



17 April 2024

Committee Chair: Councillor R Foster

Committee Vice-Chair: Councillor H Cushinan

Committee Members: Aldermen – T Campbell, M Magill and J Smyth

Councillors – J Archibald-Brown, A Bennington, S Cosgrove, S Flanagan, R Kinnear, AM Logue 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 22 April 2024 at 6.00 pm.**

You are requested to attend.

Yours sincerely

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

Richard Baker, GM, MSc
Chief Executive, Antrim & Newtownabbey Borough Council

PLEASE NOTE: Refreshments will be available from 5.00 pm in Mann's Café.

For any queries please contact Member Services:

Tel: 028 9448 1301/ 028 9034 0107

memberservices@antrimandnewtownabbey.gov.uk

AGENDA FOR PLANNING COMMITTEE – APRIL 2024

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

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

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

PART ONE - Decisions on Planning Applications

3.1 Planning Application No: LA03/2022/1047/F

Proposed erection of 7 no. apartments to replace former dwelling and workshop, with associated parking, access and landscaping at 9 Nursery Park, Muckamore, Antrim, BT41 1QR.

3.2 Planning Application No: LA03/2023/0051/F

Proposed 250kW wind turbine (30m to hub height, 29m rotor diameter), equipment cabin & associated ancillary works at 450m East/Northeast of No. 70 Lylehill Road, Templepatrick, BT39 0HL.

3.3 Planning Application No: LA03/2023/0687/F

Retention of part use of building as an indoor dog sitting, training and play area with ancillary outdoor enclosure at Building 8m south of 40 Kilgavanagh Road and lands 35m southeast of 40 Kilgavanagh Road, Antrim, BT41 2LJ.

3.4 Planning Application No: LA03/2023/0761/F

Change of use from former bank premises to car wash (retrospective) at 39 Mallusk Road, Newtownabbey, BT36 4PP.

3.5 Planning Application No: LA03/2022/0929/F

Erection of 2no 1.5 storey detached houses, with associated hard and soft landscaping, use of existing vehicular entrance off Ballycraigy Road to serve the new detached dwellings and no. 3 Ballycraigy Road at 4 Ballycraigy Road, Glengormley, Newtownabbey, BT36 5ZZ.

3.6 Planning Application No: **LA03/2024/0059/O**

Off-site replacement dwelling and garage. Original dwelling to remain as outhouse at 60m North of 73 Carlane Road, Toomebridge.

3.7 Planning Application No: **LA03/2023/0892/F**

Alteration and Extension to Dwelling at 13 Harmin Avenue, Glengormley, BT36 7UW.

3.8 Planning Application No: **LA03/2024/0063/O**

Erection of single storey dwelling at 100m NE of 31 Speerstown Road, Ballymena, BT42 3DD.

3.9 Planning Application **LA03/2023/0326/O**

Site for dwelling and double garage at lands 250m south east of 275 Ballymena Road, Tardree, Antrim, BT39 0TP.

PART TWO – Other Planning Matters

3.10 Delegated Planning Decisions and Appeals March 2024

3.11 Lisburn and Castlereagh City Council Local Development Plan Revised Timetable

3.12 NISRA Planning Statistics 2023/2024 – Third Quarterly Bulletin for the Period October to December 2023

PART TWO – Other Planning Matters – IN CONFIDENCE

3.13 Local Development Plan Steering Group Minutes – In Confidence

PART ONE - Decisions on Enforcement Cases – IN CONFIDENCE

3.14 Enforcement Performance Quarterly Reporting Q1, Q2 and Q3 2023/2024 – In Confidence

3.15 Enforcement Case LA03/2021/0345/CA – In Confidence

**REPORT ON BUSINESS TO BE CONSIDERED AT THE MEETING OF THE
PLANNING COMMITTEE ON 22 APRIL 2024**

PART ONE

PLANNING APPLICATIONS

COMMITTEE ITEM	3.1
APPLICATION NO	LA03/2022/1047/F
DEA	ANTRIM
COMMITTEE INTEREST	ADDENDUM TO COMMITTEE REPORT
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Proposed erection of 7 no. apartments to replace former dwelling and workshop, with associated parking, access and landscaping
SITE/LOCATION	9 Nursery Park, Muckamore, Antrim, BT41 1QR
APPLICANT	Orsson Homes Ltd.
AGENT	Donaldson Planning Ltd.
LAST SITE VISIT	1st February 2023
CASE OFFICER	Leah Hingston Tel: 028 903 40403 Email: leah.hingston@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS	
<p>This application was deferred at the Planning Committee meeting on 16th October 2023 to allow a response from a statutory consultee, namely DfI Rivers to be obtained and provide an opportunity for other matters to be addressed by the agent.</p> <p>An amended proposal was submitted on 7th November 2023 to address the concerns raised within the Committee Report. The submission included the following;</p> <ul style="list-style-type: none"> • Document 09 Submission Cover Letter • Document 10 Email Correspondence from Arboricultural Consultant • Drawing Number 02/4 Site Layout Plan • Drawing Number 08/1 Site Sections • Drawing Number 09/1 Updates Visuals • Drawing Number 14/1 Bin Store • Drawing Number 15 Landscape Proposals • Drawing Number 16 Landscape Context Plan <p>The concerns raised within the Committee Report included flood risk, matters of layout, movement and amenity; the impact on protected trees and uncertainty around sewage disposal.</p> <p><u>Flood Risk</u></p> <p>A response was received from DfI Rivers on 6th November 2023 which confirmed that the development is almost entirely within the Q100 fluvial floodplain. DfI Rivers objected to the development within the floodplain and would not provide specific comment on the Flood Risk Assessment unless the Council considered the proposal to be an exception under Policy FLD 1 of PPS 15 'Planning and Flood Risk'.</p>	

Policy FLD 1 states that an exception applies in certain circumstances, one of which includes the replacement of an existing building. Whilst the proposal is for the replacement of an existing building, the policy goes on to state that development which includes essential infrastructure or bespoke accommodation for vulnerable groups or that involves significant intensification of use will not be acceptable. The proposal does not provide essential infrastructure or bespoke accommodation for vulnerable groups. There is an increase in the number of residential units from one to seven, however, a further consultation was issued to DfI Rivers indicating the proposal was an exception insofar as the building was used as a former mill building and the level of intensification was therefore not considered to be significant.

DfI Rivers consultation response was received on 22nd January 2024 confirming that the building, timber walkway and car parking area have all been lifted out of the floodplain. The amenity space remains within the floodplain which is considered acceptable. DfI Rivers advise that there remains a residual risk due to the proximity to the river and recommends that the applicant develops an emergency flood and evacuation plan and erects signage to warn of potential flooding. This information can be included as an informative.

Layout and Movement

The revised layout does not amend the arrangements of the car parking or the bin store. It is acknowledged that the finishes of the bin store have been amended to stone to match the proposed building and is fully enclosed. The bin store remains poorly sited, requiring residents to pass the bin store on leaving and entering the apartments. There are concerns regarding the amenity issues commonly associated with bin stores, such as odour and visual impact however, on balance, it is considered that the layout is acceptable.

The apartment block has been brought marginally closer to the car park which is to be accessed via a raised timber walkway spanning a length of approximately 24 metres. Units 30 to 34 can be accessed via a footway and another entrance on the western elevation of the building, however, units 35 and 36 are solely reliant on the timber walkway for access. The walkway will require regular maintenance and there are amenity concerns associated with the walkway due to flood risk, litter and vermin. Whilst it is stated on Drawing Number 15 date stamped 6th November 2023 that a Landscape Management and Maintenance Plan has been prepared, no such plan has been submitted. Therefore, it is considered necessary to impose a negative condition to the grant of any planning permission requiring submission of a Landscape Management and Maintenance Plan.

Twelve (12) unassigned car parking spaces are provided which is adequate to serve the development. A landscaping scheme (Drawing Number 15 date stamped 6th November 2023) has been provided which indicates landscaping along the eastern boundary of the application site and to the north of the primary parking area alongside the laneway. The proposed landscaping has softened the hard appearance of the proposed car parking area.

Four (4) of the car parking spaces are located on the opposite side of an existing lane which intersects the site associated with another approved development for 4 No. dwellings located south of the application site. The proposed layout means that residents of Units 35 and 36 would have to walk approximately 54 metres to get to

their car if they had to park in one of the four northernmost spaces. This distance would reduce to approximately 45 metres for residents of Units 30 to 34. The minimum walking distance possible would be approximately 19 metres for residents of units 30 to 34 if parked closest to the building in the space numbered 11 on Drawing Number 02/4, date stamped 6th November 2023. Concerns remain with the layout and subsequent walking distances involved, however on balance, this concern alone would not warrant a refusal of planning permission.

Private Amenity Space

In terms of private amenity space, Creating Places advises that in the case of apartment developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens ranging from 10 to 30sqm per unit. The three ground floor units each have a front garden in excess of 30sqm which is now defined by a 1 metre high hedgerow. The remaining four apartments each have a balcony of approximately 9.5sqm and rely on the communal lawn area of approximately 150sqm which is now defined by a 1 metre high hedgerow and trees as indicated on Drawing Number 15, date stamped 6th November 2023. The proposed landscaping is considered sufficient to provide private amenity space for the residents and the provision of amenity space is considered acceptable.

Layout and Protected Trees

Criterion b of Policy QD1 requires landscape features to be identified and where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development scheme. The existing trees on the wider site benefit from a Tree Preservation Order (TPO/2023/0002/LA03) which was granted on 26th April 2023.

Document 10, date stamped 8th November 2023 provides comment from Arboricultural Consultant, Dr Philip Blackstock stating that the existing roofed structures, stone walls and concrete yards will have largely precluded any tree roots from extending into these areas and as such, these areas should be excluded from any root protection area. In relation to the revised layout, the proposed development is sited approximately 2 metres further north in an attempt to clear the root protection area of the protected trees as shown on Drawing Number 02/4. The Arboricultural Consultant considers that the erection of protective fencing, as recommended, will limit the potential for any detrimental impact upon the protected trees.

Document 08 date stamped 8th September 2023 provides the detailed tree survey report. Trees T8 and T9 are both Beech trees 23-24 metres in height, T8 has been identified as being in poor condition and T9 as fair condition. Defects are noted for T8 as thinning crown and excessive end weight, whereas T9 has no defects. Document 08 recommends a crown clean and reduction for trees T8 and T9. The Arboricultural Consultant has clarified that the recommended works to tree T8 should address the defects present in the tree and has advised that if further defects are noted in a tree, appropriate remedial action is recommended to avoid liability for any damage caused by trees. It is unclear as to why the recommendations have been made for T9 which has no defects, clarification was sought, however, has not yet been received.

Guidance advises that the amenity distance between dwellings and trees should be measured from the edge of the RPA or crown spread, whichever is greater. The amenity distance should be a minimum of 6 metres to the front and rear elevations of

the development and 3 metres to the side gables. Consideration should also be given to the potential growth when dealing with larger species. For larger, more heavily shaded species such as Beech it is recommended that amenity distance is increased to at least 10 metres. There is a distance between the proposed development and the RPA of tree T8 ranging between 0.1 metres to 2 metres, the distance from the crown spread is approximately 7.7 metres. In relation to tree T9, the south-eastern corner of the proposed development comes into contact with the RPA and there is approximately 6.5 metres to the crown spread. All other trees on site have sufficient separation distances. Therefore, the amenity distances do not conform to guidance standards in relation to trees T8 and T9. Even with the crown reduction work carried out as recommended, the standards would not be met.

Guidance also advises that long-term management proposals in relation to all trees must be included within a Landscape Management Plan (LMP). A negative condition can be imposed requiring the submission of a satisfactory LMP however, once planning permission is approved the realistic chances of successful long-term maintenance of the trees is reduced due to the proximity of the development to the trees in this case. British Standards (BS 5837:2012) Annex A, paragraph A.1.2 states that the potential for direct damage to structures needs to be considered through the design and construction process. British Standards paragraph 5.3.4 advises that to maximise the probability of successful tree retention, factors which need to be considered in the design process include; the shading of buildings and open spaces, issues around privacy and screening, direct damage, future pressure for removal and seasonal nuisance.

Due to the close proximity of the proposed development to such large trees, the residents will likely have safety concerns as trees may cause damage to the development if they were to fall. Other associated impacts on residential amenity will be experienced such as some loss of light to bedroom and living room windows in the morning due to the siting of the protected trees. The living room windows on the southern elevation of apartments 35 and 36 are sited further away from the trees which reduces the potential for loss of light and overshadowing. These living rooms also benefit from a secondary source of light from the large extent of glazing proposed on the western elevation, consequently the residential amenity concerns are mitigated by design. The impact will be greater on the bedroom windows on the southern elevation of apartments 35 and 36 due to the closer proximity to the trees and the lack of a secondary source of light. However, bedrooms are considered to be lower occupancy rooms and on balance, the impact the existing trees would have on residential amenity would be considered acceptable.

The future residents of apartments 35 and 36 may submit a request for works to the protected trees, such as crown spread reduction as recommended within the submitted Tree Reports. Some residents may enjoy living in close proximity to trees whereas others may even request the trees removal for safety, residential amenity reasons or perhaps increased cost of building insurance that is experienced when living in close proximity to such tall trees. However, potential house buyers would be aware of the presence of the trees before purchasing the relevant apartments and it is considered that the presence and effect of the trees would be obvious and on balance approval can be recommended.

Sewage Disposal

A foul pumping station was shown on the submitted plans which was required due to the level difference between the site and the mains sewage. The pumping station is sited outside of the application site, associated with a previous planning approval and appeared to be in a position and orientation that differed from what was approved under Drawing Number 18 of planning permission Ref: LA03/2016/0270/F. The pumping station has since been removed from amended Drawing Number 02/4 date stamped 7/11/23 therefore, this matter has been satisfactorily addressed.

CONCLUSION

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

- The principle of development is acceptable;
- On balance, the design, layout and appearance of the overall scheme is acceptable;
- The proposal does not detract from the character and the appearance of the area;
- The proposal does not harm neighbour amenity;
- The proposal does not result in a significant increased flood risk;
- Sufficient private amenity space is provided;
- The proposed building remains within close proximity to protected trees; and
- Matters of sewage disposal have been addressed.

RECOMMENDATION

GRANT PLANNING PERMISSION

PROPOSED CONDITIONS

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing Number 02/4 date stamped 6th November 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

4. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation, recording or by preservation of remains in-situ; -
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 4.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

6. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 4. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

7. Prior to the commencement of any works on site, a suitable and clearly defined buffer at least 10 metres must be established between the location of any construction works (including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/ materials/spoil etc.) and all local watercourses including old mill waterway features.

Reason: To ensure the project will not have an adverse effect on the Six-mile Water or on the integrity of any European site.

8. The mitigation and ecological management measures as noted in the Outline Construction Environmental Management Plan (Document 02 date stamped

9th December 2022) must be implemented and adhered to throughout construction of the development.

Reason: To minimise the significance of impacts on natural heritage features.

9. If during the development works, a new source of contamination is discovered which had not previously been identified, works must cease and the Council shall be notified immediately. Any new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

In the event of an unacceptable risk to human health being identified, a remediation strategy shall be submitted to and agreed with the Planning Section, in consultation with Environmental Health, before being implemented.

Reason: To control any potential risks to human health from any undiscovered land contamination.

10. After completing the remediation works under Condition 9; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

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

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

11. No dwelling units shall be occupied until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for the following;
- the raised timber walkway which provides access to the apartments;
 - all existing and protected trees; and
 - all areas of landscaping and open space.

The landscape management plan shall be carried out as approved.

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

12. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

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

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

13. A protective barrier no less than 2 metres in height comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts and securely supported weldmesh panels (as illustrated in Figs 2 & 3 of BS5837:2012) shall be erected at least the distance from protected trees as identified on Drawing Number 13 date stamped 8th September 2023 prior to commencement of the development hereby approved and shall be permanently retained for the period of construction on the site. There shall be no machinery or stockpiling of materials or soil within this tree protection zone.

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

14. The landscaping scheme, as indicated in Drawing Number 15 date stamped 6th November 2023 shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

15. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no walls or fences shall be erected within the root protection areas shown on Drawing Number 02/4 date stamped 6th November 2023, without the grant of a separate planning permission.

Reason: In the interests of safeguarding the protected trees.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:1,250 

Reference: LA03/2022/1047/F

 Site Location



COMMITTEE ITEM	3.2
APPLICATION NO	LA03/2023/0051/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Proposed 250kW wind turbine (30m to hub height, 29m rotor diameter), equipment cabin & associated ancillary works.
SITE/LOCATION	450m East/Northeast of No. 70 Lylehill Road, Templepatrick, BT39 0HL
APPLICANT	David and James Lewis
AGENT	Les Ross Planning
LAST SITE VISIT	June 2023
CASE OFFICER	Leah Hingston Tel: 028 90340403 Email: leah.hingston@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal <https://planningregister.planningsystemni.gov.uk>.

SITE DESCRIPTION

The application site is located on lands approximately 450m east/northeast of No. 70 Lylehill Road, Templepatrick. The site is outside the development limits of any settlement defined by the Antrim Area Plan (AAP) 1984 – 2001 and constitutes development in the countryside.

The application site comprises a portion of hilltop field, defined by post and wire fencing and hedging which is accessed via an existing concrete laneway contiguous with the northern boundary of No.70 Lylehill Road. The laneway is private but can be considered as shared as it serves the application site and a site approved for a dwelling and garage under planning application Ref: LA03/2020/0774/O. The laneway rises continuously and terminates approximately 600m to the east at the Lyle Hill Scheduled Historic Monument (ANT 056:005), which comprises a palisaded enclosed settlement dating back to the Neolithic period (approximately 3000 BC). The hill summit also contains a scheduled round burial cairn which is described as likely dating back to the Early Bronze Age (ANT 056:006). Following that period Lyle Hill was further enclosed with a defensive earthwork embankment, transforming the hill into a later prehistoric hillfort.

