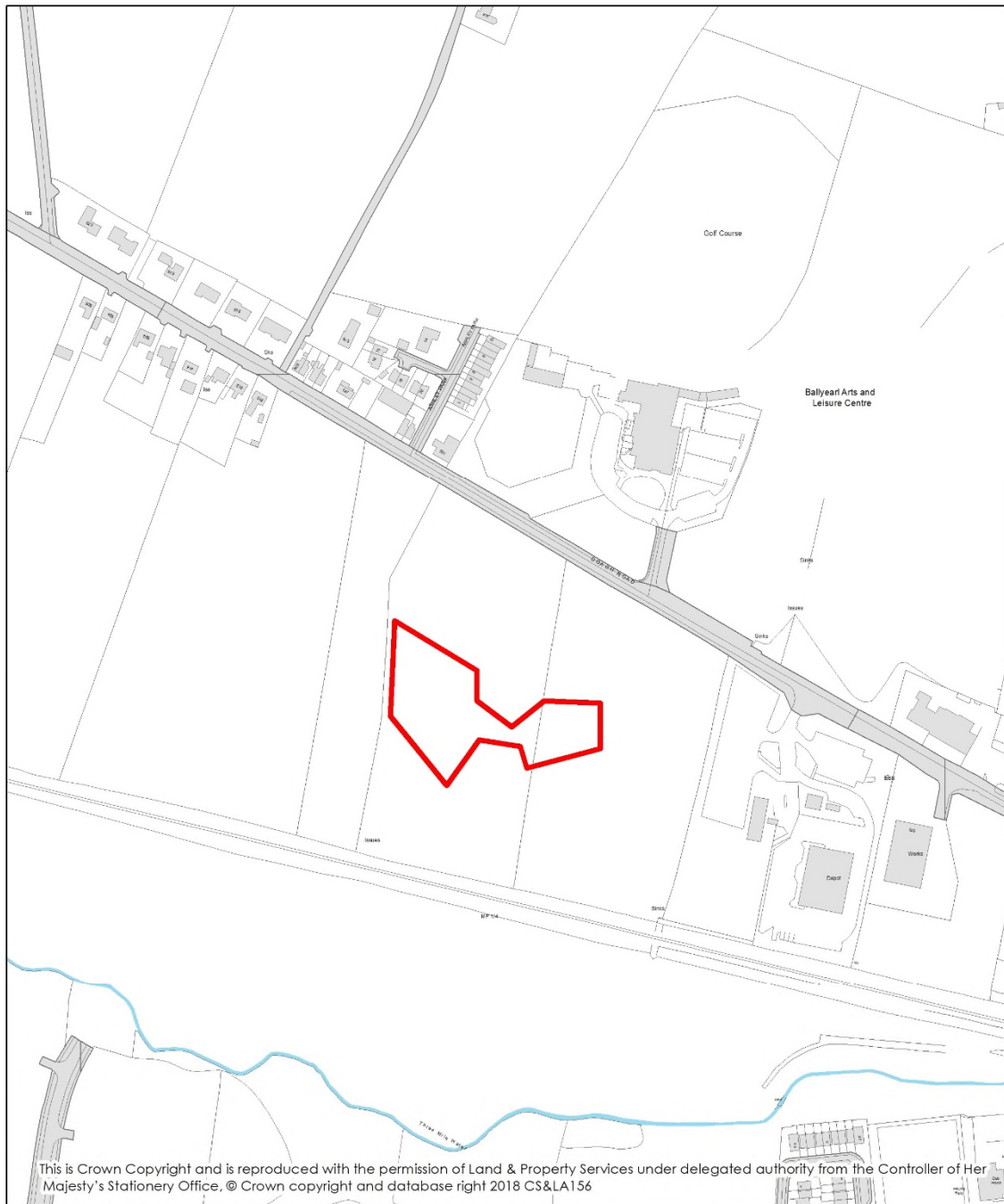
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. All hard and soft landscape works shall be carried out in accordance with the approved drawing No. 04 bearing the date stamp 4th April 2019 and the appropriate British Standard or other recognized Codes of Practice. The works shall be carried out during the first planting season following the date of this decision.