The proposed siting location of the turbine is set approximately 50m to the south of the laneway after a distance of approximately 450m and approximately 130 metres from Lyles Hill. The site falls within the northern most portion of Landscape Character Area (LCA) 110 Derrykillultagh of the Northern Ireland Landscape Character Assessment 2000. This part of the LCA has an open moorland character comprising more elevated farmlands and sparse settlement and consequently is considered to be better suited for wind energy development than the remainder of the LCA.

RELEVANT PLANNING HISTORY

Planning Reference: LA03/2017/0040/O

Location: 200m NE of 70 Lylehill Road, Templepatrick

Proposal: Site for a dwelling, garage and ancillary site works (farm dwelling under CTY10 of PPS21)

Decision: Permission Granted (27.11.2017)

Planning Reference: LA03/2020/0774/O

Location: 200m NE of 70 Lylehill Road, Templepatrick

Proposal: Site for a dwelling, garage and ancillary site works (renewal of LA03/2017/0040/O)

Decision: Permission Granted (29.01.2021)

Planning Reference: LA03/2024/0054/RM

Location: 200m NE of 70 Lylehill Road, Templepatrick

Proposal: Dwelling and Garage

Decision: Permission Granted (11.03.2024)

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 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 18: Renewable Energy: sets out planning policy for development that generates energy from renewable resources. This PPS is supplemented by PPS18 Best Practice Guidance and the NIEA document Wind Energy Development in Northern Ireland's Landscapes.

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

Belfast International Airport – Objection,

DAERA: Natural Environment Division - Objection

Department for Communities Historic Environment Division – Objection

Arqiva Ltd. – No objection,

Belfast City Airport – No objection,

DfI Roads – No objection

Environmental Health Section – No objection, subject to conditions,

Met Office – No objection

National Air Traffic Services - No objection

UK Crown Bodies: DIO Land Management Services - No objection

UK Crown Bodies: DIO Safeguarding - No objection, subject to condition

REPRESENTATION

Referring to the 'Neighbour Notification' section (paragraph 4.25) of the Council's Statement of Community Involvement (January 2016), it is stated that where development proposals involve wind turbines of 100 kW or greater (the wind turbine proposed in this application is a 250kW model), the statutory neighbour notification area will be extended as a discretionary power to the Council's Planning Officers to notify additional properties, where it is considered appropriate, to include all occupied properties within 250 metres of the application site.

Notwithstanding the application of this discretionary power no neighbours were notified of the application as no occupied properties are located within the 250m

neighbour notification zone applicable to this form of development. The proposal has been advertised 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
- Public Safety and Human Health
- Impact on Residential Amenity
- Natural Heritage
- Impact on Archaeology and Built Heritage
- Proximity to Road and Railways
- Visual Amenity and Landscape Character
- Electromagnetic Production, Interference and Aviation Interests
- Ice Throw
- Economics of the Proposal

Policy Context and Principle of Development

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (PPSs). Amongst these is PPS 21: Sustainable Development in the Countryside. Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in 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 PPS21 sets out that planning permission will be granted for non-residential development in the countryside, in the form of renewable energy projects, in accordance with PPS 18. This policy is supported by a 'Best Practice Guide: Renewable Energy (BPG) and a supplementary planning guidance document 'Wind Energy Development in Northern Ireland Landscapes' (SPG).

Policy RE 1 of PPS 18 states that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact. The general thrust of the policy is that renewable energy development will be permitted unless it fails to meet the listed criteria of Policy RE 1.

Public Safety and Human Health

It is necessary to assess whether the proposed development would have an unacceptable detrimental impact on the amenities of adjacent sensitive receptors by virtue of noise, shadow flicker or ice throw and whether it would have an unacceptable adverse impact on the visual amenities of the area and the wider landscape.

The best practice guidance indicates that properly designed and maintained wind turbines are a safe technology and that there are very few accidents that have occurred involving injury to people. Where there have been, they have tended to result from failure to observe the manufacturer and operator's instructions for the operation of machines. There has been no example of injury to a member of the public.

The best practice guidance also indicates that the only source of possible danger to life from a wind turbine would be the loss of a piece of the blade or, in most exceptional circumstances, the whole blade. Many blades are composite structures with no bolts or other separate components. Blade failure is therefore most unlikely. Even for blades with separate control surfaces on or comprising the tips of the blade, separation is most unlikely.

The Renewable Energy Best Practice Guidance indicates that for smaller turbines the height of the turbine plus 10% between the proposal and the nearest occupied properties should comfortably satisfy safety requirements whereas for wind farm developments, a separation distance of 10 times the rotor diameter is sought.

The proposed turbine is 44.5 metres to the tip of the blade, therefore a safety clearance distance of approximately 50 metres is required. The closest existing receptor is located approximately 380 metres southwest of the site at 80 Lylehill Road. Whilst not yet constructed, there is a live planning approval for a dwelling and garage (Ref's: LA03/2017/0040/F, LA03/2020/0774/O and LA03/2024/0054/RM) located approximately 170 metres west of the site and on the other side of the laneway. Therefore, sufficient safety clearance can be achieved for the proposed turbine.

Impact on Residential Amenity

A wind turbine, both individually and when taken cumulatively with other turbines, has the potential to adversely affect neighbouring properties due to noise. The existing nearest noise sensitive, non-financially involved dwelling is No. 80 Lylehill Road. A Noise Impact Assessment (Document 04 date stamped 1st February 2023) has been submitted, which takes into account the potential impact of this proposed turbine together with a number of approved turbines, at all noise sensitive receptors. The Noise Impact Assessment has been reviewed by the Council's Environmental Health Section (EHS) and satisfactorily demonstrates that residential amenity will not be unduly affected by reason of noise subject to a number of conditions to be attached to any decision notice should planning permission be forthcoming.

A wind turbine also has the potential to cause shadow flicker. Only properties within 130 degrees either side of north of the turbine can be affected; turbines do not cast long shadows on their southern side. Furthermore, at distances greater than 10 times the rotor diameter, the potential for shadow flicker is very low. Where shadow flicker does

occur, the maximum allowable limit is 30 minutes per day and a maximum of 30 hours per year.

A Shadow Flicker Impact Assessment (Document 05, date stamped 1st February 2023) was carried out to assess the potential effect of shadow flicker on nearby occupied properties. The report identifies six (6) properties within the locality of the proposed wind turbine, namely numbers 66, 66a, 70, 72, 74 and 80 Lylehill Road. As these dwellings are all located in excess of 400 metres from the proposed turbine, the blades can only produce fractional obscuration and the effect is significantly diminished. The assessment states that shadow flicker will be minimal and concludes that no further assessment is needed.

Policy RE 1 of PPS 18 requires wind energy developments to demonstrate that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments). There is a site for an approved dwelling located approximately 170 metres west of the application site, within the blue land under the control of the applicant. Despite there being a live approval for this dwelling (Ref's: LA03/2017/0040/F, LA03/2020/0774/O and LA03/2024/0054/RM), the submitted surveys do not give any consideration to this site. Whilst the previously approved site for a dwelling may be considered financially involved, it could be sold once constructed and the future occupiers may experience residential amenity issues such as noise and shadow flicker. On this basis, it has not been satisfactorily demonstrated that the proposal does not adversely impact the residential amenity of neighbouring properties.

Natural Heritage

Part (c) of Policy RE 1 of PPS 18 states that renewable energy development will only be permitted when it will not have an unacceptable adverse impact on nature conservation interests. Policy NH 2 'Species Protected by Law' of PPS 2 'Natural Heritage' deals with species protected by law and states that planning permission will only be granted for a development proposal that is not likely to harm a European Protected Species. Policy NH 5 'Habitats, Species or Features of Natural Heritage Importance' of PPS 2 will only permit a development that is not likely to result in the unacceptable adverse impact on, or damage to priority habitats, priority species or natural heritage features worthy of protection.

The Natural Environment Division (NED) map viewer identifies the site as being within the zone of priority species, breeding waders and the local wildlife site of Lyle's Hill East is located approximately 50 metres north of the site.

In terms of protected species, a Bat Survey (Document 02 date stamped 1st February 2023) has been submitted with the application. Bats are a European Protected Species under the Habitats Regulations and are subject to a strict level of protection. The bat population is at risk from the proposed wind turbine through direct collisions, barotrauma, disorientation, disturbance or displacement from foraging and commuting habitats.

NED has advised that the proposal would be likely to harm bats and is therefore contrary to the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended). NED also finds the proposal contrary to Policies NH2 and NH5 of PPS 2 and identifies the Lyles Hill mine as a natural heritage feature worthy of protection.

Section 3.3 of Document 02, date stamped 1st February 2023 states that there are no bat roosts within 200m+ of the rotor radius and it was therefore deemed unnecessary to undertake manual walked transects as part of the overall survey. However, Lyle's Hill Mine is located approximately 52m north of the proposed turbine location.

Surveys undertaken by Quercus in 2013 and 2014 suggest that Lyle's Hill Mine is considered to be an important site for bats in Northern Ireland, with bat activity dominated by *Myotis* with some *Plecotus auratus* (Boston et al. 2015). The high level of *Myotis* social activity recorded, high catch rate (compared to the other sites also included within this survey) and the observed chasing behaviour suggests that Lyle's Hill Mine is a strong candidate as a swarming site. Additionally, the report proposes that the nightly activity patterns of all species suggests that this site may also be utilised as a day roosting site; while the observed October peak in *Pipistrelles* might suggest it is used as a hibernation site for bats.

Given that there are so few swarming sites identified for both the Republic of Ireland and Northern Ireland, underground sites that fit swarming criteria may be rare. Studies in Britain, Ireland and continental Europe have shown that swarming sites can attract bats from a large catchment area travelling from up to 60km from their summer roosts. These sites, therefore, are important for gene flow between roosts, making them of exceptionally high conservation priority (Parsons et al. 2003).

Additionally, there is concern regarding the proximity of the proposed turbine to the Lyle's Hill Mine as it may lead to potential subsidence and destruction of the swarming site. Policy RE 1 of PPS18 also requires wind energy developments not to create risk of landslide or bog burst. Due to the importance of the mine for the bat population, erecting a wind turbine within such close proximity to the mine is highly inadvisable regardless of the suggested mitigation. NED therefore object to the proposal as it currently stands.

Paragraph 4.6 of the justification and amplification of Policy RE 1 advises that where a renewable energy development is likely to have an adverse effect on the natural heritage or nature conservation interests, developers are required to bring forward mitigation measures, and where appropriate the scope for compensatory measures may be considered. Whilst NED has disregarded the proposed mitigation measures, the issues around natural heritage were raised with the agent on 20th September 2023. On 19th October 2023 the agent provided an update that he had asked the applicants to consider whether they wanted to withdraw the application and that he had sought advice from their ecologist on the viability of countering the position of NED. No further information has been submitted in support of the application, however on 23rd February 2024 the agent advised the Council to proceed with determining the application.

The proposal is considered to be contrary to Policy RE 1 of PPS 18 and Policies NH 2 and NH5 of PPS2 as it has not been demonstrated that the proposed wind turbine will not have an unacceptable adverse impact on nature conservation interests.

Impact on Archaeology and Built Heritage

Part (c) of Policy RE 1 of PPS 18 states that renewable energy development will only be permitted when it will not have an unacceptable adverse impact on built heritage. The application site is located immediately to the south of Lyle's Hill Scheduled Historic

Monument (ANT 056:005). The hilltop contains a palisaded enclosed settlement dating to the Neolithic period and constructed around 3000 BC, while during the Late Bronze Age/ Iron age the site was further enclosed with a defensive earthwork embankment, transforming the hill into a later prehistoric hillfort. The hill summit also contains a scheduled round burial cairn (ANT 056:006) which likely dates to the Early Bronze Age c. 2000 BC. The Scheduled Monument is legally protected under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995, the boundary of the scheduled area is defined by the laneway which is located approximately 50 metres north of the application site and provides access to it.

Lyle's Hill is a very significant site in terms of the study of the Neolithic period in Ireland and Britain. The hilltop location was deliberately selected during the Neolithic and Bronze Age periods for its defensive characteristics, but also for its visual prominence and dominance of the surrounding landscape. Views of the hill and from the hill over the surrounding landscape are an important functional aspect of the integrity the monument's setting.

HED (Historic Monuments) has assessed this application and due to the scale, nature and proximity of this proposal to the scheduled monument HED advise that it would result in adverse impacts upon critical views of the monument from the surrounding landscape, and from the monument over the surrounding landscape. Due to the scale, nature and proximity of the proposal it would adversely dominate the monument and change the intrinsic character of the monument's setting.

The agent was informed of the HED consultation response on 18th October 2023 and responded that he is seeking advice from the applicant's archaeologist regarding the viability of countering the statutory consultee. No further information has been submitted in support of the application.

The proposed development is considered to be contrary to Policy BH 1 'The Preservation of Archaeological Remains of Regional Importance and their Settings' of PPS 6 and paragraph 6.8 of the SPPS as it would result in an adverse impact upon the integrity of the setting of Lyle's Hill scheduled hilltop enclosure (ANT 056:005) and round cairn (ANT 056:006). The proposed development fails to comply with Policy RE 1 of PPS 18 given the adverse impact on built heritage interests.

Proximity to Road and Railways

Wind turbines erected in accordance with best engineering practice are considered to be stable structures; they should be set-back at least fall over distance plus 10% (approximately 50 metres) from the edge of any public road, public right of way or railway line so as to achieve maximum safety. The proposed siting of the turbine is approximately 50 metres from the adjacent private laneway and approximately 450 metres from nearest public road. There is no railway provision close to the site.

The best practice guidance advises that concern is often expressed over the effects of wind turbines on car drivers, who may be distracted by the turbines and the movement of the blades. Drivers are faced with a number of varied and competing distractions during any normal journey and it is their responsibility to take reasonable care to ensure their own and others' safety. Wind turbines should therefore not be treated any differently from other distractions a driver must face and should not be considered particularly hazardous.

DfI Roads was consulted on the proposal and offered no objections. It is not anticipated that there will be a significant road safety concern as a result of this proposal due to its location.

Visual Amenity and Landscape Character

One of the policy objectives of PPS 18 is to seek to ensure that the environmental, landscape, visual amenity impacts associated with or arising from renewable energy development are adequately addressed. Policy RE 1 of PPS 18 indicates that the supplementary planning guidance from the Northern Ireland Environment Agency 'Wind Energy Development in Northern Ireland's Landscape' is taken into account when assessing all wind turbine proposals. Each landscape area has a different capacity for accommodating wind energy development.

This proposal falls within the northern section of Landscape Character Area (LCA) 110 Derrykillultagh. This part of the LCA has an open moorland character comprising more elevated farmlands and sparse settlement and consequently is considered to be better suited for wind energy development than the remainder of the LCA. This part of the LCA is not considered to be of a particularly high scenic quality and was deemed to have high to medium sensitivity to wind energy development as stated within the NIEA document 'Wind Energy Development in Northern Ireland's Landscapes'.

The Best Practice Guidance which accompanies PPS 18 acknowledges that there are no landscapes where wind turbines will not introduce a new and distinctive feature and that it will normally be unrealistic to conceal them. The Guidance accepts that at distances of up to 2 kilometres wind turbines are likely to be a prominent feature.

A series of photomontages taken from three critical viewpoints have been submitted in support of the application (Document 03, date stamped 1st February 2023). When positioned on the public road outside No. 5 Printshop Road, the three blades of the turbine and top of the tower are visible given the elevated site, however, intervening mature vegetation conceals the majority of the tower from public view.

When travelling along the Lylehill Road, south of the Bernice Road, there are intermittent views of the turbine on the hill in the distance, mature vegetation and the curves in the road screen the proposal from view at certain points. There is also other infrastructure impacting this viewpoint such as electricity poles and a pylon. With the undulating land along the Bernice Road and steep roadside embankments prevent views of the site until approaching the Lylehill Road when Lyle's Hill comes into view. Naturally, on travelling towards the site in a northerly direction on the Lylehill Road the prominence and presence of the proposed turbine increases.

In terms of viewpoints from the north of the site, steep embankments, Lyles Hill and mature vegetation along the roadside restricts views of the proposal from the Lylehill Road East. However, once outside Number 70 LyleHill Road East, the turbine forms a very prominent feature. On travelling south along Lylehill Road, from outside of Number 54 Lylehill Road, the turbine is clearly visible breaching the hilltop. Beyond this point, the proposal does not have a significant impact on public views as the road curves off to the northeast and the topography of the land falls.

In terms of cumulative impact, the nearest approved turbine is located approximately 1.6km southeast of the application site and 600 metres east of No. 117 Lylehill Road. This

nearby turbine was approved under planning application Ref: LA03/2023/0015/F with a 31 metre high tower and 21 metre rotor diameter. Given the separation distances involved and the variation in land levels cumulative impact is not a concern.

Aside from the significance of the Lyle's Hill site, on considering the LCA and the guidance on assessing visual amenity, the proposal is not considered to have an unacceptable adverse impact on visual amenity and landscape character either individually or cumulatively with other installed turbines in the area. This does not contradict the view set out by HED which expresses concern about the visual impact upon the setting of the scheduled monuments.

Electromagnetic Production, Interference and Aviation Interests

The best practice guidance indicates that provided careful attention is paid to siting, wind turbines should not cause any significant adverse effects on communication systems which use electromagnetic waves as the transmission medium (e.g., television, radio, telecommunication links, and police and emergency service links). Generally, turbine siting can mitigate any potential impacts, as the separation distance required to avoid problems is generally a matter of a few hundred metres. In some cases, it may be possible to effectively re-route the signal around the development, at the developer's expense, to overcome the problem.

Utilising OFCOM's Spectrum Information System (SIS) the proposal has not identified any fixed links falling within the 200-meter Fixed Terrestrial Link consultation buffer. Therefore, in this case, it is not anticipated that there will be interference to fixed links in the area.

Wind turbines may have an adverse effect on air traffic movement and safety. Belfast City Airport, NATS and Defence Infrastructure Organisation (D.I.O) Safeguarding have all been consulted and made no objection to the proposal.

Belfast International Airport (BIA) object to the proposal providing a number of concerns. The primary issue is that the proposed turbine, at a height of approximately 44.5 metres and 249.50m AOD (above Ordnance Datum), infringes the outer horizontal obstacle limitation surface and forms the highest obstacle in this area. This infringement means the turbine would be in a clear line of sight to Belfast International Airport Radar and would cause reflections and paint a false display on the radar screen when the turbine is rotating. This has a significant impact on the ATS radar service provision to both arriving and departing aircraft. BIA advises that under CAP 738 the CAA states that as much as possible, no obstacles should enter any of the protected surfaces. BIA advise that negative conditions cannot be provided in this case for mitigation due to the infringement of the outer horizontal obstacle limitation surface.

The BIA consultation response was raised as a concern with the agent on 20th February 2024 and the agent was asked how they wished to move forward. The agent instructed the Council to proceed with a determination and has not submitted any further information to address BIA concerns.

Ice Throw

The build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland given the climatic conditions. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the

operation of the machines. Additionally, the proximity of existing dwellings is such that ice throw is not expected to be an issue of concern.

Economics of the Proposal

A further requirement of Policy RE 1 of PPS 18 is that the wider environmental, economic and social benefits must be given 'significant weight' in determining whether planning permission should be granted. Paragraph 4.1 of the Justification and Amplification states that, 'increased development of renewable energy resources is vital to facilitating the delivery of international and national commitments on both greenhouse gas emissions and renewable energy'.

The proposed 250kW Vestas V29 single wind turbine generates 'clean' energy sufficient to meet the annual electricity power needs of at least 200 dwellings and offset CO2 emissions by 415 tonnes each year of operation according to the Planning Supporting Statement (Document 01 date stamped 1st February 2023). Document 01 lists other benefits of the development as, enhancing local security of electricity supply which in turn helps stabilise and reduce energy prices, and providing revenue for the applicant which results in trickle-down economic and social benefits locally.

The economic benefits of the proposal that have been conveyed do not override or outweigh the other issues with the application.

CONCLUSION

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

- The principle of the development is acceptable;
- Residential amenity concerns remain in relation to shadow flicker;
- The proposal has an unacceptable adverse impact on nature conservation interests;
- The proposal has an unacceptable adverse impact on built heritage interests;
- There is sufficient safety clearance from the nearest public road;
- The proposal does not have an unacceptable adverse impact on visual amenity or landscape character;
- The proposal has an unacceptable impact on aviation safety;
- Ice throw is not a concern; and
- The proposal brings some economic benefits.

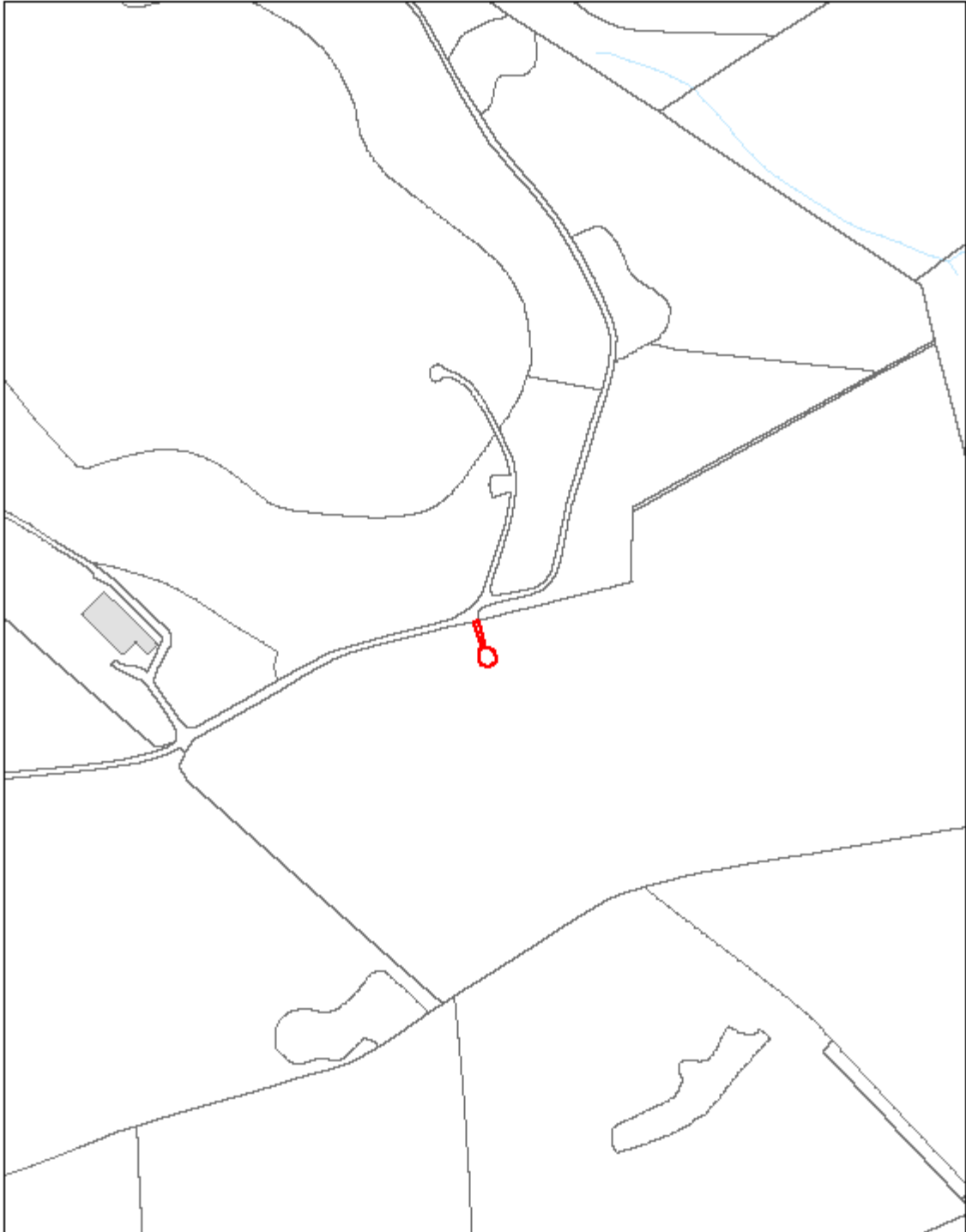
RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASONS FOR REFUSAL

1. The proposed development is contrary to the provisions of the SPPS and criteria a, c, v and vi of Policy RE 1 'Renewable Energy Development' of PPS 18 'Renewable Energy' in that the proposal fails to demonstrate that the development will not cause unacceptable adverse impacts on:
 - the amenity of any sensitive receptors (including future occupants of committed developments) arising from shadow flicker;
 - biodiversity and built heritage interests; and
 - aviation safety.
2. The proposal is contrary to the provisions of the SPPS and Policy NH 2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage, in that the development would, if permitted likely harm a European species.

3. The proposal is contrary to the provisions of the SPPS and Policy NH 5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage, in that the development would, if permitted, have an unacceptable adverse impact on other natural heritage features worthy of protection, key site for bats/namely Lyle's Hill mine which is a candidate bat swarming site.
4. The proposal is contrary to the provisions of the SPPS and Policy BH 1 'The Preservation of Archaeological Remains of Regional Importance and their Settings' of Planning Policy Statement 6: Planning Archaeology and the Built Heritage; in that, it would result in an adverse impact upon the integrity of the setting of Lyles Hill scheduled monuments, hilltop enclosure (ANT 056:005) and round cairn (ANT 056:006).



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:2,500 

Reference: LA03/2023/0051/F

 Site Location



COMMITTEE ITEM	3.3
APPLICATION NO	LA03/2023/0687/F
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Retention of part use of building as an indoor dog sitting, training and play area with ancillary outdoor enclosure.
SITE/LOCATION	Building 8m south of 40 Kilgavanagh Road and lands 35m southeast of 40 Kilgavanagh Road, Antrim, BT41 2LJ
APPLICANT	Alan Adair
AGENT	Big Design Architecture
LAST SITE VISIT	11/10/2023
CASE OFFICER	Sairead de Brún Tel: 028 90340406 Email: sairead.debrun@antrimandnewtownabbey.gov.uk
<p>Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 40 Kilgavanagh Road, Antrim, and is in the countryside, outside any developments limits as defined by the Antrim Area Plan 1984-2001 (AAP). The site is accessed from Kilgavanagh Road via a 1.2 metre high wooden gate entrance. Although there is a gentle western gradient across the site, it is relatively flat.</p> <p>The red line of the application site has been drawn around part of a domestic outbuilding and part of a larger, roadside, agricultural field. The outbuilding has a ridge height of 6.5 metres and is finished in red brick with brown cladding on the upper wall. There are three (3) roller shutter doors on the front elevation, of which only one serves the proposed development. The outbuilding has an overall footprint of 227sqm, with approximately 114 sqm of this being subject to this application. It is currently being utilised as an indoor dog sitting, training and play area. The site also hosts an ancillary outdoor dog enclosure which has been segregated from a larger agricultural field and is defined by 1.8 metre high post and wire mesh fencing. Encompassing the outbuilding is concrete hardstanding.</p> <p>The character of the surrounding area comprises rural agricultural land with dispersed roadside dwellings.</p>	
RELEVANT PLANNING HISTORY	
<p>Reference: T/2002/0254/A41 Proposal: Roof Space Conversion Location: 40 Kilgavanagh Road, Antrim Decision: Permitted Development 15/04/2002 Reference: T/2000/0821/F Proposal: Extension and alterations to garage Location: 40 Kilgavanagh Road Antrim</p>	

Decision: Permission Granted 05/04/2001

Reference: T/1999/0502

Proposal: Removal of occupancy condition (T/145/78)

Location: 40 Kilgavanagh Road, Antrim

Decision: Permission Granted 04/06/2000

Reference: T/1995/0243

Proposal: Extension to domestic curtilage, new access and erection of garage(amended application)

Location: 40 Kilgavanagh Road, Antrim

Decision: Permission Granted 04/03/1996

Reference: T/1992/0228

Proposal: Site of farmworkers dwelling

Location: Kilgavanagh Road, Antrim

Decision: Appeal Dismissed

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan) Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan Stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Antrim Area Plan 1984 - 2001: The application site is located within the countryside and the Plan offers no specific policy or guidance on this proposal.

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection

DfI Roads - No objection

REPRESENTATION

One (1) neighbouring property was notified of the application and no representations have been received. Two (2) letters of support were submitted alongside the application from two neighbours, No. 37 and No. 47 Kilgavanagh Road, which state that they have not experienced any issues with noise, traffic or parking as a result of the subject business which has been operating without the benefit of planning permission.

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

Principle of Development and Policy Context

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

The Antrim Area Plan 1984-2001 (AAP) currently operates as the statutory local development plan for the area where the application site is located, and regional planning policy is also material to determination of the proposal. The application site is located within the countryside, outside any development limit as defined by the AAP and there are no specific operational policies relevant to the determination of the application 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. Amongst these is Planning Policy Statement 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006), Planning Policy Statement 4: Planning and Economic Development' and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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

In this instance, the proposal seeks retrospective planning permission for part use of a building as an indoor dog sitting, training and play area, with an ancillary outdoor enclosure. As noted within the supporting statement (DOC 01), the business operating from this address provides bespoke, small dog group play sessions, with its current operating hours stated to be Monday 09:30 – 11:30, and Tuesday to Thursday 09:30 – 11:30, and 14:30 – 16:30. As an additional part of the service offered by this business, dogs are collected from their home and transported to the indoor/outdoor facility at No. 40 Kilgavanagh Road, for two hours of supervised play. They are then transported back to their homes. There is no overnight boarding of dogs. The agent has confirmed by way of email on 20th March 2024 that the business owner resides within the development limits of Antrim Town and is unable to locate his business at his own home.

Policy CTY 1 of PPS21 states that planning permission will be granted for non-residential development in the countryside in the following cases;

- the reuse of an existing building in accordance with Policy CTY 4;
- industry and business uses in accordance with PPS 4;
- outdoor sport and recreational uses in accordance with PPS 8;

Policy CTY 4 refers to the conversion and reuse of existing buildings in the countryside and states that planning permission will be granted for proposals for the sympathetic conversion, with adaptation, if necessary, of a suitable building for a variety of alternative uses, where this would secure its upkeep and retention. With respect to the conversion and re-use of existing buildings for non-residential use, Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use of a suitable 'locally important' building of special character or interest, which is a different test to that detailed in CTY4.

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would conflict with the retained policy, the SPPS should be afforded greater weight in the assessments of individual planning applications. Therefore, the term 'locally important building of special character or interest' must take precedence over the term 'suitable building' in Policy CTY4 of PPS21.

The SPPS does not define 'locally important' but rather gives a list of examples such as former school houses, churches and older traditional barns and outbuildings. Recent PAC decisions indicate that these cited examples typically relate to buildings that generally have some design, architectural or historic merit.

The proposed indoor facility occupies approximately 114sqm of a larger domestic outbuilding, which has an overall footprint of 227sqm, and a ridge height of 6.5 metres. The building is finished in red brick with brown sheet cladding, with three (3) roller shutter doors on the front elevation. The subject building has little or no architectural merit and is not considered to make a contribution to the area. The agent was asked to submit a supporting statement for the proposal, and while this has been received (DOC 03, date stamped 23 November 2023), it does not demonstrate how this building is a locally important building of special character or interest. In the absence of any acceptable justification, it is considered that the existing building on site is not a locally important building of special character or interest and the proposal does not comply with Policy CTY 4.

Although, it is considered that the application does not fall neatly within any of the policies within PPS 4, this does not mean that it should not be assessed in accordance with PPS 4 at all; rather the policies most appropriate within PPS 4. The preamble to the policy states that it applies to economic development proposals which fall within Class B1 (Business), Class B2 (Light Industrial), Class B3 (General Industrial), and B4 (Storage and Distribution) as defined in the Planning Uses Classes Order (Northern Ireland) 2015. This development proposal is a sui generis use.

PPS4 details that the policy approach for economic development in the countryside falls within Policy PED 2, which goes on to state that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances, with the justification and amplification stating that some small scale economic development projects may be permissible outside villages or smaller rural settlements.

The supporting statement (DOC 03, date stamped 23 November 2023) asserts that this rural location is beneficial to the business as it causes minimal noise disturbance to any surrounding settlements and other businesses. The statement goes on to say that dogs can fully enjoy their time at this site and return home having fully released all their energy, which is extremely important for the welfare of the animals. It is further claimed that the clients who choose to use this facility do so because of the secure, rural setting which gives the peace of mind that their pet is going somewhere safe.

Despite this information being submitted in support of the application, is not readily apparent how the proposed development can be permitted under any of the policies contained within PPS 4, and the applicant's supporting information, Document 03, does not address the policy context for the reuse of part of the building as an indoor dog facility. In this regard, there is no policy support for the proposal under PPS 4.

The supporting statement focuses instead on the ancillary outdoor area, and presents a case for how this element of the proposal is compliant with PPS 8, namely Policy OS 3: Outdoor Recreation in the Countryside.

One of the policy objectives of PPS 8 is 'to facilitate appropriate outdoor recreational activities in the countryside', and as highlighted by the planning agent, Policy OS 3 deals specifically with outdoor recreation in the countryside. It is acknowledged that the list of examples of outdoor recreation provided in this policy is not an exhaustive list, and there may be other examples of such recreational activities not included. However, it is considered that an outdoor play park for dogs is not an outdoor recreational use.

The examples provided in Policy OS 3 include hill walking, rambling, cycling, horse riding, angling, golf, and orienteering, mountain biking, rowing, sailing and canoeing. Essentially, the focus of these activities is on the end user, which is ultimately the person carrying out the recreational activity, and the person partakes in such activities for some health and wellbeing benefit. This point is emphasised in Section 5.24 of Policy OS 3, which refers to 'A Countryside Recreation Strategy for Northern Ireland'; the vision of this Strategy was "to develop and sustain a vibrant countryside recreation culture in which responsible and well informed **people** (emphasis added) enjoy high quality, sustainable and appropriate activities in an accessible, well managed yet challenging environment..."

It is acknowledged that animals are involved in horse riding and fish species are involved in angling, which are activities referred to in Policy OS 3, however, in these recreational pursuits, the animal is secondary to the activity; conversely, with regards to this proposal, the animal is the primary focus of the activity. Furthermore, it is considered that the facility does not add to a vibrant countryside recreational culture, nor does it offer any recreational benefit to the owner of the dog.

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

Appearance and Design

The proposal seeks to utilise some 114 sqm of floorspace of an existing domestic outbuilding which is located within an existing residential curtilage. The overall building measures 18.2 metres in length, 12.4 metres in width and 6.5 metres in height. Three (3) roller shutter doors define the front elevation, one (1) of which serves the proposal, and a pedestrian door which is located on the northern elevation. Internally the building provides an indoor dog sitting, training and play area. The proposal does not seek to alter the external appearance of the building.

Externally the proposal seeks permission to retain an ancillary outdoor enclosure. This enclosure measures 183 sqm, is square in shape and is defined by 1.8 metre high post and wire mesh fencing.

The design and appearance of both elements of the proposal are considered acceptable.

Impact on Character and Appearance of the Area

All proposals in the countryside must integrate with their surroundings in accordance with the policy requirements of the SPPS and Policies CTY 13 and CTY 14 of PPS 21. Policy CTY 13 requires that a dwelling in the countryside will not be prominent in the

landscape and will integrate into its surroundings. The application site is located at No. 40 Kilgavanagh Road, and the proposal utilises part of an existing building within the curtilage of this dwelling, together with a portion of neighbouring agricultural land. As there are no changes to the external appearance of the existing building, there will be no detrimental impact on the character and appearance of the surrounding area from this element.

Although the outdoor play area is located at the roadside, public views of it are limited due to existing roadside boundary hedging. There are a few dog play items located within this area, however, they are small in size and scale, and it is considered that they will not have a negative impact on the overall character of the rural area.

Neighbour Amenity

Policy PED 9 requires that any proposal for economic development does not harm the amenities of nearby residents and does not create a noise nuisance. There is one (1) neighbouring property located 105 metres to the southeast of the application site. The Council's Environmental Health Section was consulted and responded with no objections to the proposal. No letters of objection have been received and two (2) letters of support have been submitted alongside the application which confirm no issues of noise have arisen as a result of the proposal. Overall, it is considered that the proposal will not create any significant unacceptable amenity impacts on nearby neighbouring properties.