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

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

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



Location Map

Application Reference: LA03/2019/0318/F



Proposed memorial garden and associated landscaping and site works
Lands opposite Ballyearl Arts and Leisure Centre, 585 Doagh Road, Newtownabbey

 Site Boundary

For Information Only



COMMITTEE ITEM	3.15
APPLICATION NO	LA03/2019/0251/A
DEA	ANTRIM
COMMITTEE INTEREST	COUNCIL APPLICATION
RECOMMENDATION	GRANT ADVERTISEMENT CONSENT
PROPOSAL	Retention of 8 no. signage (6m x 1.5m) equally spaced along boundary walls of the PSNI station. Walls are situated along Dublin Road, Castle Way and corner of Dublin Road/Castle Way.
SITE/LOCATION	24 Castle Way, Antrim.
APPLICANT	Antrim & Newtownabbey Borough Council
AGENT	N/A
LAST SITE VISIT	24 th April 2019
CASE OFFICER	Orla Burns Tel: 028 903 40408 Email: orla.burns@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at the PSNI Station at 24 Castle Way in Antrim Town. The proposed signage is to be located on the perimeter walls surrounding the police station extending from Castle Way to the Dublin Road.</p> <p>This is largely a mixed use area with the Castle Mall located to the south, the fire station, a restaurant, a takeaway and a bookmakers located to the north. Antrim Castle Gardens is located to the west of the application site.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2003/0016/A Location: Antrim PSNI Station, 24 Castle Street, Antrim. Proposal: Signage. Decision: Permission Granted (06.03.2003)</p> <p>Planning Reference: LA03/2017/0429/A Location: Police Service of Northern Ireland, 24 Castle Way, Antrim, BT41 4AU, Proposal: Installation of 8No 6000mm wide x 1500mm high signage panels equi spaced along boundary walls of the PSNI station. Decision: Permission Granted (24.01.2018)</p>	
PLANNING POLICY AND GUIDANCE	
<p>Regulation 3(1) of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires that the Council exercise its powers in relation to advertisement control only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material and any other relevant factors.</p>	

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

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

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

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

CONSULTATION

Department for Infrastructure Roads – No Objections

REPRESENTATION

Neighbour notification is not undertaken for applications for consent to display an advertisement. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context
- Amenity
- Public Safety

Policy Context

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

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

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

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

The application seeks retrospective advertisement consent for the 8 no. signs on the boundary walls of the PSNI Station located at the junction of Castle Way and the Dublin Road. It is considered that the security walls upon which the signage is located are of sufficient size to absorb the impact of the signage. The 8 no. signs proposed to be retained are equally spaced along the 156.5 metre wall.

Due to the close proximity of the application site to the Antrim Conservation Area which bounds the site, there is potential for the signage to impact upon the amenity of the surrounding area. The proposed signage is to depict a variety of Council assets such as Antrim Castle Gardens, the Old Courthouse, Pogues Entry and Antrim Forum. It is considered that the signage will make a positive contribution for citizens and tourism within the Borough. This positive impact therefore needs to be weighed against any possible negative impacts that the signage may have on the visual amenity of the area.

The signage was previously approved under application ref: LA03/2017/0429/A which granted consent for the same proposal for a limited period of one year. The signage was erected and has had a beneficial impact in advertising tourism assets in the Borough and has had a limited impact on the Conservation Area.

It is considered on balance that signage would be acceptable at this location, however, its positive contribution to the area versus its potential adverse impact will be assessed. It is proposed to impose a temporary consent limited to five years which will afford Members the opportunity to revisit the impact of the proposed signage at this location and upon the setting of the Antrim Conservation Area.

Amenity

For the purposes of the policy (PPS17), the term amenity is understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.

It is considered that the design and materials of the signage are acceptable. In addition it is considered that the size, scale and siting of the signage is proportionate to the scale of the walls upon which they are proposed to be displayed. As previously mentioned, the signage is to advertise nearby Council assets which are considered to have a positive contribution to Antrim Town.

Views of the signage are achievable when travelling along the Dublin Road and Castle Way in both directions. However, it is considered the design and appearance are of a high standard and does not significantly detract from the immediate area.

Public Safety

It is considered there are no significant public safety concerns with the proposed signage to be retained. DFI Roads were consulted on the proposal and have responded with no objections from a road safety point of view. The signage has been in situ for over one year and has not been identified as being a distraction to road users.