Access, Movement and Parking

Policy PED 9 of PPS 4 and Planning Policy Statement 3 'Access, Movement and Parking' requires that adequate access arrangements, parking and manoeuvring areas are provided, and that the existing road network can safely handle any extra vehicular activity the proposal will generate. The Design and Access Statement included within Drawing Number 01, indicates that the applicant runs a dog home pick-up and drop-off system utilising a custom-made van, therefore there is no intensification of use or additional car parking provisions required at the application site. In instances where this may not be the case, sufficient space is provided within the curtilage of the site for parking and manoeuvring of vehicles. Consultation was carried out with DfI Roads and their response offered no objection.

Other Matters

As required by Policy PED 9 the proposal is not located on an area of flood risk, it can deal satisfactorily with any emission or effluent and does not adversely affect features of the natural or built heritage.

CONCLUSION

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

- The principle of the development is not acceptable;
- The design and appearance of the proposal is considered acceptable;
- The proposal will not unduly affect the amenity of neighbouring residents; and
- The proposal will not have a detrimental impact on the environmental quality of the area.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON FOR REFUSAL:

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement (SPPS) and Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:1,250 

Reference: LA03/2023/0687/F

 Site Location



COMMITTEE ITEM	3.4
APPLICATION NO	LA03/2023/0761/F
DEA	AIRPORT
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE PLANNING PERMISSION
PROPOSAL	Change of use from former bank premises to car wash (retrospective)
SITE/LOCATION	39 Mallusk Road, Newtownabbey, BT36 4PP
APPLICANT	Arber Isaj
AGENT	Kevin Fennell Design
LAST SITE VISIT	28th November 2023
CASE OFFICER	Leah Hingston Tel: 028 90340403 Email: leah.hingston@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located within the development limit of Metropolitan Newtownabbey at No. 39 Mallusk Road, Newtownabbey. The site is defined in draft Belfast Metropolitan Area Plan (draft BMAP) as a major area of existing employment/industry.</p> <p>An existing single storey, flat roofed building is centrally located within the site which was previously used as a bank. The site is currently being used as a car wash facility. Within the site an area of hardstanding is located to the southern side of the existing building previously used as a car park and a grassed area is located to the rear (north) of the building. The topography of the site is relatively flat throughout although falls away to the rear (north-eastern side) of the existing building, most notably in the northern corner of the application site.</p> <p>Access to the site is from the Mallusk Road, however, an existing secondary and unused access is located to the northeast. The southern boundary of the site extends to the Mallusk Road. A grassed verge and footpath along with a 0.5-metre-high fence separates the curtilage of the site from the Mallusk Road. The north-western boundary is defined by metal fencing, approximately three (3) metres in height and beyond this boundary is the National Vehicle Distribution building. The rear (north-eastern boundary is defined by three (3) metre high metal fencing where the site abuts No. 19 Michelin Road (TBF Thompson DAF Trucks). In the north-eastern corner is an access way which is partially blocked by one (1) metre high metal barriers. Wrights Accident Repair yard extends beyond the north-western corner of the application site. To the east is No. 37 Mallusk Road, a mechanical and electrical engineering contractor.</p> <p>The surrounding area is predominantly made up of a variety of industrial and employment uses, along with a number of retail uses, leisure uses, offices and hot food uses within close proximity to the application site. The Sandyknowes roundabout leading to the M2 Motorway is located approximately 0.5km to the</p>	

northwest of the application site. Opposite the site to the south-west are a row of units of varying uses including a bakery, winemark, a bookmakers, a takeaway facility and HHI Bathrooms. A standalone building, currently occupied by Electus Healthcare, is also located opposite and to the southwest of the application site.

RELEVANT PLANNING HISTORY

Planning Reference: U/1975/0037
Location: Hydepark Industrial Estate
Proposal: New bank premises
Decision: Permission Granted (22nd September 1975)

Planning Reference: U/1995/0160
Location: 39 Mallusk Road, Newtownabbey
Proposal: Refurbishment and extension of existing bank premises
Decision: Permission Granted (14th June 1995)

Planning Reference: LA03/2022/0973/LDP
Location: 39 Mallusk Road, Newtownabbey
Proposal: Change of Use from bank to Class A1 Retail
Decision: Permitted Development (5th December 2022)

Planning Reference: LA03/2023/0240/F
Location: 39 Mallusk Road, Newtownabbey
Proposal: Proposed petrol filling station with 8 no. pumps and forecourt; 3 no. retail units; 2 no. bay manual car wash; service facilities (air/water); HGV pump; tanker stand; and new crossing point along with all other site and access works.
Decision: Under Consideration

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

Belfast Urban Area Plan (BUAP): The application site is located within the development limits of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

DAERA Water Management Unit – Substantive response received

DfI Roads – No objection

Environmental Health Section – No objection

Northern Ireland Electricity – No objection

Northern Ireland Water – Objection

REPRESENTATION

Eight (8) neighbouring properties were notified and no representations have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

Policy Context and Principle of Development

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

Section 6 (4) of the Act then states that, where, in making any determination under the Act, regard is to be had to the Local Development Plan, the determination must

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. 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.

The application site is white-land within the BUAP and is zoned as part of a Major area of existing Employment/Industry (MNY 19) within draft BMAP. The proposal utilises the front half of the site of 39 Mallusk Road, closest to the main road and does not incorporate use of the vacant, former bank building in the rear half of the wider site.

Policy PED 7 of PPS 4 seeks the retention of zoned land and economic development uses. While the application site is zoned as a Major Area of Existing Employment/Industry (MNY 19) within draft BMAP, the sites previous use was as a bank and a Certificate of Lawful Use or Development (Proposed) has been issued which consent to the building being used for a Class 1 Retail use (Planning Ref: LA03/2022/0972/LDP). It is therefore considered that the proposal will not result in a loss of existing employment land.

The SPPS operates a 'town centre first' approach for uses considered to be of the main town centre and requires that a proportionate need is demonstrated for such uses. However, it is important to note that a car wash in isolation is not considered to be a main town centre use for the purposes of planning policy. Town Centre Uses are identified within the SPPS as community and cultural facilities, leisure, entertainment and businesses. A car wash is a sui generis use, which is a use not falling within any of the use classes set out within the Planning (Use Classes) Order (NI) 2015. Therefore, it is considered that the proposal does not conflict with the SPPS in this regard and a needs assessment for this element of the proposal is not required.

Policy PED 7: 'Retention of Zoned Land and Economic Development Uses' of PPS 4 provides that a sui generis use can be permitted within an existing area of employment or industry where it can be demonstrated that; the proposal is compatible with the predominant industrial use and is of a scale, nature and form appropriate to the location. The site sits adjacent to a number of industrial and sui-generis uses including car sales and repairs, engineering works, offices, retailing, a bookmaker, a bakery and hot food uses. A petrol filling station is located approximately 280 metres to the northwest of the application site. It is considered that a car wash would be compatible with the existing uses within the area and therefore the principle of development is considered acceptable.

Design, Layout and Impact on the Character of the Area

Policy PED 7 of PPS 4 requires the proposal to be of a scale, nature and form appropriate to the location. The existing, unauthorised car wash is predominantly located to the front of the vacant former bank building, comprising an area of existing hardstanding where the vehicles circulate to be washed and dried under two separate canopies. There is a small timber shed located adjacent to the access point on a grassed area, however, no elevations or floorplans of this building have

been provided. A portacabin is located on the grassed area adjacent to the former bank building which is used for staff, storage and a customer waiting area as indicated on Drawing Number 02/1, date stamped 18th December 2023. The portacabin is sited to the rear of the wash bay canopy and has a width of 6 metres and depth of 3 metres. The wash bay canopy comprises a grey metal cladding pitched roof structure set upon six black metal posts and is situated approximately 15 metres from the public road. The dimensions of the wash bay canopy are 8.5 metres by 8.8 metres.

The drying bay canopy is sited closer to the public road, immediately next to the grassed area to the front within the site, the positioning of this canopy is incorrectly shown on the submitted drawings. The drying bay canopy is approximately 14 metres by 4.5 metres, it has a flat roof structure supported by eight metal posts. Any existing signage associated with the canopy's may require a separate application for Advertisement Consent and do not form part of the consideration of this application.

The proposed retention of the car wash has been applied for on a permanent basis however, the appearance of the development is piecemeal and involves structures which appear temporary in nature. In terms of visual amenity, the development would not be acceptable on a permanent basis as it would have a detrimental impact on the character of the area.

On 23rd January 2024, it was suggested to the agent to amend the application form and apply for a temporary permission, however, no amendments have been received. Therefore, the current application for a permanent retention of the car wash is considered unacceptable.

Neighbour Amenity

There are no neighbouring dwellings in proximity to the site and the Environmental Health Section (EHS) has raised no objection to the proposal. It is therefore considered that the proposed development would not have an unacceptable impact on neighbour amenity.

Flood Risk and Drainage

Policy PED 9: General Criteria for Economic Development of PPS 4 requires the proposal to not cause or exacerbate flood risk and to deal effectively with any effluent. The application site is not affected by flood risk however the adjoining sites to the northeast and east appear to be affected by fluvial and pluvial flood risk. As the application site is not affected, DfI Rivers was not consulted. The proposal requires satisfactory drainage on site so as to not increase flood risk to neighbouring properties.

The P1 application form states that the foul and storm discharge from the proposal is to NI Water mains sewer. NI Water has been consulted and has recommended refusal due to capacity issues. A Wastewater Impact Assessment was requested on 5th December 2023 however, the agent advised on 19th December 2023 that a Wastewater Impact Assessment would not be submitted.

The Council provided delegated powers to impose a negative condition regarding NI Water capacity constraints as of 8th January 2024. However, the wording of this condition involves a solution to be achieved prior to the commencement of

development. As this is a retrospective application and the car wash is currently operating on the site this condition cannot be imposed. The agent was informed of this on 23rd January 2024 and was advised that the solution engineers report from NI Water would be required to support the application for the above reason. The agent was offered until 6th February 2024 to provide all amendments and additional information requested to date. No further information has been received.

NI Water also advised that the current car wash facility is operating without a NI Water Trade Effluent Consent. As well as the WWIA, NI Water require the facility to have a petrol/oil/chemical separator and a NI Water Trade Effluent Consent. The foul discharge from this facility is significantly higher than from the previous business use as a bank.

In relation to the potential impact on the surface water environment NIEA Water Management Unit (WMU) has been consulted. WMU advise that wash water from vehicle washes especially those using detergents/vehicle wash formulations, has the potential to pollute waterways and groundwater as it is likely to contain a mixture of detergents, dirt particles organic matter and oil residues.

A drainage plan, (Drawing Number 03, date stamped 8 November 2023) was submitted, however, WMU require a full site drainage plan to assess the proposal and the consultation response dated, 8th December 2023 sets out the information to be included. Amended Drawing Number 02/1, date stamped 18th December 2023 draws attention to the existing road gullies and annotates the inclusion of a proposed petrol/oil/chemical separator, however, it is not clear where it is to be located. The adequacy of the information provided was challenged on 19th December 2023, however, the agent advised that the site is hardstanding with two existing road gullies leading to a surface water sewer. The agent also advised that a petrol separator should not be required but it has been provided and is recycling without discharge which is the preferred option of WMU.

WMU were re-consulted on the information received and the WMU response received 2nd January 2024 advises that the level of detail is insufficient to fully determine the potential impact of the car wash. The information previously requested by WMU is requested again in its entirety in their latest consultation response. This information was to be submitted by 6th February 2024, however, no additional information has been forthcoming. Therefore, it is considered that it has not been demonstrated there is a satisfactory means of dealing with wastewater associated with the development.

Access, Movement and Parking

Policy AMP 2 of PPS 3 requires the proposal to not prejudice road safety or inconvenience the flow of traffic. The proposal utilises an existing access and DfI Roads has made no objection. The Parking Standards document suggests that a car wash requires 5 no. waiting spaces, there is ample space within the existing area of hardstanding on site to provide adequate car parking and queuing spaces.

CONCLUSION

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

- The principle of the development is acceptable;

- The proposal is of an unacceptable design which will have a detrimental impact on the character and appearance of the area;
- The proposal does not unduly impact neighbour amenity;
- It has not been demonstrated there is a satisfactory means of dealing with wastewater associated with the development; and
- The access and parking arrangements are acceptable.

RECOMMENDATION:	REFUSE PLANNING PERMISSION
------------------------	-----------------------------------

PROPOSED REASONS FOR REFUSAL:

1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policies PED 7 and PED 9 of Planning Policy Statement 4: Planning and Economic Development, in that the scale, nature and form is not considered appropriate to the location.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy PED 9 of Planning Policy Statement 4 and would, if permitted, cause harm to an interest of acknowledged importance, namely wastewater disposal in that it has not been demonstrated there is a satisfactory means of dealing with wastewater associated with the development.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:1,250 

Reference: LA03/2023/0761/F

 Site Location



COMMITTEE ITEM	3.5
APPLICATION NO	LA03/2022/0929/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	LEVEL OF OBJECTION
RECOMMENDATION	GRANT PLANNING PERMISSION
PROPOSAL	Erection of 2no 1.5 storey detached houses, with associated hard and soft landscaping, use of existing vehicular entrance off Ballycraigy Road to serve the new detached dwellings and no. 3 Ballycraigy Road
SITE/LOCATION	4 Ballycraigy Road, Glengormley, Newtownabbey, BT36 5ZZ
APPLICANT	Noel Reid
AGENT	Place Lab Architects
LAST SITE VISIT	28 th November 2023
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No. 4 Ballycraigy Road, Glengormley, Newtownabbey which is located within Metropolitan Newtownabbey as indicated within the Belfast Urban Area Plan (BUAP) and the draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site forms a rectangular shape and incorporates a single storey dwelling and detached garage at No. 4 Ballycraigy Road. The area to be developed forms the existing front garden area of No. 4. The site is bounded on each side by residential developments; Glenraig Heights to the east and Cedar Hill to the west, and as such a number of residential properties about the site, including No. 2 Ballycraigy Road, which is located to the north of the site. Access to the site is achieved via an existing private laneway which serves No. 4 Ballycraigy Road. The northern boundary is defined by a 1.8m high timber boarded fence and the eastern boundary is defined by an approximate 3m high mature hedgerow. The southern boundary is defined by hedgerows, and the western boundary is defined by mature interspersed trees. A number of mature trees and shrubs traverse the site. The topography of the land slopes gently from the south to the north (roadside).</p> <p>The immediate surrounding area is predominantly residential, comprising mainly of detached dwellings of varying heights and designs.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning reference: LA03/2020/0744/F Location: 4 Ballycraigy Road, Newtownabbey, BT36 5ZZ Proposal: Demolition of existing house, erection of 5no. 2 storey detached houses with associated hard and soft landscaping, and new vehicular entrances to Ballycraigy Road and Cedar Hill Decision: Permission Refused (09.06.2022)</p>	

Planning reference: U/2000/0193/RM
Location: 60m north of 4 Ballycraigy Road, Newtownabbey
Proposal: New Dwelling
Decision: Permission Granted (20.07.2000)

Planning reference: U/1999/0369/F
Location: Front garden of 4 Ballycraigy Road
Proposal: Erection of 4 no. apartments
Decision: Permission Refused (08.02.2000)

Planning reference: U/1999/0009/O
Location: 60 metres north of No.4 Ballycraigy Road, Newtownabbey
Proposal: Site for Dwelling
Decision: Permission Granted

Planning reference: U/1998/0400/O
Location: 60m north of 4 Ballycraigy Road, Newtownabbey
Proposal: Site for 2 dwellings
Decision: Permission Refused

PLANNING POLICY AND GUIDANCE

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

Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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.

Belfast Urban Area Plan (BUAP): The application site is located within the settlement limit for the Belfast Urban Area. The Plan offers no specific guidance to the proposal.

Draft Newtownabbey Area Plan and Draft Belfast Metropolitan Area Plan (2004): The application site is located within the settlement limits of Metropolitan Newtownabbey

as designated by these plans. These plans 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 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 Design Guide.

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

CONSULTATION

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

Historic Environment Division - No objection

Northern Ireland Water - No objection, subject to condition

Councils Environmental Health Section - No objection

REPRESENTATION

Twenty (20) neighbouring properties were notified and fourteen (14) letters of objection have been received from seven (7) neighbour notified properties. An additional one (1) letter of objection was received from a property within close proximity to the application site.

The full representations made regarding this proposal are available for Members to view online at the Planning Portal (<https://planningregister.planningssystemni.gov.uk>).

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

- Density;

- Urban sprawl;
- Visual impact;
- Built form (height);
- Impact on neighbouring amenity;
- Distance to neighbouring dwellings;
- Loss of light;
- Overlooking;
- Narrow access/traffic safety/congestion;
- Parking standards;
- No traffic/air quality survey;
- Impact on biodiversity;
- Tree Protection Orders (TPOs);
- Contrary to PPS 6;
- Lack of sewerage infrastructure;
- No communication relating to development;
- Loss of view;
- Noise;
- Pollution/fumes;
- Developing site prior to progressing LDP;
- Suitability of site in advance of any other site adjoining the settlement;
- Security issues;
- Address on P1 form;
- Ownership of trees; and
- Issue regarding the construction phase.

These issues have been discussed in detail below under the relevant subheadings.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Appearance
- Neighbour Amenity
- Access and Parking
- Other Matters

Policy Context

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

The adopted Belfast Metropolitan Area Plan 2015 (BMAP) previously operated as the statutory development plan for this area, but the adoption of the Plan in 2014 was subsequently declared unlawful by the Court of Appeal on 18th May 2017. As a consequence, the Belfast Urban Area Plan (BUAP) operates as the Local Development Plan (LDP) for the area. The provisions of the draft Belfast Metropolitan Area Plan (dBMAP) are also a material consideration in this application. Furthermore, the Council has taken a policy stance that, whilst BMAP remains in draft form, the

most up to date version of the document (that purportedly adopted in 2014) should be viewed as the latest draft and afforded significant weight in assessing proposals.

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications. The SPPS sets out the transitional arrangements that will operate until the Council has adopted a Plan Strategy for the Borough and it retains certain existing Planning Policy Statements (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 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 7: Quality Residential Environments;
- 2nd Addendum to PPS7 (APPS7): Safeguarding the Character of Established Residential Areas; and
- DCAN 8 - Housing in Existing Urban Areas

The application seeks full planning permission for the erection of two (2) 1.5 storey detached dwellings, with associated hard and soft landscaping, and the use of an existing vehicular entrance off the Ballycraigie Road to serve both the two (2) proposed detached dwellings and the existing dwelling at No.4 Ballycraigie Road.

It is considered that the principle of development for residential use is acceptable within the development limits of Metropolitan Newtownabbey subject to the proposal complying with the Plan's provisions for residential development and the creation of a quality residential environment as well as meeting other requirements in accordance with regional policy and guidance which are addressed in detail below.

Design, Layout and Appearance

The SPPS 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. Good design is paramount and schemes should be sensitive in design terms to people living in the existing neighbourhood and to local character.

In existing residential areas development must be balanced with the need for harmony and sensitivity to avoid significant erosion of environmental quality, amenity and privacy. PPS 7 reiterates the need for sensitivity and in Policy QD 1 the test is expressed as 'unacceptable damage to local character, environmental quality or residential amenity'.

The first criterion (a) requires that the proposed development respects the surrounding context and is appropriate to the character and topography of the site

in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces areas.

The application proposes two (2) dwellings, one and a half storeys in height. These dwellings are to be positioned within the front garden area of No. 4 Ballycraigy Road, which is a single storey detached dwelling. The surrounding established residential area (ERA) comprises Glencraig Heights to the east (which has a mix of single storey, one and a half storey and two storey dwellings but also comprises single storey dwellings along the eastern common boundary with the application site), Cedar Hill to the west (which comprises one and a half storey dwellings) and Nos. 2 and 4 Ballycraigy Road to the north and west respectively (which are both single storey in height). The ERA consists predominately of detached dwellings, with varying ridge heights.

A number of letters of objection were received from neighbour notified properties which raised concerns with the visual impact, density, built form and resultant urban sprawl, of the development proposal. It is considered that given the location of the site to the rear of No. 2 Ballycraigy Road in combination with the 23m set back distance from the Ballycraigy Road, the proposal will not appear visible from any critical viewpoints along the Ballycraigy Road. There will be limited views, if any, from the public areas of both Glencraig Heights and Cedar Hill given the intervening development/boundary treatments and the orientation and separation distance between the proposed and existing dwellings. It is considered that, if views of the proposal are achievable, they will solely consist of the upper portion of the roof which is considered normal within residential areas. No.2 Ballycraigy Road will have a rear-to-side elevation relationship with the proposed dwelling on Site 1, with a 12m separation distance. This relationship is considered acceptable and is prevalent within the surrounding area, as can be seen in a similar relationship between the dwellings at No. 2 Ballycraigy Road and No.1 Cedar Hill Road, which have a reduced separation distance of 4m between them.

The siting, orientation, dwelling size, and curtilage size of the proposed development possess largely similar characteristics to the layout of the dwellings at Glencraig Heights. The proposed dwellings are also considered similar in terms of design and curtilage size to those dwellings in Cedar Hill, and No. 2 Ballycraigy Road. The proposed layout and remaining curtilage of No. 4 Ballycraigy Road is considered to respect the density, the pattern of development and is considered in keeping with the overall character and environmental quality of the ERA.

The proposed dwellings are to be one and a half storey in height. In order to gain a better understanding of the proposal's impact on the neighbouring dwellings, a topographical survey (Drawing 06, date stamped 12th December 2022) was submitted. The survey displays ground levels throughout the application site as well as those of the neighbouring properties adjacent to where the proposed dwellings are to be sited. Finished floor levels, eaves and ridge heights are also indicated. Alongside this, the 'Proposed Site/Block Plan' (Drawing No. 02/2 date stamped 6th January 2023), was submitted which displays a cross section through the site with the proposed dwellings shown alongside Nos. 2 and 4 Ballycraigy Road, and Nos. 1, 2 and 4 Cedar Hill.

The cross section on Drawing No. 02/2 shows that the proposed dwellings are subordinate to the dwellings located within the Cedar Hill development and therefore there are no concerns with this relationship. Site 1 is approximately 1m taller in height than No. 2 Ballycraigy Road. This difference in height is considered minimal, particularly due to the 12m separation distance and the existing relationship between No. 2 Ballycraigy Road and No.1 Cedar Hill given that there is a height difference considerably more than 1m.

The same house type design is proposed on both sites, however the dwelling on Site 2 appears slightly more elevated as it conforms to the topography of the site. This relationship is considered acceptable. The dwelling on Site 2 is approximately 1m taller in height than the dwelling at No. 4 Ballycraigy Road. This increase in height is considered acceptable, especially when considering the 21m separation distance between the two dwellings.

Having reviewed the topographical survey, Drawing 06, it is noted that the proposed dwellings will be approximately 3m taller in height than the dwellings which bound the site along the eastern boundary within the Glenraig Heights cul-de-sac (Nos. 11, 15, 17 and 19). This relationship is similar to that already exhibited with the Glenraig Heights cul-de-sac, whereby a number of single storey dwellings face or are sited beside a number of two storey dwellings. Therefore, this difference in ridge height is considered acceptable, especially given the limited number of public viewpoints.

A number of objection letters refer to the proposed development resulting in urban sprawl. The proposal is located within an existing front garden area, and is bound by development on all aspects. It is not located on the edge of the settlement limit or within the countryside and if approved, the proposal would not result in urban sprawl.

The height and the design of the proposed dwellings is considered to reflect the character of the dwellings in the immediate area and as such are considered acceptable. The dwellings are to be finished in render, stone and artificial slate, which are also considered to be acceptable.

The Landscape Proposals Plan (Drawing 07/1 date stamped 6th January 2023) was submitted which provides information relating to the proposed hard and soft landscaping proposals, including the proposed species, numbers, height and location of each planted element within the site. It is noted that a number of trees positioned centrally within the site are to be removed in order to accommodate the proposal. The planting schedule and hard landscaping are considered acceptable. In order to protect neighbouring amenity, a condition should be attached to any decision notice requiring the construction of a 1.8m high timber board fence to be erected along the front and rear boundaries, should planning permission be forthcoming.

In summary, the dwellings are considered appropriate to the character of the area, respecting the surrounding context in terms of layout, scale, design, appearance, and massing. The proposals are also considered to respect the ERA, which reflect a similar density and pattern of development. The proposal is therefore considered to meet the policy provision of criterion (a) of Policy QD 1 of PPS 7. Criterion (c) requires adequate provision for private and open space as part of the development. It is considered that the plots provide in excess of that required as set out within Creating

Places, whilst still providing No. 4 Ballycraig Road with adequate amenity space. The proposal is therefore considered to comply with the policy provisions of Policy QD 1 of PPS 7 and Policy LC 1 of APPS7.

Neighbour Amenity

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

A number of objection letters were received from neighbour notified properties in relation to the proposals impact on neighbouring amenity, in particular the separation distance between dwellings, overlooking and loss of light. No. 2 Ballycraig Road is positioned north of the application site and contains a single storey dwelling. Site 1 is located approximately 12m from the neighbouring property, with a side to rear relationship. One ground floor window and door are positioned facing No. 2, serving a WC and rear utility room. No detrimental impact by way of overlooking or loss of privacy are expected to occur given the positioning of these openings at ground floor level, and the existing boundary treatment which restricts any views. No detrimental impact by way of loss of light and overshadowing are expected to occur given the separation distance, the positioning of the dwelling, and the pathway of the sun, whereby only minimal lunchtime light would be affected, if at all. Furthermore, this is when the sun is at its highest in the sky. No impact of dominance is expected to occur given the separation distance and the minimal difference in ridge heights of the proposal (1m taller) and the neighbouring property.

Nos. 11, 15 and 17 of Glenraig Heights are positioned east of the application site. A number of windows are positioned on the ground floor of each of the proposed dwellings. No loss privacy or overlooking is expected to occur at these dwellings given the ground floor position of these openings and the 3m high common boundary treatment which will restrict views. If approved, this boundary will be conditioned for retention. A skylight is proposed to the upper floor of each of the proposed dwellings, however given the pitch of the roof and the position of the window along the roof planes, only oblique views will be achieved outwards therefore no detrimental impact on neighbouring amenity is expected to occur. No impacts from loss of light, dominance or overshadowing are expected to occur given the proposed separation distance, the intervening boundaries, which are to be retained, and the fact that the topography of the neighbouring properties are slightly more elevated than the application site.

No. 4 Ballycraig Road, which is under the control of the applicant, is positioned south of the proposed dwellings and contains a single storey dwelling. Two windows are positioned to the southern side elevation facing No.4 which serve a family/dining room. No impact to the neighbouring amenity is expected given the ground floor positioning of the windows and the 21m separation distance. Proposed landscaping will also filter/screen views further upon maturity. No impacts by way of loss of light, dominance or overshadowing are expected to occur given the separation distances and orientation of the proposed dwellings.

Nos. 2 and 4 Cedar Hill are positioned to the west of the application site. A number of ground floor windows face these dwelling, however, limited impact by way of overlooking is expected given the existing boundary treatments, which screen views. If approved, a 1.8m high fence will be conditioned along the common boundary to further enhance privacy. Three first floor windows serve three individual bedrooms on each of the proposed dwellings. Site 1 has a rear-to-rear relationship with No. 2 Cedar Hill. No impacts via loss of privacy are expected to occur given the 30m separation distance. The first floor windows of Site 1 also face onto No. 4 Cedar Hill's rear curtilage, however, limited impact is expected given the existing boundary treatment, which provides sufficient screening between the sites, and the low occupancy nature of the rooms that the windows serve.

Site 2 has a side-to-rear relationship with No. 4 Cedar Hill and is positioned 10m from the common boundary. Again, limited impact is expected given the existing boundary treatment which provides sufficient screening between the sites, and the low occupancy nature of the rooms that the windows serve. No impacts by way of loss of light, dominance, or overshadowing are expected to occur given the separation distances and the intervening boundary treatment, which measures approximately 8-10 metres in height.

Amenity Space

Criteria (c) of Policy QD 1 requires that adequate provision is made for private open space as an integral part of the development. 'Creating Places' requires a minimum of 40sqm private amenity space for residential dwellings. It is considered that the proposed plots exceed this requirement and are therefore considered to meet this criterion.

Access and parking

A number of letters of objection were submitted which raised concerns regarding the vehicular entrance, traffic generation, traffic congestion, road safety, and parking provision.

A number of objection letters refer to the site achieving access from the Cedar Hill development. The application site is to utilise the existing access arrangements onto the Ballycraig Road, which currently serves the dwelling at No. 4 Ballycraig Road and no access is to be achieved from Cedar Hill.

An objection letter raises concerns that the proposed access will not be able to achieve the 4.2m width as stipulated by DfI Roads. The 'Proposed Site/Black Plan' (Drawing 02/2 date stamped 6th January 2023) displays the access as being a minimum width of 4.2m, with a notation and measurement also showing this measurement. DfI Roads were consulted regarding the access arrangement and responded with no objections. No evidence was submitted by the objector which demonstrates that the road width cannot be achieved, and therefore the Council has no reason to dispute this matter.

A number of objectors refer to the proposal resulting in an increase in traffic, congestion, road safety concerns, and the impact on air quality from exhaust fumes. The proposal is for an additional two dwellings, which will share an existing access. DfI Roads was consulted with regards to road safety and the development's impact on the flow of traffic. DfI Roads is the statutory consultee on road safety matters and

responded with no objections to the development or the intensification of the existing accesses onto the public highway, its response is given determining weight.

No. 2 Ballycraigy Road, is positioned north of the application site and its entrance is positioned directly adjacent to the application site. The occupants of this property have raised concerns that the increase in vehicular movements will cause them difficulty when exiting and entering the Ballycraigy Road. They also note that given the single lane nature of the proposed access arrangement, it may result in the congestion of traffic along it. As previously mentioned, DfI Roads was consulted and has no concerns regarding the proposal and its access arrangements. The entrance is 4.2 metres, which is sufficient only for one car to gain access to the shared laneway or to exit onto Ballycraigy Road at a time; however, there is sufficient passing width further along the laneway for cars to pass.

An objector raised concerns that no traffic/air quality survey was provided for the development. Given the scale of the development (two (2) three-bedroom dwellings), it is not anticipated that there will be a significant increase in additional vehicular movements or air quality, which would warrant a survey. DfI Roads and the Environmental Health Section of the Council were consulted on the proposal and both responded with no objections.

Objectors also raised concerns regarding insufficient parking provision for the proposed development. The Parking Standards stipulates that 5 car parking spaces are required for two (2) three-bedroom dwellings. Six (6) car parking spaces are proposed to serve the development proposal, including the provision of a visitor parking space. The parking provision is therefore considered acceptable.

Other Matters

Natural Environment

A number of objection letters raised concerns with regards to the proposal's impact on wildlife (birds, bats, badgers) and the removal of trees. The objectors concerns also note the impact on trees which they wrongly identify as being protected by Tree Protection Orders (TPOs). It is noted that a number of trees positioned centrally within the site are to be removed in order to accommodate the proposal, however, no TPO trees exist on the site.

A Biodiversity Checklist (Document 01 date stamped 19th January 2024) was submitted, within which the ecologist notes that the site has a 'low' potential for bats foraging and commuting, and all trees were assessed as having either 'negligible' or 'low' roosting potential. No signs of badgers or otters were observed within the site or the surrounding 30m area. The mature trees and hedgerow vegetation were noted as offering potential to a variety of nesting birds. Therefore if approved, a number of informatives are to be attached to ensure that birds are not to be harmed.

Historic Environment Division (HED)

Objectors noted concerns with the proposal's impact with regards to the policy provisions of PPS 6: Planning, Archeology, and the Built Heritage. The concerns outlined include the loss of trees subject to a TPO and the impact of the proposal on the landscape quality. The TPO issue has been discussed above, and the proposal and its impact on the landscape has been discussed extensively under the 'Design, Layout and Appearance' subheading.

DfC HED was consulted regarding the proposal and responded with no objection to the application. The proposal is considered to meet the policy provisions of PPS 6.

NI Water

A number of objectors noted concerns with regards to the existing sewerage infrastructure in the area. NI Water was consulted on the proposal and has responded recommending a refusal as the receiving foul sewer network in the area has reached capacity. The issue of a connection to the public sewer is a matter controlled by separate legislation, namely, Article 161 of the Water (Northern Ireland) Order 1999. The role of the planning system is not to duplicate the regulatory controls of other statutory bodies and matters which lie outside the control of planning should not form part of the decision making process unless it is demonstrated that the development would result in adverse impacts on the environment. In this case the adverse impacts would arise from the development causing capacity issues to Waste Water Treatment Works resulting in an overloading of the system. NI Water can make an assessment of whether the sewerage infrastructure has sufficient capacity to cope with the development and then decide to grant or refuse consent to connect to the sewer. Provided that no development could commence until such times as the necessary Article 161 Agreement was obtained then no adverse impacts would arise. This is a matter which could be negatively conditioned should planning permission be forthcoming and therefore a reason for refusal on this issue could not be sustained.

The remaining issues outlined by objectors are addressed below.

Concerns were raised that no communication relating to the development took place with neighbouring residents. Article 8(1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) requires a planning authority, where a planning application is made to it, to notify any neighbouring occupiers. Advertisement of the current application has been carried out in the line with statutory requirements and neighbour notification letters have been issued to all properties in line with neighbour notification procedures. Therefore an opportunity has been provided for neighbours to raise concerns in relation to the current application.

Concerns regards the loss of outward views were also raised. Views are not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwellings. In any case the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

Concerns were raised about the associated disturbances during the construction phase of development. Although there is potential for noise nuisances during the construction phase, this should not arise outside reasonable times and would be temporary in nature. Given the context of development some noise and disturbance is to be expected, however, this is likely to be at a low level associated with the daily living requirements of the occupiers of dwellings. The delivery of materials to site were also noted (both during the construction phases and following

occupation), and how lorries/large vehicles will access the site. This is not a planning matter, and it is the responsibility of the developer/applicant who will have to ensure the delivery of materials does not impede traffic, and is able to access the site appropriately.

Concerns regarding noise and pollution from cars using the development were also raised. The proposal is for two (2) three-bedroom dwellings and whilst it is accepted that the development would lead to additional traffic movements along the laneway, the small scale nature of the development is not considered to significantly increase traffic levels and subsequent level of noise and pollution. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application.

A number of objectors raised the point of the necessity of developing the site in advance of progressing the new Local Development Plan (LDP). Each planning application received by the Council is assessed on its own merits, with a decision being made based on the development plan, prevailing planning policies and other material considerations. The development proposal is considered to comply with the current development plan and planning policies and it is not considered necessary for applicants to withhold from applying for any form of development until the new LDP is adopted.

Objectors also noted concerns regarding the suitability of the application site in advance of any other site adjoining the settlement. The applicant is entitled to submit an application on any lands, and no sequential test exists for residential development located within the development limit. The proposal is located within the development limit of Metropolitan Newtownabbey, where there is a presumption in favour of residential development.

Concerns were raised regarding the submitted P1 Form and the failure of the applicant to include No. 2 Ballycraigy Road within the neighbour notification section. Although No.2 Ballycraigy Road was not included on the P1 Form, the Council issued a neighbour notification letter to the address in line with neighbour notification procedures.

Concerns were raised regarding the ownership of trees along the shared boundary between the application site and Cedar Hill. The Landscape Proposals Plan indicates that the existing boundary trees are to be retained and protected on site during construction and new rear boundary planting is also proposed.

Lastly, concerns were raised regarding a pedestrian access link causing a security risk to neighbouring properties. There is no pedestrian link proposed between the application site and neighbouring residential developments. The proposed access arrangements are to serve the two proposed dwellings and the existing dwelling at No. 4 Ballycraigy Road. It is not anticipated that this link would impact the security of neighbouring properties given the fact that the laneway is already in situ. The addition of two dwellings is considered to increase public surveillance, thereby increasing safety.