CONCLUSION

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

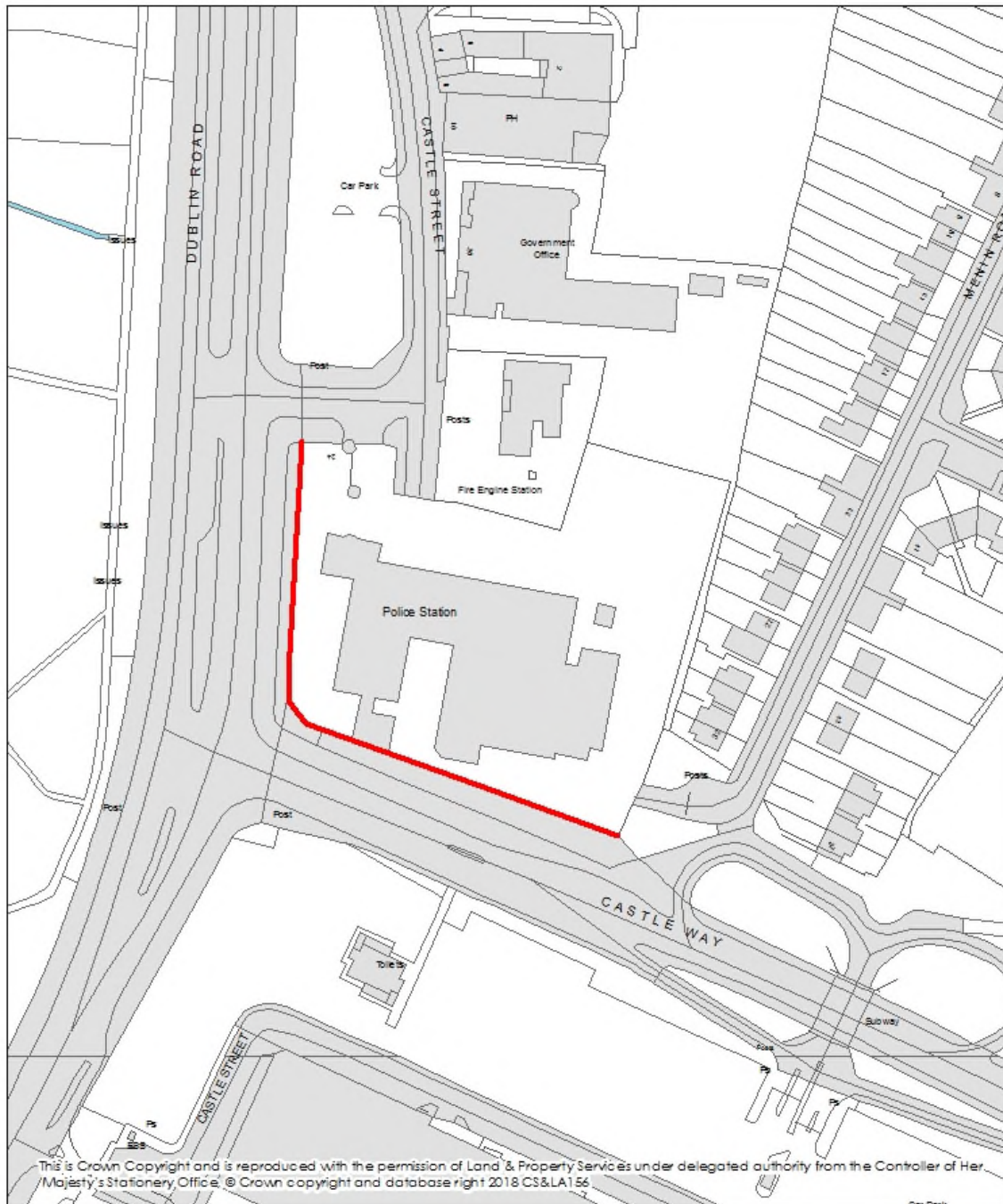
- The principle of the signage is considered acceptable for a temporary period of 5 years.
- The signage does not detrimentally impact upon the amenity of the area.
- There are no public safety concerns.

RECOMMENDATION :	GRANT ADVERTISEMENT CONSENT
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PROPOSED CONDITION

1. The temporary signage, hereby permitted, shall be removed from site and the land restored to its former condition within 5 years from the date of this permission.

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



Location Map

Application Reference: LA03/2019/0251/A



Retention of 8 no. signage (6m x 1.5m) equally spaced along boundary walls of the PSNI station. Walls are situated along Dublin Road, Castle Way and corner of Dublin Road/Castle Way

PSNI station, 24 Castle Way, Antrim, BT41 4AU

 Site Boundary

For Information Only