CONCLUSION

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

- The principle of development is acceptable;
- The design, layout and appearance of the dwellings is considered appropriate to the character and appearance of the site and the surrounding area;
- Sufficient private amenity is provided by the proposal;
- There is no adverse effect on existing or proposed properties in terms of residential amenity, loss of light, light, overshadowing, dominance, noise or other disturbance;
- The proposal is unlikely to impact protected or priority species;
- There is no objection to the proposal on sewerage grounds, subject to the attachment of a condition; and
- There are no road safety concerns regarding the proposal.

RECOMMENDATION : **GRANT PLANNING PERMISSION**

PROPOSED CONDITIONS

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

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

2. The vehicular access, including visibility splays and any forward sight distance, must be provided in accordance with Drawing No. 02/2 date stamped 6th January 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.

Reason: To ensure adequate wastewater treatment capacity is available and to ensure the project will not have an adverse effect on the integrity of any European site.

5. The proposed planting must be carried out in accordance with approved

Drawing No. 07/1 date stamped 6th January 2023. The planting must be carried out in the first available season after the occupation of the development.

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

6. 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 must 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.

7. The existing hedgerow and vegetation along the site boundaries as indicated in blue on the approved plan Drawing No. 07/1 date stamped 6th January 2023 must be retained at a minimum height of 4 metres for hedging/shrubs and 4 metres for trees.

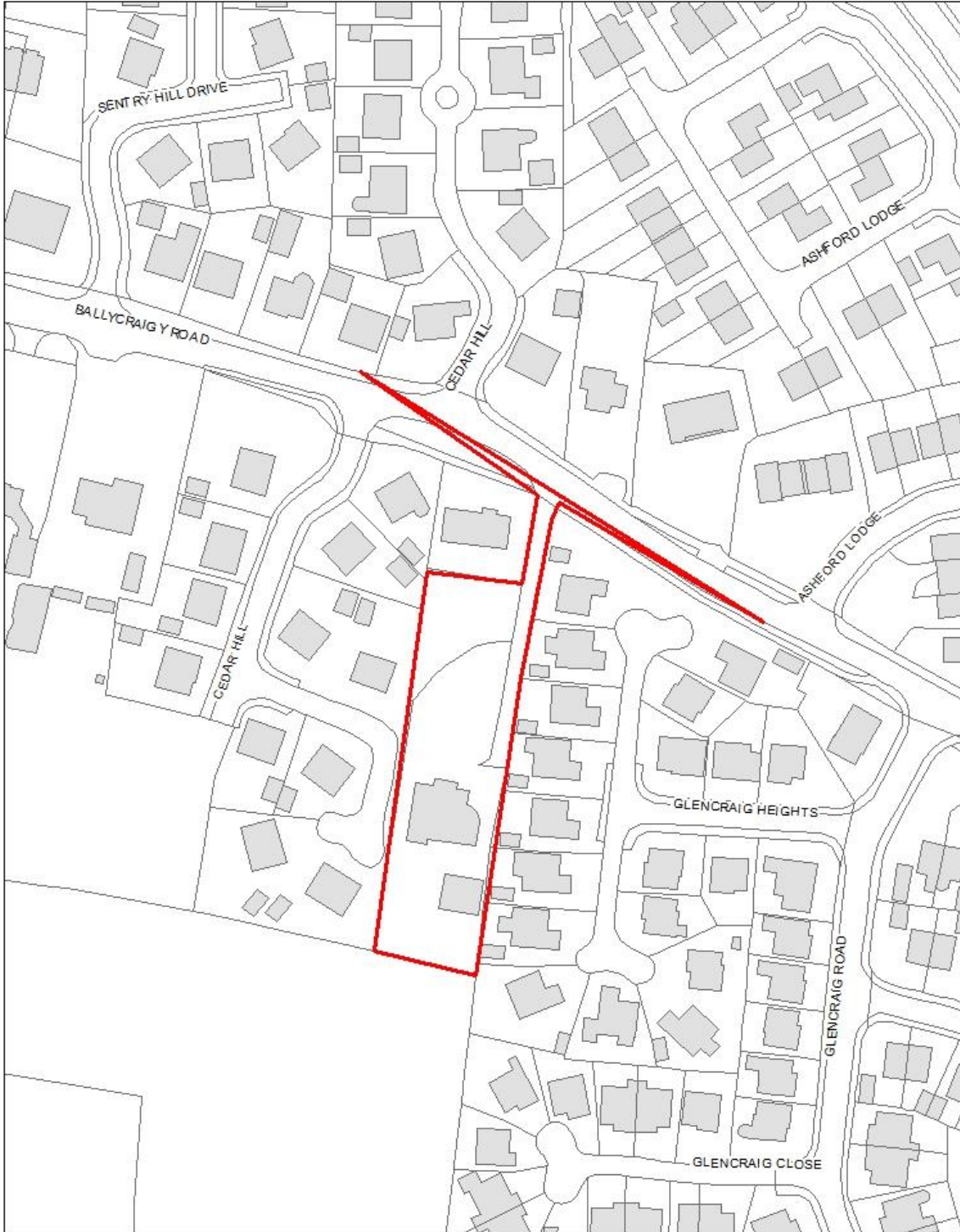
Reason: To ensure the maintenance of screening to the site.

8. If any retained 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 must be planted at the same place, unless the Council gives its written consent to any variation.

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

9. Prior to the occupation of the building for its permitted use, the site boundaries identified in orange on Drawing No. 07/1 date stamped 6th January 2023, must be defined by a 1.8m high timber fence. The fence shall be maintained and retained during the lifetime of the development.

Reason: To define the curtilage of the site and to ensure the protection of neighbouring amenity.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right NIMA C3&LA156 (2024)

Site Location Plan

1:1,250 

Reference: LA03/2022/0929/F

 Site Location



COMMITTEE ITEM	3.6
APPLICATION NO	LA03/2024/0059/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Off-site replacement dwelling and garage. Original dwelling to remain as outhouse
SITE/LOCATION	60m North of 73 Carlane Road, Toomebridge
APPLICANT	Bridin Kearney
AGENT	PJ Carey Architecture
LAST SITE VISIT	14th February 2024
CASE OFFICER	Harry Russell Tel: 028 903 40408 Email: harry.russell@antrimandnewtownabbey.gov.uk
<p>The full details of this application, including the application forms, relevant drawings, consultation responses and any representations made are available to view at the Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk.</p>	
SITE DESCRIPTION	
<p>The application site is located on lands 60 metres north of No. 73 Carlane Road, Toomebridge, which is within the countryside and outside any development limits defined by the Antrim Area Plan 1984-2001.</p> <p>The application site comprises two parcels of land either side of an existing agricultural laneway. The first parcel on the eastern section encompasses a single storey building finished in grey render and a corrugated iron roof. A small portion of hardstanding is situated immediately south of the building and a 1m high stone wall defines the northern (roadside) boundary. The western boundary which abuts the agricultural laneway is also defined by a 1m stone wall and the western elevation of the building. The southern boundary is defined by 1m high hedgerow and the eastern boundary, which abuts the access laneway of No. 73 Carlane Road, is undefined.</p> <p>The second parcel of land within the site lies to the west of the existing building and is a section of a larger agricultural field. The northern, eastern and western site boundaries are defined by 1m tall hedgerows and intermittent trees, whilst the southern boundary is undefined. The topography of the site is generally flat. The application site is situated within a rural area and is characterised by dwellings and outbuildings spread throughout intermittently.</p>	
RELEVANT PLANNING HISTORY	
<p>Planning Reference: T/2009/0015/F Location: 50m N of 73 Carlane Road, Toomebridge Proposal: Proposed 2 No. 2 bedroom self-catering semidetached tourists units Decision: Permission Granted 27.03.09</p>	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p>	

Until the Council adopts its new Local Development Plan, most planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough (the Belfast Urban Area Plan, the Carrickfergus Area Plan and the Antrim Area Plan). Account will also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which has reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.

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

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

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.

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

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

CONSULTATION

Council Environmental Health Section - No response

Northern Ireland Water - No objection

Department for Infrastructure Roads - No objection subject to conditions

REPRESENTATION

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

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

- Access Movement and Parking
- Other Matters

Policy Context and Principle of Development

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

The 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 development 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 Policy CTY 3 which allows for the erection of a replacement dwelling subject to certain criteria.

The subject building is single storey in height finished in grey render with a metal sheeting roof. Visually, the building does not appear to exhibit the characteristics of a dwelling. Only the northern roadside elevation of the building has windows, the majority of which are narrow and horizontal located near to the building's eaves which is more characteristic of an agricultural outbuilding and not a dwelling. The building also lacks any regular doorways with access provided to the interior by two roller shutter doors on the southern elevation. Additionally, the building also lacks any chimneys, which are a common characteristic of a rural dwelling. At the time of the site inspection, the interior of the eastern side of the building was being used as a wood store, whilst the interior of the western side was not accessible.

A Supporting Statement (Document 01, date stamped 29th January 2024) was submitted by the agent which includes landlord and tenancy information relating to the building dating back from 1862. Within the document, the subject building is alleged to be shown on an area of land, which has a map reference number of No.

9. Within the tenancy agreement, an occupier on the land referenced No. 9 is illustrated. However, within the area of land referred to as No. 9, there is more than one building present. The submitted tenancy agreement also states there are both houses and offices on the land and as such, it is not clear which building was used as a dwelling on the land.

The Supporting Statement further states that the building has been rendered in recent years and the windows and door openings have been altered to accommodate the current use, which is referred to in the application form as an outbuilding. Google Streetview imagery, which dates back to November 2008 indicates that the building has been rendered since 2011, however, the window pattern to the roadside elevation has not been significantly altered since November 2008 (this is the earliest imagery available). As such, the dwelling does not currently exhibit the essential characteristics of a dwelling and there is insufficient evidence to show that the building was ever a dwelling.

An off-site replacement is proposed in the field adjacent to the curtilage of the existing building. Notwithstanding that the building does not exhibit the essential characteristics of a dwelling, it is considered that the building's curtilage is restrictive and could not accommodate a reasonably sized dwelling. As such, an off-site replacement in the adjacent field, which benefits from some mature boundary treatments, would be considered acceptable should the principle of development be considered acceptable.

It is noted that permission was granted to convert the outbuilding to self-catering premises previously under planning application Ref: T/2009/0015/F. However, this permission has since expired and is not extant.

Consequently, as the building does not possess the essential characteristics of a dwelling, the principle of development is unable to be established.

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

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

The proposed dwelling is an off-site replacement and it is proposed to be situated within an agricultural field adjacent to and west of the subject building that abuts the Carlane Road. The field has mature boundary treatments along its eastern and western boundaries, with trees approximately 5-6m in height, which would assist in the integration of a dwelling at this location. The mature boundary treatments also provide screening to the site when travelling eastwards and westwards along the Carlane Road, however, views of the site will be achieved from along the site frontage due to the low 1m high roadside boundary hedge.

Intermittent trees beyond the rear of the site alongside Lough Neagh provides a relatively low backdrop to the site. As such, it is considered that a dwelling with a lower ridge height would integrate into the site. Further planting to the rear of the site

as well as additional planting along the northern roadside boundary, due to the partial removal of roadside hedges for the provision of visibility splays, would provide further integration to the site.

In addition, to the proposed dwelling having an offsite location, the proposal seeks to retain the existing building as an outhouse. It is considered that the retention of this building alongside the erection of a dwelling in the adjacent field would create a ribbon of development with No. 69 Carlane Road. Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development, whilst Policy CTY 14 states a new building will be unacceptable where it creates ribbon development.

As such, as the proposal contributes to ribbon development, it is considered to have a detrimental impact upon the rural character of the area and is therefore considered contrary to Policies CTY 8 and CTY 14 of PPS 21.

Neighbour Amenity

As this application seeks outline permission, no details have been provided regarding the siting, layout or proposed design. The application site abuts Nos. 69 and 73 Carlane Road, however given the mature boundary treatments of the eastern and western field boundaries, it is considered an appropriately sited dwelling could be erected at this location without adversely impacting the amenity of neighbouring properties.

Access and Parking

DfI Roads was consulted in relation to the proposal and responded with no objections subject to compliance with the attached RS1 Form at the Reserved Matters stage should outline permission be forthcoming.

Other Matters

Shared Environment Services were informally consulted on the proposal and indicated that they had no objection to the proposed replacement dwelling.

CONCLUSION

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

- The principle of the development has not been established in accordance with the policy provisions of Policy CTY3 of PPS 21;
- It is considered that the proposal will integrate appropriately with the surrounding landscape;
- The proposal would lead to the creation of a ribbon of development, and is therefore contrary to policy CTY 8 and CTY 14 of PPS 21;
- The proposal is not considered to result in adverse impacts on neighbouring properties;
- The proposal is not considered to prejudice road safety.

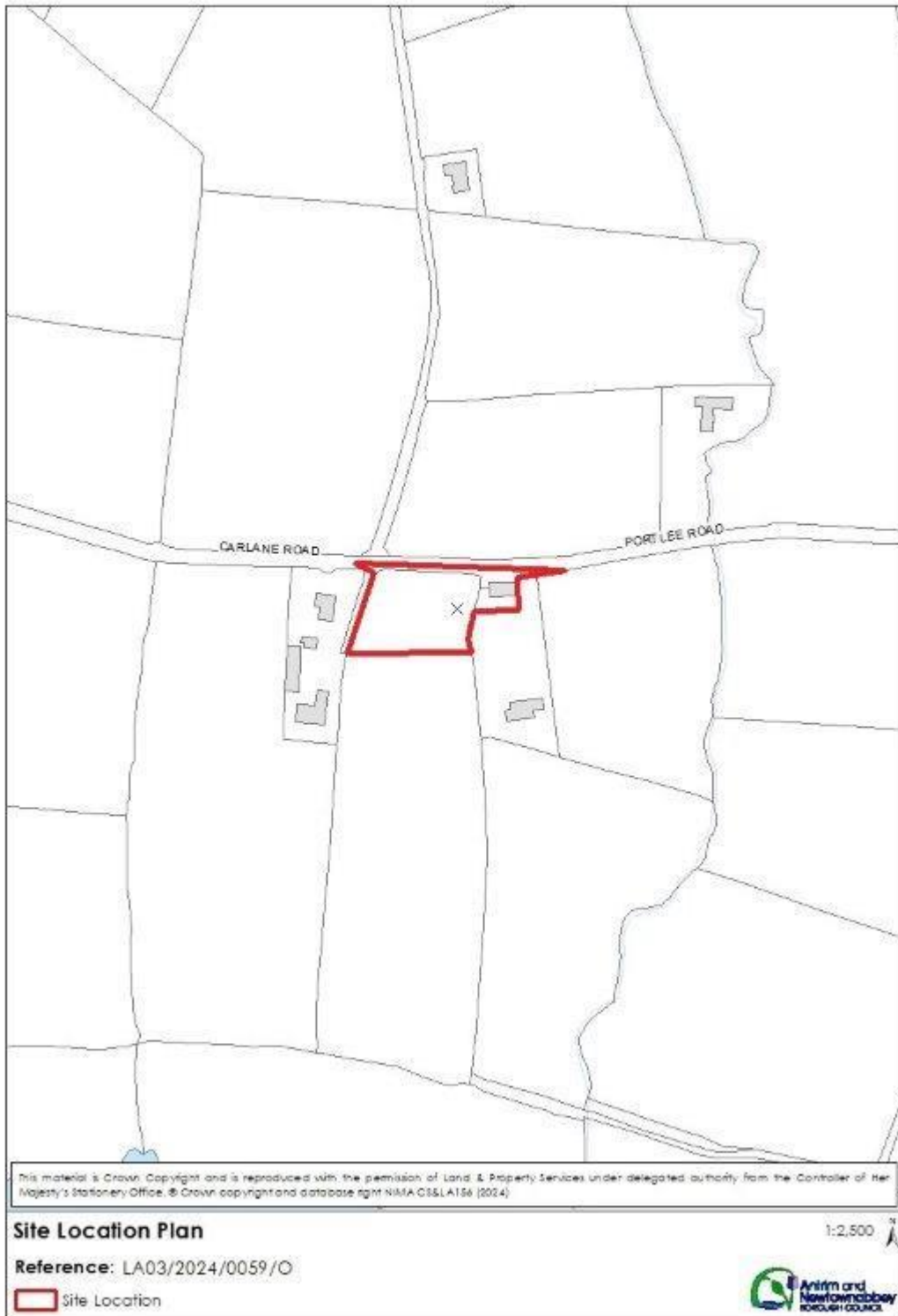
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
-----------------------	---

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding

reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Policy provisions of the Strategic Planning Policy Statement and Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be replaced does not exhibit the essential characteristics of a dwelling and therefore is not eligible for replacement.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would lead to the creation of a ribbon of development within the countryside.



COMMITTEE ITEM	3.7
APPLICATION NO	LA03/2023/0892/F
DEA	GLENGORMLEY URBAN
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE FULL PLANNING PERMISSION
PROPOSAL	Alteration and Extension to Dwelling
SITE/LOCATION	13 Harmin Avenue, Glengormley, BT36 7UW
APPLICANT	Choice Housing
AGENT	Moore Macdonald & Partners
LAST SITE VISIT	19 th December 2023
CASE OFFICER	Eleanor McCann Tel: 028 903 40422 Email: eleanor.mccann@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 Register https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located at No.13 Harmin Drive, Newtownabbey and is situated within the development limits of Metropolitan Newtownabbey as defined within the Belfast Urban Area Plan (BUAP) and the Draft Belfast Metropolitan Area Plan (dBMAP).</p> <p>The application site comprises a semi-detached two storey dwelling with a single storey front porch. The dwelling is finished in red facing brick, white PVC windows black PVC door and interlocking concrete roof tiles. The sites adjoins No. 15 Harmin Drive to the east and abuts No. 11 Harmin Drive to the west. Nos. 6 and 8 Canberra Park abut the application at the rear of the property. The topography of the application site is relatively flat with a slight decline to the east of approximately 0.2m. The dwelling sits at the same level as the neighbouring properties at No. 15 Harmin Drive and Nos. 6 and 8 Canberra Park, however, it sits approximately 0.2m below the neighbouring property at No. 11 Harmin Drive. Amenity space is provided to the front (north) western elevation and rear (south) of the property. Parking provision is located at the front (north) of the property. The northern, eastern and western boundaries at the front of the dwelling are defined by close boarded timber fencing approximately 1.3m in height. A 1.8 metre high close boarded timber fence defines the southern, eastern and western boundaries to the rear of the dwelling.</p> <p>The application site is located in a predominantly residential area, comprising of similar house types and design.</p>	
RELEVANT PLANNING HISTORY	
No recent/relevant site history.	
PLANNING POLICY AND GUIDANCE	

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

Until the Council adopts its new Local Development Plan, 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 Belfast Metropolitan Area Plan (2004): The application site is located inside the settlement limits of Metropolitan Newtownabbey. The Plan offers no specific guidance on this proposal.

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

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

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

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

CONSULTATION

DfI Rivers – No objection

REPRESENTATION

Eight (8) neighbouring properties were notified of the application and no letters of objection were received in respect of the development proposal.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

The application site lies within the settlement limit of Metropolitan Newtownabbey in both Plans. There are no specific operational policies or other provisions relevant to the determination of the application contained in these Plans.

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

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

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

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

Scale, Massing, Design and Appearance

The application seeks full planning permission for a single storey rear extension to provide a bedroom and shower room. The proposed flat roof extension includes a connecting link serving as a hallway to the main body of the extension which includes a shower room and bedroom, which is set back 0.15m from the shared boundary with No. 15 Harmin Avenue. The connecting link measures 2.1m in length, 1.27m in width and 3.1m in height. The main body of the extension is set back 1.3m from the shared boundary with No. 15 Harmin Avenue and measures 6.8m in length, 4.8m in width and 3.1m in height and extends a total length of 8.9m from the host dwelling. The proposed extension is subordinate to the host dwelling.

The proposed extension will not be visible from any publicly available critical viewpoints as the extension is located to the rear of the dwelling. The finishes are to match the existing dwelling.

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

Neighbour Amenity

The Addendum to Planning Policy Statement 7- Residential Extensions and Alterations EXT 1 states 'Planning permission will be granted for a proposal to extend or alter a residential property where the proposal does not unduly affect the privacy or amenity of neighbouring residents'.

No. 11 Harmin Avenue is situated to the west of the subject dwelling, which has a ground floor window serving a sitting room and a door serving a kitchen on its rear elevation. The subject dwelling bounds No. 15 Harmin Avenue to the east, which also has a window and a door on its ground floor rear elevation. An assessment of impact that the proposal will have on the light levels of Nos. 11 & 15 Harmin Avenue was carried out in accordance with the guidance set out in APPS7. The proposal was found to breach the light test by 0.2m in relation to No. 11 Harmin Avenue and by 2.3m in relation to No. 15 Harmin Avenue. Due to the pathway of the sun, the proposed extension would cause a negligible loss of light to the property at No. 11 Harmin Avenue but would result in a significant loss of light to No. 15 Harmin Avenue from early afternoon until dusk. The impact of loss of light the neighbouring properties at No. 11 Harmin Avenue and No. 15 Harmin Avenue is considered to be an unacceptable impact on their amenity.

A window and door are proposed on the rear elevation of the proposal. The window will serve a bedroom and the door will serve a rear hall. No significant impact of overlooking is considered to occur due to the existing boundary treatments which offer a high degree of screening. A window and a door are proposed on the western elevation of the proposal, which will serve a bathroom and rear hall. These are not considered to give rise to any significant overlooking concerns as the existing boundary treatments offer a high degree of screening and the proposed window serving the bathroom will have obscured glazing. A window is proposed on the western elevation of the existing dwelling, which will serve the living room. It is not considered to have any significant impact of overlooking due to the existing boundary treatments and the gable the window is facing is blank.

The impacts of overlooking, overshadowing and dominance are not considered to have a significant impact on neighbouring properties, due to the single storey nature of the proposal. However, the impact of loss of light to the neighbouring properties at Nos. 11 and 15 Harmin Avenue is considered unacceptable.

Impact on Trees and Environmental Quality of this Area

It is considered that the proposal will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality because there are no trees or other landscape features present where the proposal will be located.

Amenity Space, Parking and Manoeuvring

The proposal does not impact upon parking provision or areas for recreational/ domestic purposes.

Other Matters

Dfl Rivers was consulted regarding the development proposal and responded by stating that it was unable to provide advice on the application with respect to the revised PPS 15 due to a lack of drawings and accompanying documents on the Consultee Hub. Consequently, Dfl Rivers was re-consulted and responded on the 13th March 2024 stating that it was satisfied with the proposal subject to informatives being included on any forthcoming planning decision.

CONCLUSION

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

- The principle of development is acceptable;
- The design and appearance of the proposal is considered acceptable;
- The proposal will unduly affect the amenity of neighbouring properties by way of loss of light;
- The proposal does not cause the unacceptable loss of or damage to trees or other landscape features; and
- It is considered that sufficient amenity space remains within the curtilage of the dwelling.

RECOMMENDATION

REFUSE PLANNING PERMISSION

PROPOSED REASON OF REFUSAL

1. The development is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations, in that the extension will have an unacceptable impact on the amenity of neighbouring residents by way of loss of light.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:1250 

Reference: LA03/2023/0892/F

 Site Location



COMMITTEE ITEM	3.8
APPLICATION NO	LA03/2024/0063/O
DEA	DUNSILLY
COMMITTEE INTEREST	REFUSAL RECOMMENDED
RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
PROPOSAL	Erection of single storey dwelling
SITE/LOCATION	100m NE of 31 Speerstown Road, Ballymena, BT42 3DD
APPLICANT	Derek Carmichael
AGENT	Gary Hunt
LAST SITE VISIT	22 nd February 2024
CASE OFFICER	Gareth McShane Tel: 028 903 40411 Email: gareth.mcshane@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 https://planningregister.planningsystemni.gov.uk</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 100m northeast of No. 31 Speerstown Road, Ballymena, within the countryside as identified in the Antrim Area Plan 1984-2001.</p> <p>The application site forms a rectangular plot cut out of a larger agricultural field, with an approximate area measuring 0.44 hectares. The application site is set back approximately 140m from the Speerstown Road and is accessed via a shared laneway. The topography of the site rises from the northeast to the southwest. The northern and southern boundaries are defined by post and rail/wire fencing. The eastern boundary is defined by interspersed trees and the western boundary is defined by a mature hedgerow. A dwelling at No. 31 Speerstown is located adjacent to and southwest of the application site.</p> <p>The surrounding location is countryside with a number of dwellings and buildings of an agricultural appearance within the wider area.</p>	
RELEVANT PLANNING HISTORY	
No recent/relevant planning history.	
PLANNING POLICY AND GUIDANCE	
<p>Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p>Until the Council adopts its new Local Development Plan, planning applications will continue to be assessed against the provisions of the extant adopted Development Plans for the Borough, which in this case is the Antrim Area Plan 1984 -2001. Account will also be taken of the relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals.</p>	

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

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

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

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

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

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

CONSULTATION

Council Environmental Health Section – No objection.

Department for Infrastructure Roads- No objection, subject to compliance with attached RS1 Form.

Northern Ireland Water- No objection

REPRESENTATION

Two (2) neighbouring properties were notified and three (3) letters of objection were received, two (2) letters from a neighbour notified property and one (1) letter has been received from outside the neighbour notification area.

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

(<http://www.planningregister.planningsystemni.gov.uk/simple-search>)

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

- Principle of development;
- Impact on character/integration;
- Neighbour amenity;
- Impact on natural heritage;
- Vehicular nuisance;

- Right of Way; and
- Outward views

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

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

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 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. One objector raised concerns with regards to the principle of development not being established which will be addressed below.

The agent submitted a Design and Access Statement (Document 01 date stamped 8th February 2024). Within the document, the agent does not refer to the principle of development, nor to any policy within PPS 21 that they consider the proposal to meet. Consequently the agent was contacted via an email dated 19th February 2024 and asked to outline how their development met the policy requirements of PPS 21. The agent indicated that it should be assessed against PPS 21 Sustainable Development in the Countryside. They further commented 'We appreciate that the proposal does not meet the criterion for a house on a farm, an infill dwelling, a replacement dwelling or indeed a dwelling required for specific employment.'

With regards to Policy CTY 2a New Dwelling in Existing Clusters, the proposal is not located within an existing cluster of development and therefore it does not meet the policy provisions of Policy CTY 2a. The application site does not lie within a substantial and continuously built up frontage. Therefore, the proposal does not meet the policy provisions of Policy CTY 8.

As no structure exists on the site to be replaced or converted the proposal cannot comply with Policy CTY 3 Replacement Dwellings and Policy CTY 4 The Conversion and Reuse of Existing Buildings. The agent confirmed via a telephone conversation on 21st February 2024 that there were no compelling site specific reasons (Policy CTY 6), a dwelling was not necessary in relation to a Non-Agricultural Business Enterprise (Policy CTY 7) nor was any evidence submitted indicating that the applicant was an active farmer (Policy CTY 10).

Therefore, it is considered that the principle of development has not been established on the site and there are no overriding reasons why that development is essential and could not be located in a settlement. Therefore the proposal is not considered to comply with any policy referred to within Policy CTY 1.

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

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

An objection letter received from No. 63 Speerstown Roads comments upon the proposal's impact on the rural character of the area, the suburban style build-up of development, lack of integration and the open nature of the site.

The application site is visible from both long and short views when travelling along the Speerstown Road. As the application seeks outline planning permission, no details have been provided regarding the proposed design or layout of the dwelling. It is considered that a dwelling on the application site would integrate appropriately given the existing boundary treatments and intervening vegetation elements which provide a degree of screening when travelling in both directions along the roadway, in combination with the set-back distance which would reduce the proposal's presence when viewed from the Speerstown Road. It is acknowledged that the site appears to lack enclosure, however, this is only the case when viewed head-on from a small stretch of the Speerstown Road. It is considered from this viewpoint, No.31 Speerstown Road which is located directly southwest of the application site and on higher ground, would provide a backdrop for the proposed development.

In order to further aid integration, a number of conditions would be attached if the proposed development was deemed to be acceptable. A siting and curtilage condition will ensure the proposal is sited appropriately within the site in order to reduce its visual impact from the Speerstown Road, whilst a curtilage condition will ensure the proposal respects the traditional pattern of settlement exhibited in the area. A condition restricting the ridge height to 5m will ensure the proposal respects the existing character of buildings in the area, especially No. 31 Speerstown Road,

which is located to the rear of the site. Lastly, conditions relating to the retention of boundary treatments and the submission of a landscaping scheme will ensure the proposal integrates sensitively within the surrounding landscape.

An objector also raised concerns that the proposal would result in the suburban style build-up of development when viewed with existing dwellings. No. 33 Speerstown Road is positioned 100m to the south of application site, however given the intervening boundary treatments and the set back of No. 33 Speerstown Road, it is considered that the proposal would not be easily read with the neighbouring property. As discussed above, it is considered that a dwelling could sensitively integrate within the site, with views of the proposal reading with No. 31 Speerstown Road being largely intermittent. Whilst direct views of the application site will be achieved from a small stretch of roadway, given the backdrop of the dwelling at No. 31 Speerstown Road, the proposal's impact is not considered so significant as to detrimentally impact the rural character or result in a suburban style build up when viewed from critical viewpoints.

Concerns were also raised by an objector with regards to the proximity of the site to the Speerstown Road, noting that most dwellings along the Speerstown Road are set back from the road frontage. However, it is noted that there are a number of roadside dwellings within close proximity of the site, and it is considered that the development of the application site, which is set back 140m from the roadside, would not have a detrimental impact on the existing settlement pattern exhibited in the area. As discussed above, a condition in relation to defining the site curtilage would be attached to ensure the proposal respects the surrounding context should the development proposal be approved.

Following consideration of the above, the development proposal is considered to meet the policy provisions of Policies CTY 13 and CTY 14.

Neighbour Amenity

No. 31 Speerstown Road is located adjacent to and northwest of the application site. The neighbouring dwelling at No. 31 Speerstown Road is located approximately 80m from the centre of the application site. Given that this is an outline application, limited details of the proposal have been provided. It is considered that with appropriate siting, orientation and layout of the proposal, in combination with an appropriate separation distance and boundary treatments, a dwelling could be accommodated on the site without having any detrimental impact on neighbouring amenity.

No detrimental impact to the neighbouring amenity of No. 33 Speerstown Road, located south of the site, is expected to occur given the 100m separation distance and intervening shared laneway.

Access and Movement

An objector raised concerns in relation to an increase in traffic levels and general nuisance in relation to traffic generation. DfI Roads was consulted in order to assess the development in relation to road safety matters, the provision of adequate visibility splays and sightlines, and the development's impact to the flow of traffic and responded with no objections to the development. As DfI Roads is the statutory consultee with regards to the intensification of accesses onto the public highway, its

advice is given determining weight. DfI Roads advised it has no objections to the development proposal, subject to compliance with the attached RS1 Form. Consequently, the proposal is considered to meet the policy requirements of PPS 3.

Other Matters

The Council's Environmental Health Section was consulted regarding the development proposal and responded with no objections.

Both objection letters raised concerns regarding the impact of the proposal on protected species, stating that the application site provides an 'ideal habitat' for newts and that other species including bats, curlews, geese, buzzards, among others were also noted in the area. Rushes and scrub vegetation is evident within the application site and would therefore trigger the requirement for the completion of a Biodiversity Checklist, with the potential for further ecological studies being required. As the principle of development has not been established, this information was not requested as not to put the applicant to unnecessary expense. Taking the precautionary approach, a refusal reason will be attached given the potential for the proposal to impact upon protected species and habitats. The proposal is therefore not considered to meet the policy requirements of PPS 2.

Concerns regarding the loss of outward views were also raised by an objector. Views are not restricted by the proposed development, instead it is a change of view from that which exists at present and it is not considered that the change of view is detrimental to the outlook of the existing dwellings. In any case, the potential impact of a proposed development on private views is not generally viewed as a material planning consideration. Private individuals do not have a right to a view and even if a new development changes a view from a private property, this is not normally sufficient grounds to withhold planning permission.

As stated above, concerns regarding noise and general disturbance from cars using the development were also raised. The proposal is for one dwelling and whilst it is accepted that the development would lead to additional traffic movements along the laneway, the small scale nature of the development is not considered to significantly increase traffic levels and subsequent level of noise and pollution. Accordingly, it is considered that this issue should not be afforded determining weight in the determination of this application. Furthermore, it is noted that the Council's Environmental Health Section was consulted regarding the application and responded with no objections.

Concerns regarding the impact of additional car movements on the laneway, including delivery lorries during the construction phases was also raised. Whilst it is accepted the proposal would result in additional vehicular movements along the laneway, the maintenance and upkeep of the laneway is not considered to be a relevant planning matter and the increase of vehicular movements is an expectant result of any form of development.

Concerns regarding private right of ways were also raised by objectors, however, this is considered to be a civil matter and does not fall within the remit of planning to adjudicate over.

CONCLUSION

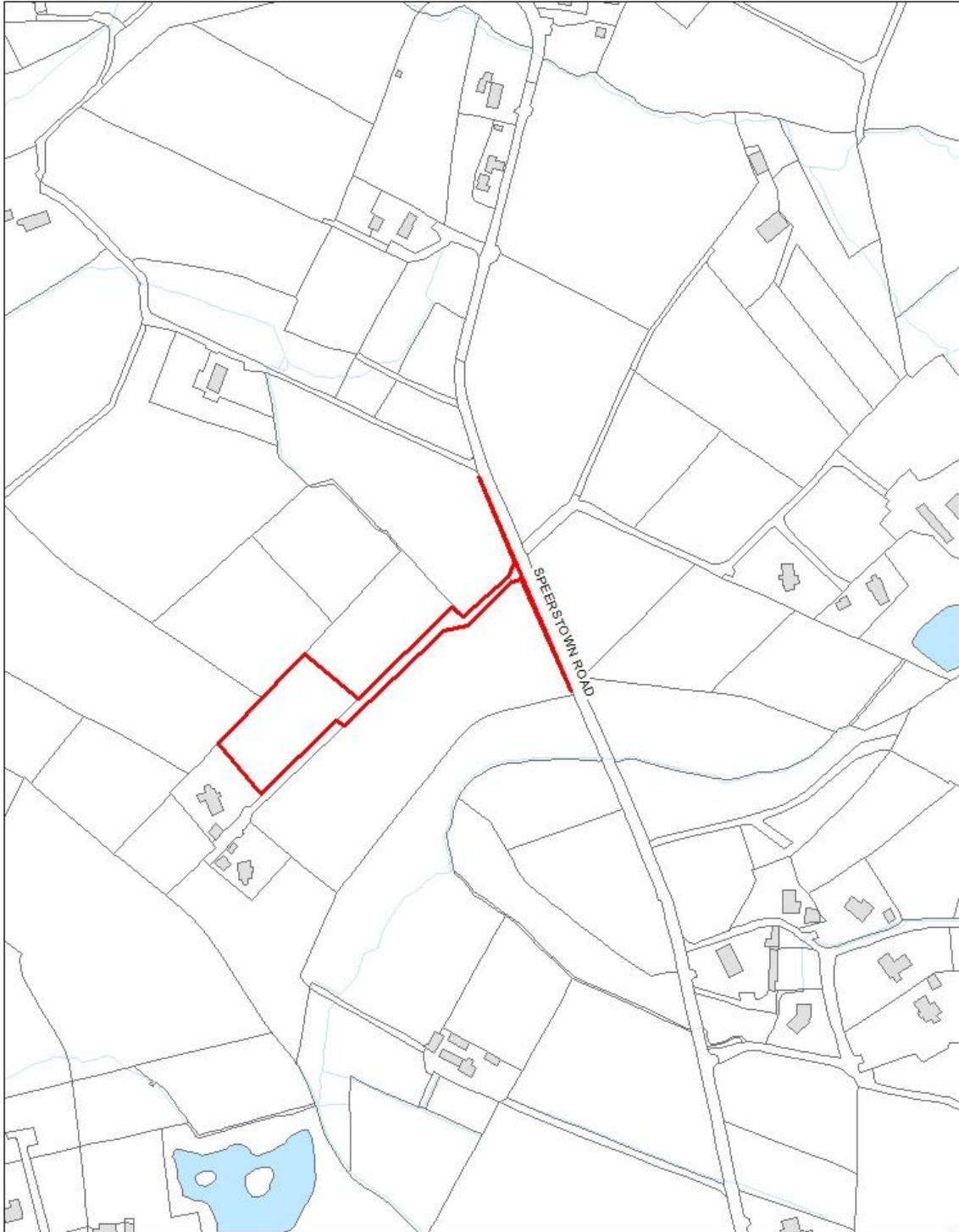
The following is a summary of the main reasons for the recommendation:

- The principle of the development cannot be established as the proposal fails to fulfil the policy requirements of Policy CTY 1 of PPS 21;
- It is considered that a proposal of appropriate design and layout could integrate appropriately with the surrounding landscape;
- There would not be a significant impact on any neighbouring properties;
- There are no concerns in relation to road safety; and
- It has not been demonstrated that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on habitats.

RECOMMENDATION	REFUSE OUTLINE PLANNING PERMISSION
-----------------------	---

PROPOSED REASONS FOR REFUSAL

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH2 and NH5 of PPS 2 in that it has not been demonstrated that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office, © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:3,421 

Reference: LA03/2024/0063/O

 Site Location



COMMITTEE ITEM	3.9
APPLICATION NO	LA03/2023/0326/O
DEA	DUNSILLY
COMMITTEE INTEREST	HEAD OF SERVICE REFERRAL
RECOMMENDATION	GRANT OUTLINE PLANNING PERMISSION
PROPOSAL	Site for Dwelling and Double Garage
SITE/LOCATION	Lands 250m SE of 275 Ballymena Road, Tardree, Antrim
APPLICANT	Audrey Currie
AGENT	Audrey Currie
LAST SITE VISIT	12/09/2023
CASE OFFICER	Dan Savage Tel: 028 90340438 Email: daniel.savage@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 Northern Ireland Planning Portal https://planningregister.planningsystemni.gov.uk and the Council's website, under additional information.</p>	
SITE DESCRIPTION	
<p>The application site is located approximately 250m southeast of 275 Ballymena Road, Tardree, Antrim and is within the countryside outside any development limit as designated within the Antrim Area Plan 1984-2001.</p> <p>The application site comprises a rectangular portion of land which is cut out of a wider agricultural field. The topography of the land falls in a slight south-eastern gradient towards a stream which lies outside of the site some 63 metres to the southeast and which feeds into Ballyclover Burn. The western boundary abuts the Ballymena Road and comprises of roadside hedging and trees some 2 – 5 metres in height. The northern and southern boundaries are undefined, and the eastern boundary is defined by dense, mature trees and hedging some 4 metres in height. At present the site has no access and it is anticipated that access will be taken from the Ballymena Road.</p> <p>The surrounding character is open countryside, with dwellings and outbuildings spread out intermittently.</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, 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</p>	

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

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

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

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

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

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

Environmental Health Section- No objections

DfI Roads- No objection, subject to condition

NI Water- No objection

REPRESENTATION

No neighbouring properties were notified as none abut the site. No letters of representation have been received.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

- Policy Context and Principle of Development
- Design, Layout and Impact on the Character of the Area
- Neighbour Amenity
- Access and Road Safety

Policy Context and Principle of Development

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

The Antrim Area Plan (AAP) currently operates as the statutory local development plan for the area where the application site is located and there is also a range of regional planning policy which is material to the 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). 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 that are 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 a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. This policy states that planning permission will be granted for a dwelling house on a farm where a number of criteria can be met.

Criteria (a) states that the farm business should be currently active and has been established for at least 6 years. As indicated on the P1C Form the applicant has confirmed they do not have a Business ID or claim Single Farm Payment.

In the absence of a farm business ID and the claiming of Single Farm Payments, the applicant is required to provide sufficient evidence in order to demonstrate that they are an active and established farmer in accordance with the policy requirements. The policy stipulates that the farm business must be active for at least the last 6 years therefore the assessment period is 2018-2023. For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013 which states agricultural activity means production, rearing or growing agricultural products including harvesting, milking, breeding animals and keeping animals for agricultural purposes whilst paragraph 5.39 of PPS 21 adds 'or maintaining the land in good agricultural and environmental condition' to that definition.

A number of invoices have been provided to show the land has been maintained during the requisite 6-year period 2018-2023:

- 7/3/17 – Invoice for pipe bedding of existing quarry and GM Merchants over the period 2017;
- 9/4/17 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 30/6/17 – Invoice for Sam Currie at Doagh Road for delivery of a manhole cover and land drainage;
- 25/4/18 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry;
- 31/7/18 – Sheep wire invoice and drainage for Sam Currie, The Meadows
- 4/1/19 – Invoice for fencing and tools for Sam Currie;
- 11/3/19 - Invoice from McMordie Transport at Doagh Road, Tardress for slurry;
- 9/4/20 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 30/4/20 – Invoice for cement at Clydes Building Supplies for Sam Currie
- 30/6/20 – Sales invoice for fencing and tools for Sam Currie
- 19/4/21 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- 20/10/21 – Sales invoice for fencing and tools
- 20/10/21 – Sam Curry Invoice from Moore concrete "cash sales". No address given
- 14/3/22 – Invoice from McMordie Transport at Doagh Road, Tardress for slurry
- Motor Insurance / Commercial vehicle insurance for Mr Sam Currie for Year 22/23;
- Affidavit from McMordie Transport to state that Mr Currie uses his machinery and has witnessed spreading of slurry etc.

It is considered that the evidence provided above is sufficient to demonstrate that the applicant (and husband, Mr Sam Currie) maintains the lands in good agricultural condition as required by Policy CTY 10.

Criteria (b) of this policy 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. The applicant advises on Question 5 of the P1C Form that no dwellings or development opportunities have been sold off the farm holding within the last 10 years.

Following a detailed search of the folio map provided by the applicant and using specific search parameters within the Planning Portal, this has been verified and no such opportunities have been sold from the farm holding within the last 10 years.

The third criteria (c) states that a new building should be visually linked or sited to cluster with an established group of buildings on the farm. In this instance, the applicant has confirmed in Q6 of the P1C Form that there are no existing buildings on the farm and that the site represents the only development opportunity on the farm.

In such circumstances, it is considered excessive for the Council to require the applicant to obtain planning permission for the erection of an agricultural building on the farm holding for purposes of complying with this criterion given the absence of any other buildings on the farm holding. Given it has been established that the applicant is an 'active farmer', it is considered likely that planning permission could be sought for agricultural buildings on the farm if it were required and the building could be erected on the farm holding. However, in these circumstances it is likely that there is no active requirement for an agricultural building at this time and

therefore the Council is content to set aside this criterion, placing greater weight on the policy requirements of Policy CTY 13 and CTY 14 of PPS 21.

Overall, it is considered that the proposal complies with the requirements of Policy CTY 10, the principle of development is considered acceptable subject to all other policy and environmental considerations being met.

Design, Layout and Impact on the Character of the Area

Paragraph 6.70 of the SPPS states that all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed. Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. 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.

In flat landscapes or exposed hills area, where some degree of prominence may be unavoidable, careful siting using existing natural or man-made features will ensure that any building does not appear out of place or is unduly conspicuous.

Although the site only avails of a single long established natural boundary to the east, the application site includes a 'dip' in the landform and there are limited long distant views of the site when travelling in both directions along the Ballymena Road due to the existing roadside and field boundary treatments. Short views of the site will become apparent when approaching the site, however two (2) existing two storey dwellings coupled with the established mature boundary vegetation to the east provides a degree of backdrop.

As the application seeks outline permission, full and proper details to include, siting design scale and layout have not been provided, however it is noted that given the limited vegetation on the site it is considered that a dwelling with a modest ridge height would have sufficient integration levels to allow it to blend unobtrusively into the landform and not have a detrimental impact on the rural character of the area.

Additional conditions regarding siting, curtilage size and new landscaping are also to be attached to ensure the proposal integrates appropriately with the surrounding landscape while maintaining the rural character of the area.

Overall, it is considered that a suitably designed dwelling on this site could successfully integrate into the surrounding rural landscape and would not have a detrimental impact on the rural character of the area. The proposal is considered to meet Policies CTY 13 and CTY 14 of PPS 21.

Neighbour Amenity

As this is an outline application, details regarding the design, siting and layout of the proposed dwelling have not been submitted.

It is considered that a dwelling of appropriate scale, design and orientation could be positioned within the application site as to not have a negative impact upon any adjacent neighbouring property. The closest neighbouring dwelling is No.275 Ballymena Road which is some 250metres to the northwest of the application site

and considered to be significantly separated as not to give rise to any neighbour amenity concerns.

The Council's Environmental Health Section was consulted regarding the proposal and responded with no objections.

Access and Road Safety

The proposal requires the construction of a new access onto the Ballymena Road. DfI Roads have assessed the proposal and indicated that the proposed access arrangement is acceptable subject to a condition.

Other Matters

In respect of water supply the proposal is to be served by mains water. NI Water was consulted and offered no objection. In terms of sewage disposal Policy CTY 16 of PPS 21 acknowledges that it's not feasible for many buildings in the countryside to connect to a public water borne sewerage system and will rely instead on some means of 'on-site sewage treatment'. As indicated on the P1 Form the proposal is to be served by a septic tank.

CONCLUSION

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

- The principle of the development is considered acceptable;
- It is considered a dwelling could be accommodated within the site and could integrate appropriately within the landscape, while respecting the rural character of the area;
- An appropriately sited dwelling would not have a detrimental impact on neighbouring amenity;
- There are no road safety concerns with the proposal.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

PROPOSED CONDITIONS

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in

Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

5. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

6. The proposed dwelling shall have a ridge height not exceeding 5.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

7. The proposed dwelling shall be sited in the area shaded green on Drawing Number 01/1, date stamped 11th July 2023.

Reason: To ensure that the development is not prominent and satisfactorily integrates into the landscape in accordance with the requirements of Planning Policy Statement 21.

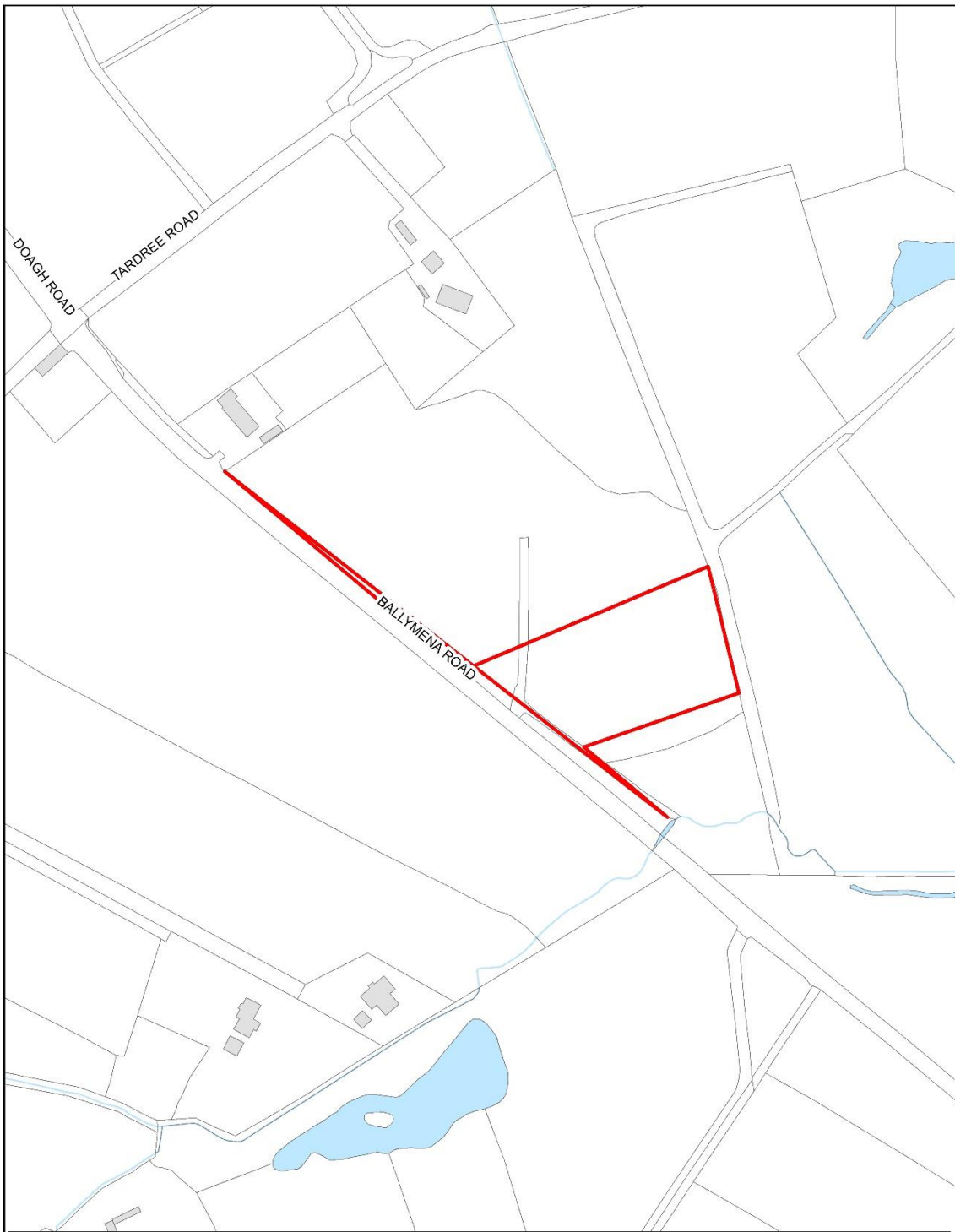
8. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

Trees or shrubs dying, removed or becoming seriously damaged within the lifetime of the development shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

9. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access location to be constructed and other requirements in accordance with the attached RS1 form.

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



This material is Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority from the Controller of Her Majesty's Stationery Office. © Crown copyright and database right NIMA CS&LA156 (2024)

Site Location Plan

1:2,500 

Reference: LA03/2023/0326/O

 Site Location



PART TWO
OTHER PLANNING MATTERS

ITEM 3.10

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

1. Purpose

The purpose of this report is for Members to note the planning applications decided under delegated powers and decisions issued by the PAC in March 2024.

2. Delegated Decisions of Council

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

3. Planning Appeal Commission Decisions

One (1) appeal was dismissed during March 2024 by the Planning Appeals Commission (PAC).

Planning application:	LA03/2022/0188/CA and EN/2022/0188/1
PAC reference:	2023/E0017
Proposed Development:	Alleged unauthorised sale of vehicles (new extended site)
Location:	Lands at 50 Moira Road, Crumlin
Date of Appeal Submission:	22/06/2023
Date of Appeal Decision:	20/03/2024

A copy of the decision is **enclosed**.

4. Recommendation

It is recommended that the report be noted.

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

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

ITEM 3.11

P/FP/LDP/53 LISBURN AND CASTLEREAGH CITY COUNCIL – LOCAL DEVELOPMENT PLAN, REVISED TIMETABLE

1. Purpose

The purpose of this report is to advise Members that the Council has responded to correspondence from Lisburn and Castlereagh City Council regarding the revision of its Local Development Plan Timetable.

2. Introduction/Background

Members are advised that on 15 March 2024, correspondence was received from Lisburn and Castlereagh City Council (LCCC) regarding its intention to publish, subject to the Department for Infrastructure agreement, a revised Timetable for its Local Development Plan.

3. Key Issues

The proposed LCCC Local Development Plan revised Timetable (May 2024) indicates publication of the Draft Local Policies Plan, with Sustainability Appraisal Report (incorporating SEA), between Q3 2025 – Q3 2026 **enclosed**.

Officers have now responded to LCCC, noting the intention to revise the Local Development Plan Timetable and welcoming continued engagement as each Council progresses its respective Local Development Plan towards adoption.

4. Summary

A copy of the Council's response to Lisburn and Castlereagh City Council is **enclosed**.

5. Recommendation

It is recommended that the report be noted.

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

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

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

ITEM 3.12

P/PLAN/1 NISRA PLANNING STATISTICS 2023/2024 – THIRD QUARTERLY BULLETIN FOR THE PERIOD OCTOBER TO DECEMBER 2023

1. Purpose

The purpose of this report is for Members to note the NISRA Planning Statistics 2023/2024 - Third Quarterly bulletin for the period October to December 2023.

2. Key Issues

The third quarterly provisional planning statistics for 2023/24 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which is **enclosed**, were released on 28 March 2024.

The figures show that during the period from October to December 2023, the total number of planning applications received in Northern Ireland was 2,525, an increase of 6% on the previous quarter but down over 5% on the same period a year earlier. The total number of decisions issued during this period was 2,461, up by 10% over the quarter and up 5% from the same period a year earlier.

Over the quarter 6 Councils reported an increase in the number of applications received with the highest percentage increase in Mid and East Antrim (27.8%). Five Councils reported a decrease in the number of applications received with the greatest decrease in Newry, Mourne and Down (-11.4%). Over the quarter, 6 Councils reported an increase in the number of applications decided, with the highest percentage increase in Belfast (41.7%).

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council was within the 30 week target time in the third quarter of 2023/24 for **Major** planning applications, with an average of **20.7 weeks**. This performance maintains last year's Major performance approval rate and **ranks first** amongst the 11 Councils. It also reflects well against the average processing time of 44.2 weeks across all Councils.

Over the quarter the number of local applications received in NI was 2,487; an increase of 5.7% on the previous quarter (2,352) and down by 5.2% on the same period a year earlier (2,623). Three of the 11 councils were within the 15 week target after the first nine months of 2023/24: with **Antrim and Newtownabbey (13.0 weeks) ranked second**, this performance maintains the progress achieved in last year's local performance. It also reflects well against the average processing time of 20.4 weeks across all Councils.

The number of enforcement cases opened in NI during the third quarter of 2023/24 was 636; down by 26.4% over the quarter (864) and very similar to the same period a year earlier. The number of enforcement cases concluded, and corresponding processing times (statutory target) is not presented in this report and will be published at a later date.

3. Recommendation

It is recommended that the report be noted.

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

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